



Town of Shelburne, Vermont

CHARTERED 1763

P.O. BOX 88 5420 SHELburne ROAD SHELburne, VT 05482
 www.shelburnevt.org 802-985-5118

CONDITIONAL USE REVIEW APPLICATION*

* Also available in alternate formats in accordance with the Americans With Disability Act.

PLEASE USE THIS FORM TO REQUEST CONDITIONAL USE REVIEW

The purpose of Conditional Use review is to allow certain specified structures or uses to occur in the various zoning districts, provided that specified criteria are met and certain conditions satisfied. A use designated as a conditional use in any district shall only be established, enlarged, or intensified upon Conditional Use approval by the Development Review Board after public notice and a public hearing. The Zoning bylaw contains numerous specific references to uses and structures requiring conditional use review by the DRB.

Conditional use review is also required in certain cases where an applicant wishes to modify a property that does not fully comply with existing zoning requirements (is "non-complying"). One example is a proposal to expand a structure that does meet setback requirements. It is very important to understand, however, that Conditional Use review is not the same as a Variance or Waiver review.

When reviewing Conditional Use applications, the DRB may impose appropriate conditions and safeguards (as with Site Plan Reviews). Any binding conditions will be incorporated in written decision issued by the DRB. Prior to formal submission of their request, applicants are advised to meet with staff to discuss the proposed development and site plan.

Applications for Conditional Use approval shall be filed sets of full sized plans, plus reduced size (11" x 17") maps and corresponding digital (PDF) files, along with accompanying written materials, which shall include at least the following items in printed and digital (PDF) format. An application will not be considered complete, and will not be scheduled before the Development Review Board, until all information required by the Conditional Use Review Procedure and Checklist has been submitted. Do not prepare and submit this application until you have submitted a GENERAL APPLICATION FORM and have received a GAF number.

APPLICANT INFO

APPLICANT	PRIMARY CONSULTANT (If any)
First Name (please print)	Name (please print)
Last Name (please print)	Mailing address
Signature	City State Zip
GAF Number	Email
Request	Phone

FOR OFFICE USE ONLY

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Date received	by	Referral (s)	by
Fee received	by	Forms offered	by
Permit #	by	Hearing date	

CONDITIONAL USE REVIEW APPLICATION

CONFORMANCE WITH BASIC CRITERIA, CONTINUED

Describe or summarize and attach evidence indicating the project will have sufficient water and waste water treatment for its needs, and will not result in an unreasonable burden on the Town's present or planned water or waste water treatment systems.

Describe or summarize and attach evidence indicating the project will have adequate traffic access, circulation, and parking, and will not cause unreasonable traffic congestion or unsafe conditions with respect to pedestrian or vehicular travel.

Describe or summarize and attach evidence indicating the project will not cause an unreasonable burden on the Town or School Districts' ability to provide educational services,

Describe or summarize and attach evidence indicating that the project will not place an unreasonable burden on the Town's ability to provide services, including but not limited to fire protection, police protection, ambulance service, public works, and recreation services.

Describe or summarize and attach evidence indicating that the project will not have an adverse impact on the present and projected housing needs of the Town in terms of the number, type, and location of units.

Describe or summarize and attach evidence indicating that the project will not have an undue adverse impact on the economic vitality of Shelburne Village.

Describe or summarize and attach evidence indicating the project will be conformance with the Town's Comprehensive Plan.

CONDITIONAL USE REVIEW APPLICATION

FOR PROJECTS LOCATED IN VILLAGE RESIDENTIAL AND SHELBURNE FALLS ZONING DISTRICTS

Describe or summarize and attach any evidence indicating as follows:


Traffic generated by the proposed conditional use shall be similar to that generated by other uses in the immediate area.

Proposal is to be located in an existing residential structure, the exterior of which will not be modified in a way that significantly changes its residential appearance from the street.

If all or part of the proposed use is to be located in an addition to an existing residential structure, the addition shall be designed “to present to the street a continuation of the residential character of the original building.” At a minimum, describe the façade features that convey the residential character of surrounding structures.

If the proposed use is to be located in a new structure, the design of that structure shall reflect the scale and residential character of the neighborhood. At a minimum, provide information regarding the footprint, in square feet, of buildings on adjacent parcels.

If the proposed use is to be located in a new structure, the roof shape / orientation on the proposed structure is similar to that found on residential structures in the area. At a minimum, describe the roof shapes and orientations found on residential structures in the area of the project.

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CONDITIONAL USE REVIEW APPLICATION

FOR PROJECTS PROPOSING AN ACCESSORY APARTMENT

# bedrooms in proposed apartment		gross area (square feet) of apartment		area of apartment as percent of primary dwelling	
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Accessory Apartment is defined in the zoning bylaw as follows: A dwelling unit located within or appurtenant to and clearly subordinate to a principal single-family dwelling. The property owner of record shall occupy either the accessory apartment or the principal single-family dwelling.

Describe or summarize and attach any evidence indicating that the proposed Accessory apartment is “clearly subordinate to a principal single-family dwelling.” At a minimum, provide evidence that the principal dwelling is and will remain occupied by a single family and that the

Describe any exterior changes proposed to be made to the property. At a minimum, briefly describe any proposed new structures, building additions, and parking.

FOR PROJECTS INVOLVING INTEGRATED AGRICULTURE

Integrated Agriculture is defined in the zoning bylaw as follows:
Hybrid land use and development incidental and directly related to the principal farming activity being conducted on-site excluding the slaughter of livestock or poultry and consisting of the following “Primary Integrated Agricultural Activities”:

- The on-site preparation and processing of crops or produce not principally produced on the farm;
- The storage and sale of crops or produce not principally produced on the farm or the resulting products from such crops or produce;
- The sampling and tasting of crops and produce not principally produced on the farm or the resulting products from such crops or produce; and/or
- Tours of growing areas and storage and processing facilities.

Describe any farming or agricultural activities currently taking place on the property.

Describe any farming or agricultural activities that will take place on the property in conjunction with the proposed Integrated Agriculture use.

Describe the Primary Integrated Agricultural Activities that will take place on the property. (see definition above)

Describe or summarize and attach any evidence indicating that at least two-thirds of the gross revenue attributable to Integrated Agricultural activities shall be derived from Primary Integrated Agricultural Activities; and no more than one-third of such gross revenue may be derived from Secondary Integrated Agricultural Activities such as sales of non-farm products related to those grown on the farm; and hosting of educational and cultural events incidental to farming or the farm’s activities.

CONDITIONAL USE REVIEW APPLICATION

FOR PROJECTS PROPOSING NEW OR RECONSTRUCTED LAKESHORE EROSION CONTROL STRUCTURE OUTSIDE WATERCOURSE OVERLAY

Describe or summarize and attach evidence that the structure will not be constructed of concrete, metal or other man-made material unless faced with or composed of materials that are similar in color to naturally occurring material in the vicinity.

Describe or summarize and attach evidence that that the appearance of the lakeshore erosion control structure will be visually compatible with the surrounding natural shoreline and shall be maintained in that condition.

Describe or summarize and attach evidence that the design of lakeshore erosion control structures has been reviewed and approved by a licensed professional engineer

Describe or summarize and attach evidence that the designer considered the use and feasibility of biotechnical erosion control methods (incorporating a combination of inert structures or material and vegetation) *before* recommending a final design.

Date of written statement from a licensed professional engineer stating that unique characteristics of the site make a seawall the best solution to prevent loss of a principal structure or significant erosion. (attach statement to application)

FOR PROJECTS PROPOSING EXPANSION IN LAKESHORE SETBACK

Describe or summarize and attach evidence that “footprint” of structure located within lakeshore setback will not increase.

Describe or summarize and attach evidence that altered structure would not extend any closer to 102 foot elevation than does the existing structure.

Describe or summarize and attach evidence that altered structure would not extend any closer to either side lot line than does the existing structure.

Describe or summarize and attach evidence that the altered structure would meet applicable height limits. Include information on proposed height as defined in section as well as information about roof pitch of altered structure.

Describe or summarize and attach evidence that the project is compatible with surrounding architecture. See section 1750.2.E

APPLICATION

NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS

A list of list of current adjoining and cross-street property owners " must be submitted in conjunction with this application, along with a set of stamped and addressed envelopes including one for each adjoining and cross-street property.

Adjoiner 1

Name _____

Address _____

City _____

State _____ Zip _____

Adjoiner 5

Name _____

Address _____

City _____

State _____ Zip _____

Adjoiner 2

Name _____

Address _____

City _____

State _____ Zip _____

Adjoiner 6

Name _____

Address _____

City _____

State _____ Zip _____

Adjoiner 3

Name _____

Address _____

City _____

State _____ Zip _____

Adjoiner 7

Name _____

Address _____

City _____

State _____ Zip _____

Adjoiner 4

Name _____

Address _____

City _____

State _____ Zip _____

Adjoiner 8


Name _____

Address _____

City _____

State _____ Zip _____

Use additional copies of this form as required ...

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CONDITIONAL USE REVIEW APPLICATION

CONDITIONAL USE PLOT PLAN CHECKLIST

As many Conditional Use requests are also subject to Site Plan Review and approval, the “Conditional Use Plot Plan” submitted with this application may consist of the Site Plan filed with your Site Plan Review Application, **amended to depict the location of any public community facility, renewable energy device, or historic structure located within 200 feet of any proposed new structure with a footprint of more than 1000 square feet.**

At a minimum, the features depicted on “Conditional Use Plot Plan” must include the following:

- Existing and proposed contours.
- Significant features, including any public community facility, renewable energy device, or historic structure located within 200 feet of any proposed new structure with a footprint of more than 1000 square feet.
- Water courses.
- Location of all non-developable lands as defined in Article XXI of these Regulations.
- Identification of any dwellings classified as affordable housing per definition in Article XXI of these Regulations
- Any zoning district boundaries that abut or cross the site.
- Property lines as delineated on a survey prepared by a surveyor licensed in the State of Vermont.
- All structures, easements, and other proposed development or improvements and land use areas.
- Existing and proposed utility and dumpster locations.
- Proposed traffic access.
- Circulation, parking, loading areas.
- Pedestrian walks.
- Landscaping and Screening *.
- Site grading, Erosion prevention, and sediment control plans and storm water management systems.
- Signage.
- Delineation of all parcels or areas to be dedicated as open space.
- Context map, North arrow, scale and date.

Separate landscaping plans are preferred. Landscaping Plans prepared as part of any Site Plan application may be used for this application.

If the proposal affects structures, a set of building plans must be submitted in conjunction with this application. The features depicted on such Building Plans must include Floor plan or plans, and Architectural elevations. Building plans prepared as part of any Site Plan application may be used for this application

If the proposal includes or affects lighting, a set of lighting plans must be submitted in conjunction with this application. The features depicted on such lighting plans must include Fixture type, location, and mounting height and Photometric information. Shelburne’s Zoning bylaws may require the detailed review of lighting plans. If required, also file applications and plans as required under High Impact Lighting review. Lighting plans prepared as part of any Site Plan application may be used for this application

If the proposal affects the configuration of public streets/highways, a set of street/highway plans must be submitted in conjunction with this application. The features depicted on such Plans must include the following:

- Traffic control devices.
- Lane and pavement changes.
- Striping changes.
- Curbs and/or curb cuts.
- Speed traffic calming devices.
- All improvements required by any traffic impact analysis.

Application must also identify the period of time in which all site improvements will be completed. If the proposed development is to be phased, the applicant must provide a description of the planned phasing, including the portions to be constructed in each phase.

CONDITIONAL USE REVIEW APPLICATION

CONDITIONAL USE PROCEDURE

Applications must be filed using forms and related materials prepared by staff of the Planning and Zoning office. Applications subject to the Board's review will not be warned for public hearing until the applicant conducts a filing conference with staff of the Planning and Zoning Office. The applicant will schedule this conference with the DRB Administrator or another staff member assigned by the Administrator. The purpose of the conference is to review the application materials and determine whether the application is complete. Application materials shall be submitted to Planning and Zoning staff 24 hours prior to the Filing Conference.

If the application is found to be complete, the Administrator will schedule a hearing before the Board. Normally, the Administrator or other staff will prepare a staff report to assist the DRB in reaching a decision on the application. Meeting materials prepared by staff ordinarily will be available the Thursday preceding a regular meeting. If the application is not complete it may be withdrawn, a schedule for the submission of additional materials before a hearing is scheduled may be established by agreement of the applicant and the Administrator, or the applicant may appeal the Administrator's determination that the application is incomplete to the Board.

Public hearings shall be conducted as quasi-judicial proceedings pursuant to 1 V.S.A. § 310(5)(B). Public comment may be offered during the hearing with the permission of the chair. The Board will be assisted by Staff, including, but not limited to, the Town's DRB Administrator and the Town's Director of Planning. Public hearings will be conducted in the following manner:

The presiding officer will:

- A. open the hearing by reading the warning of the hearing.
- B. Review the order of events and review requirements such as conflicts of interest, ex parte communications, and appeals.
- C. Ask all who believe they will participate in the hearing to sign the 'sign-in' sheet, provide contact information, and take the following oath: I hereby swear or affirm that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth under the pains and penalties of perjury.
- D. Invite Development Review Board staff to comment on the application or proposal.
- E. Accept and acknowledge written information presented to the board prior to the hearing.
- F. Invite the applicant or applicant's representative to present the application or proposal. (Applicants are encouraged to tailor presentations to address outstanding issues identified by staff.)**
- G. Invite board members to ask questions of the applicant or applicant's representative.
- H. Invite other persons to present information regarding the application or proposal.
- I. Invite the applicant, applicant's representative, or other persons to respond to information presented.
- J. Invite more questions or comments from members of the board.
- K. Invite more questions from other persons and members of the public.
- L. Allow final comments or questions from the applicant or his/her representative or members of the board.
- M. Upon motion and majority approval, either continue the hearing to a time certain, or close the proceedings. If the hearing is continued to a time certain and additional materials are requested of the applicant, the Chair shall set a date by which materials must be submitted.

The board may conduct public deliberations at any time, or may vote to enter deliberative session.

Site visits may be scheduled in connection with an application. Site visits shall be open to the public; however, no testimony shall be taken and no ex parte communication shall occur. Pursuant to the zoning and subdivision bylaws, an applicant may be required to pay the reasonable costs and fees incident to an independent technical review of the application on behalf of the Town. Final decisions will be in writing and issued within no more than 45 days of the close of the public hearing.

The Development Review Board may attach appropriate conditions to any approval, including but not limited to stipulations implementing standards or criteria contained in 24 V.S.A. 4414(3) and Section 1910.4, as well as all specific dimensional and other standards applicable to it as set forth in these regulations. The application for Conditional Use, including any site plans, shall be deemed incorporated as conditions into the final Conditional Use Permit, except to the extent that the conditions in the Conditional Use permit shall prevail in case of a conflict.

SUBMIT