

**Presentation of Zoe Gascon  
Darling Road  
Regarding  
Application for Resort  
Waypoint Development, LLC**

**The Application submitted states on its face**

Proposed use: (single-family, retail, office, etc.)  
Campground  
Ancillary Retail  
Ancillary Food and Beverage

**The proposal is not a “campground” or any use similar to a campground**

The Application states **“we plan on creating a full-service 3/4 season resort”**

The Proposal is for **year round use**

68 cabins (3 and 4 season) all with bathrooms and electric

2 travel trailer (RV) sites.

Not a single tent site!

**Then listed as “Ancillary” are uses that are not ancillary but primary uses.**

A wedding/event facility using the existing pavilion

Check in / Retail store and Rental Equipment facility/Tour facility/Golf cart rentals

200 parking spaces in 2 lots in addition to parking at the 68 cabins and 2 travel trailers spaces

A Beer Garden

Restaurant Food and Beverage Service:

Breakfast, Lunch, and Dinner

Beer, wine, and liquor.

The developer calls the proposal a “campus”

Weddings and events - 8:00am to 1:00am

Music Events:

Indoor music (Pavilion, Barn) – Amplified

Outdoor Music

Amplified at the beer garden

Amplified with a special permit for outdoor events

## **The Proposal does not fit the purpose of the District**

District Objectives and District Regulations 3.1 Rural Residential. The Rural Residential District contains land that has and should retain a low density of use, and which **should be primarily restricted to agricultural, forestry, outdoor recreational and residential use**. The Rural Residential District is characterized by the lack of a network of improved roads, municipal services such as water supply and sewage treatment and disposal, and the remoteness of the district from commercial centers.

## **The Proposal does not fit the permitted or conditional uses**

### **The potential uses that they could try to fit this resort into:**

#### **Permitted Uses**

##### 3.1.1.8 Recreational camps

**4.5 Recreational Camps . For the purposes of this section, "recreation camp" means a structure, such as a hunting camp, that is intended to be and is in fact occupied only for recreational purposes and that lacks one or more of the following: (i) inside running water, (ii) insulation, (iii) interior heat, or (iv) a wastewater disposal system. A conversion of a recreational camp to a residence shall require a new application for a permit and a Certificate of Occupancy before it can be occupied as a residence. "**

#### **Conditional Uses**

##### 3.1.2.3 Outdoor recreation and structures necessary and incidental thereto

**"Outdoor Recreation" means the organized or unorganized use of fields, trails, bodies of water, or other land for recreational purposes and includes swimming pools, tennis courts, skating rinks, playground equipment, horseback riding trails, storage and accessory buildings, and similar facilities.**

#### **Maybe the tours would fit in this category but nothing else**

3.1.2.5 Planned residential development Not defined although a PUD may be PRD  
**Article XII has specific requirements which this proposal does not meet**

##### 3.1.2.11 Campground **not defined**

##### 3.1.2.15 Private club

**"Private Club" means an establishment operated on a not-for-profit basis for social, recreation or education purposes, but open only to members and members' guests, and not to the general public.**

3.1.2.20 Other uses upon the finding by the DRB that such uses will not be detrimental to other uses in the Rural Residential District or to adjoining land uses.

**A resort with year round cabins, a wedding and event facility, a beer garden, a restaurant, 300 parking spaces are not similar to any of the permitted or conditional uses**

**However, it really fits as Transient Lodging permitted in the Village Commercial only**

**"Transient Lodging" means a guest home, hotel, motel, or other structure providing overnight accommodations to the traveling public.**

**In fact, this board has already decided that even a campground is similar to Transient Lodging**

Application (2019-029) of Kingdom Campground LLC

100- site campground for tent, camper, and/or RV camping on Lynburke Rd. The subject parcels are owned by the Evelyn M. Lussier Revocable Trust and are located in the Commercial Zoning District; tax map #31-118, #06-177, #06-027.

The construction and operation of the proposed 100-site campground and included amenities is substantially, materially, and outwardly similar to a motel (section 3.6.2.8, Bylaws), which is allowed as a condition use in the Commercial Zoning District.

**This resort is substantially, materially, and outwardly similar to a motel, which by definition is "transient lodging" and is not a permitted or conditional use in this district.**

**Even if the Board were to decide that the use was allowed in the district, Any of these possible uses would have to go through Conditional Use Approval**

4.2.2 Any Development identified as a "Conditional Use" in a particular zoning district may be commenced, enlarged or altered in such district only after the applicant obtains approval for such Development from the DRB pursuant to Section 4414 (3) of the Act, after public notice and hearing, and all other necessary approvals.

No Conditional Use permit shall be granted unless the applicant affirmatively establishes and the DRB finds that the proposed Conditional Use will not adversely affect:

4.2.2.1 The capacity of existing or planned community facilities.

**There has been no showing that the project will not impact the facilities of the town such as the roads, ambulance, fire protection, emergency services storm water, schools, taxes, etc.**

4.2.2.2 The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.

**Zoning Ordinance**

**District Objectives and District Regulations 3.1 Rural Residential.** The Rural Residential District contains land that has and should retain a low density of use, and which **should be primarily restricted to agricultural, forestry, outdoor recreational and residential use.** The Rural Residential District is characterized by the lack of a network of improved roads, municipal services such as water supply and sewage treatment and disposal, and the remoteness of the district from commercial centers.

**Policies of Town Plan**

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**WORKING LANDS**

According to the 2017 Agricultural Census, there is a total of 86,999 acres of farmland in Caledonia County. Over the last few decades Lyndon's agricultural lands have been fragmented by development. **The largest concentrations of prime agricultural lands and working farms exist on Pudding Hill, Hubbard Hill, Mathewson Hill, Darling Hill, Vail Hill, along VT RT 122, and the Mount Hunger Road area.** USDA Agricultural Marketing Service reports that Lyndon has four certified organic farms. County figures from the 2017 Agricultural Census show that the number of farms in Caledonia County continue to increase, from 560 farms in 2012 to 585 farms in 2017. However, farming as we know it is going through

a fundamental change: with the ongoing loss of dairy farms and the proliferation in diversified production, today's farms tend to be smaller. In fact, the number of small farms (fewer than 10 acres) in Caledonia County increased from 47 in 2012 to 65 in 2017. Productive forests within Lyndon provide local wood resources, including maple syrup. Lyndon currently has 10 working maple sugar farms (two certified organic) and 73 parcels with registered forest management plans (in Use Value Appraisal) that provide hardwoods, softwoods, bole wood chips, and cord wood. Forest land is increasingly being subdivided and fragmented for residential development. **Property under twelve acres in size is no longer profitable for loggers to harvest, thus the subdivision of forestland into smaller residential parcels is also limiting the amount of productive forest land available in Lyndon.** A majority of Lyndon's viable forest lands and sugar lots exist in the southwestern portion of Town and along the Town's outskirts and borders with Kirby, Sutton, Burke, St. Johnsbury, and Wheelock.

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#### **SCENIC RESOURCES**

Lyndon has not conducted a scenic resource or road inventory. It is evident from the many public comments at meetings and surveys over the years that residents value the scenic character of the rural areas of Lyndon such as views from and along Darling Hill.

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The future land use map on page 22 indicates Darling Hill is rural and defined as "low to very low density." Page 23 expands on this to say the same stuff as in the zoning code.

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#### **OBJECTIVES**

**OBJECTIVE 1 .1** Focus new commercial development in areas along and adjacent to Route 5, Hill Street and along portions of Route 122 and increase development densities while improving access management and walk-ability.

**OBJECTIVE 1 .2** Focus new residential growth in and around existing residential neighborhood areas with smaller lot sizes and higher population densities.

**OBJECTIVE 1 .3** Preserve a viable agricultural and forest land base that maintains Lyndon's agricultural and silvicultural industries and rural character outside of the Village Center and commercial corridors, particularly in the northwest quadrant of Town.

**OBJECTIVE 1 .4 Protect and manage Lyndon's natural resources and biodiversity for the benefit of current and future generations.**

Policy 1.4 Direct new development to areas with existing water and sewer service or areas with the potential for easy expansion of these services.

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**OBJECTIVE 7 .1 Encourage the continued use and development of existing trail networks, including Kingdom Trails, VAST, and Passumpsic River Paddlers' Trail, while maintaining the rural character of scenic areas such as Darling Hill.**

**OBJECTIVE 7 .2 Position Lyndon to better take advantage of economic opportunities associated with outdoor recreation.**

Policy 7.3 Support the increased presence of Kingdom Trails in Lyndon and collaborate with Kingdom Trails to provide amenities and services to trail users.

Policy 7.4 **Encourage recreation related retail, service, and restaurant uses to locate in Lyndonville rather than directly adjacent to rural area trail networks.**

4.2.2.3 Traffic on roads and highways in the vicinity. 4.2.2.4 By-laws and Ordinances then in effect.

**The developer needs to provide a complete traffic study that estimates the traffic from all the proposed uses including the wedding and events and the effects of Darling Road traffic, including bicycles and pedestrians**

4.2.2.5 Utilization of renewable energy resources.

4.2.2.6 Performance standards pursuant to Section 4414 (5) of the Act and Section 4.4.5 of this bylaw.

4.4.5 Performance Standards. Pursuant to Section 4414 (5) of the Act, the following performance standards, and all applicable state imposed standards, shall be satisfied for any Conditional Use in all Districts. The DRB shall, after notice and hearing, decide whether a proposed Development satisfies the performance standards set forth herein. No Development shall:

4.4.5.1 create noise in excess of 70 decibels at any property line;

**The developer needs to provide a complete noise study that estimates the noise from all of the proposed uses including the wedding facility and events and the amplified music to demonstrate that the noise will not exceed 70 decibels at the property line**

4.4.5.2 emit any offensive odor except in connection with agriculture;

4.4.5.3 discharge dust, dirt, soot, ash or any other offensive material onto nearby property owned by others;

**The developer needs to provide a complete lighting study that show that there will be no increase in visible light from all of the proposed uses including the wedding facility and events at the property line**

4.4.5.4 emit any gases or other substances which might endanger the health, comfort, safety or welfare of any person, or which might injure or cause damage to property;

4.4.5.5 cause vibrations beyond any property line that have the potential to cause damage to property;  
or

4.4.5.6 create a fire, explosion or safety hazard