



# Town of Shelburne, Vermont

CHARTERED 1763

P.O. BOX 88 5376 SHELBURNE ROAD SHELBURNE, VT 05482

Clerk/Treasurer (802) 985-5116	Town Manager (802) 985-5110	Zoning & Planning (802) 985-5118	Assessor (802) 985-5115	Recreation (802) 985-9551	FAX Number (802) 985-9550
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## CONDITIONAL USE APPLICATION

This application is to apply for a new use or to amend a use designated as "Conditional Uses" within the Town of Shelburne Zoning Bylaws:

**IMPORTANT NOTES:**

- **This application is designed to be used in combination with the General Information Application.**

**Conditional Uses, Zoning Bylaw Section 1910:**

- A conditional use shall only be allowed or enlarged if approved by the Development Review Board;
- Public notification and a public hearing before the Development Review Board is required;
- The DRB shall determine the conditional use request complies with the criteria for a conditional use (*see page 2 of the application*) prior to giving it's approval.

**1. PROPERTY LOCATION:**

Street Address: \_\_\_\_\_  
\_\_\_\_\_

Tax Map Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

**2. REVIEW FEE:**

A \$212 advertising and processing fee is required, plus a \$10.00 recording fee.

*Please make check payable to "The Town of Shelburne"*

**3. INDICATE THE CONDITIONAL USE(S) AND ZONING BYLAW SECTION(S) REQUESTED:**

*(Please contact Zoning Coordinator if unsure of Bylaw section)*

\_\_\_\_\_  
\_\_\_\_\_

**CONDITIONAL USE JUSTIFICATION:**

*(Describe how your Conditional Use will effect/impact the following items)*

**1. The capacity of existing or planned community facilities** *(i.e. public water, public sewer, Town roads, Town police, Town fire, Town recreation, etc.):*

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**2. The character of the area affected as defined by the purpose or purposes of the zoning district in which the project is located, and specifically stated policies and standards of the municipal plan or open space plan:**

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**3. Traffic on roads and highways in the vicinity. The creation of high traffic entry and exiting due solely to a single establishment along Route 7 should be discouraged.**  
*(Describe: traffic trips per day; traffic increases/ decreases; peak traffic times; etc):*

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**4. Town Municipal Development Plan and Zoning Bylaws** *(Does the Town Plan and Zoning Bylaws support your conditional use request?):*

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**5. The utilization of renewable energy resources.**

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**6. Historic buildings and sites**

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**Lakeshore Erosion Control Structure applications must include information demonstrating compliance with the following:**

1. Lakeshore erosion control structures, including seawalls, shall not be constructed of concrete, metal or other man-made material, or wood unless faced with or composed of materials that are similar in color to naturally occurring material in the vicinity.
2. Seawalls may be approved only upon receipt of a 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.
3. The design of lakeshore erosion control structures shall be reviewed and approved by a licensed professional engineer.
4. The appearance of any lakeshore erosion control structure shall be visually compatible with the surrounding natural shoreline and shall be maintained in that condition.
5. Biotechnical erosion control methods incorporating a combination of inert structures or material and vegetation are preferred, where feasible.

All applications under this section shall contain a Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the AO and attached to the permit before work can begin.

**CONDITIONAL USE APPLICATION  
SUBMITTAL MATERIALS**

1. **SITE PLAN (4 Copies)** A Site Plan (drawn to scale) showing the following:
  - a. Property owner's name(s)
  - b. North arrow;
  - c. Location map;
  - d. Date;
  - e. Scale (graphic and written);
  - f. Lot lines (boundaries) and dimensions;
  - g. Building locations;
  - h. Driveways and parking areas;
  - i. Site features (i.e. wooded areas, streams, drainage swales, ledge, etc.);
  - j. Existing landscaping (if developed site);
  - k. Name, address, phone number of person who prepared plans;
  - l. Proposed landscaping;
  - m. Tabular Data including:
    - Variance request information (if applicable);
    - Lot area;
    - Total building square footage;
    - Building coverage; and,
    - Parking (required spaces and proposed spaces).
  - n. Location of existing and proposed:
    - Streets;
    - Driveways;
    - Parking areas;
    - Pedestrian and Bike paths;
    - Utility & facility easements (water, sewer, power, cable, telephone, etc.),
    - Drainage easements;
    - Outdoor lighting; and
    - Signage.
  
2. **ELEVATIONS\*(3 Copies)** \*(If Constructing New Building Area) Building elevations showing the views of the building with the new building area including alterations, materials, colors, etc.
  
3. **ADJACENT PROPERTY OWNERS.** The applicant shall provide the following for each adjacent property owner (To include property owners directly across roads and watercourses):
  - a. A first-class stamped, addressed envelope.

The Town uses these envelopes and postage to send a notice to adjacent property owners stating your request and informing them of the DRB meeting's location and time.

## CONDITIONAL USE REVIEW PROCESS

1. **SUBMITTAL**. Complete the General Information application and a Conditional Use application and return it to the Town of Shelburne Planning and Zoning Office (Ph. 985-5118).
2. **SCHEDULING**. Town staff will schedule the completed applications for the next available DRB meeting as follows:
  - a. An application is considered complete once the fee; the application and the submittal materials are delivered to the Planning and Zoning office;
  - b. Planning and Zoning must receive the completed application a minimum of twenty (20) days in advance of the meeting to ensure an adequate public notice. Therefore applications received within twenty (20) days of the Board's meeting date cannot be scheduled till the following meeting; and,
  - c. Completed applications are scheduled on a first-come first-served basis till a meeting agenda is full. Any remaining applications are scheduled for the next Board meeting agenda.
3. **STAFF REPORT**. Town staff writes a report which:
  - a. Offers a recommendation of approval or denial to the DRB;
  - b. Proposes conditions for the request (if needed);
  - c. Details the information submitted in the application; and,
  - d. Provides an analysis of the information in support of the recommendation.
4. **BOARD ACTION**. The DRB will take one of the following actions:
  - a. Approve the request (with or without conditions);
  - b. Deny the request; or,
  - c. Continue the request to the next meeting.

A Findings of Fact is drafted and signed once the Board votes on a final action. A copy of the Findings of Fact and a copy of the meeting minutes are mailed to the Applicant.

5. **SEWER CAPACITY ALLOCATION**. The applicant may apply to the Town Select Board for new or additional sewer capacity allocation once the DRB has approved the conditional use. This Select Board approval is required before the Town will issue a building permit for the conditional use.

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