

November 4, 2021

Minutes

Members

Jon Prue
Brandon Carpenter
Amy Rast
Craig Weston
Curtis Carpenter
Kevin McKeon

Public Officials

Nicole Gratton
Christian Thompson
Dan Daley
Nancy Blankenship

Press

Paul Hayes
Quintin Peer

Public

Chris Hibshman
Lynn Borchers
Eli Avery
CJ Scott (KTA)
Mike Greenblatt
Katherine Spellissy
Scott Fournier
Lauren Frank
Crosby Coughlin
Viki Woodworth
Vanessa Welch
Madge Buus-Frank
Anna Cronin
Icon Reality
Liam Murphy
Barb Irwin
John Dun (sp?)
Brice Simon
John Rial
Shawn Ward
Jesse Frank
Rick McHugh
Alexis Wruble
Sandra McHugh
Zena Clark
Cameron
Hiammalva
Ann Marie Bickford
Joe Buzzi
Sue Burrington
Gary Burrington
Richie Woodworth
Brian Kelly
Joan Harlowe
Chris Scott
Joan Fallon
Bill Fallon

Public

Mariah Gouer
Margi McGandy
Steve Joyce
Mary Jane Miller
Fred Miller
Tricia Brunell
Justine Fahey
MJ Davis
Jane Tenney
Liam Murphy
Daniel Davis
Allen Beaupre
Marilyn Pastore
John Pastore
Sharon Dollof
Amy Joyal
Christine Fournier
Dan O'Reilly
Ali O'Reilly
Susan Pierce
Thomas DeCarlo
Carrie Tomczyk
Ashley Holland
Kim Pastos
Tina Simpson
Mary Donnell
Catherine Dwyer
Patrick Howell
David Chenail
Jennifer Adams
Jim O'Reilly
Mary O'Reilly
Neil Favureau
Zoe Gascon
Ian Holland
Kathleen Walsh
Sherilyn Pyden

Public

Chad Hickey
Ronald C. Aubin
Jennifer Aubin
Tracy Gilman
Foster Goodrich
Keenan Chenail
Larry Willey
Carolyn Elliott
Steve Elliott
David Avery
Greg Pastore
Timothy Grosbeck
Ronald Guy
Elizabeth Tucker
James Crone

Jon Prue chaired the hearing which was brought to order at 6:15 pm.

Mr. Prue asks for agenda changes. Ms. Gratton requests to move 2021-094 before 2021-114. Mr. McKeon makes the motion to approve. Mr. C. Carpenter seconds. All in favor. Motion carries.

Mr. Prue seeks a motion to approve the minutes of the October 21st, 2021 DRB hearing. Mr. C. Carpenter makes the motion to accept the minutes. Ms. Rast seconds. All in favor. The motion carries.

Public Comment on Non-Agenda Items: No public comment.

Mr. Prue reminds the audience that this is a large crowd this evening. He asks that comments made pertain to zoning and not be about personal character. He also requests that for the sake of time, people confirm that they agree with what another person says but to not repeat what was said. He also reminds people to state their name before speaking.

Mr. Prue provides an explanation of “interested persons’ and their ability to appeal a decision issued by the Board. Mr. Prue then swore in anyone wishing to provide testimony.

Mr. Prue gives a brief explanation of the development review process; each item will be opened and then there will be disclosures of conflict of interest. The Board hears presentations by the applicant(s), asks questions of the applicant(s), and then opens the floor to public comment or written comment. Once the Board has received all relevant information the public hearing is closed, and the Board has up to 45 days to deliberate prior to issuing a written decision on an application. Applicants and all interested persons are notified of the decision by the Zoning Administrator and all decisions by the Board are subject to a 30-day appeal period. With 6 members participating this evening, an application needs 4 “yes” votes for approval.

Mr. Prue opened the public hearing on **2021-100**: Calkins Rock Products, Inc. is seeking approval to subdivide a 260 +/- acre lot located at 1569 East Burke Road into 2 lots and merge a small 60’ x100’ parcel to create a 3.49+/- acre lot. The application requires final plat approval for a minor subdivision in the Rural Residential District under section 7.7 of the Town Zoning Bylaws.

Mr. Chad Hickey, representative for Calkins Rock Products, Inc. shares that there is a 260-acre parcel, that will be subdivided into an approximately 256- acre and a 3.49-acre parcel. The 3.49-acre parcel will contain a single-household dwelling. The 60’ x100’ parcel used to contain a small house, and it is going to be absorbed into the 3.49-acre lot. There is a Wastewater permit. Along the back line there is an easement for a waterline from the spring which will continue to feed the neighboring lot.

Motion to close 2021_100. Ms. Rast made the motion, seconded by Mr. C. Carpenter All in favor. Motion carried.

Mr. Prue opened the public hearing on **2021-109**: Ronald and Jennifer Aubin are seeking approval to subdivide a 36.2 +/- acre lot located on Calendar Brook Road into 2 lots. The application requires final plat approval for a minor subdivision in the Rural Residential District under section 7.7 of the Town Zoning Bylaws.

Mr. Aubin shares that he wants to subdivide the small lot off of the large lot to gift to his son. The new lot will be 1.2 acres.

Mr. Prue asks about the road accessing the lot. Mr. Aubin shares that it is a private road. Mr. Prue reminds Mr. Aubin that there will need to be a deeded right of way to the lot.

Mr. Prue asks if there are any structures on the land that are not depicted in the survey. Mr. Aubin, says that no, there are no structures on the two lots.

Mr. Weston asks if the right-of-way on Devon Road continues into Burke. Mr. Aubin says yes, it is. Mr. Weston says that the ROW will need to be deeded.

Motion to close 2021_109. Mr. McKeon made the motion, seconded by Mr. C. Carpenter. All in favor. Motion carried.

Mr. Prue opened the public hearing on **2021-094**: Tracy Gilman is seeking approval to have additional signs on the property located at 61 Depot Street. The application requires conditional use approval in the Village Commercial District under section 16.10.1 of the Town Zoning Bylaws.

Ms. Gilman shares that she has one sign up on the building a 2'x6' oval. She wishes to put lettering on the display window. She also wants to put out a sandwich board during busy seasons/days. Finally, a fourth sign is being sought for the hanging 2'x2' sign off the side of the building, that currently exists but would contain her information.

Mr. McKeon asks what the signs would say. Ms. Gilman shares that the signs would share information about her services and one of her logo.

Mr. Prue asks why this is a conditional permit. Ms. Gratton shares that because there are more than 2 signs it needs to come to the DRB. While the total square footage of signage is below the requirement, the total number of signs exceeds the allotted 2 signs.

Ms. Gilman asks if signs displayed within the building but visible from the exterior through the windows is considered a sign.

Mr. Weston asks about the lighting for the sign. Ms. Gilman asks if she could add lighting to her existing sign. Mr. Prue says that that would need to be part of the existing application. Mr. B. Carpenter refers to 16.7.4 about sign illumination. Ms. Gratton shares that the applicant can amend her administrative permit to accommodate lighting on her existing signs.

Motion to close 2021_094. Mr. McKeon made the motion, seconded by Mr. C. Carpenter. All in favor. Motion carried.

Mr. Prue opened the public hearing on **2021-114**: Waypoint Development LLC is seeking approval for a campground at 1165 Darling Hill Road. The application requires conditional use approval in the Rural Residential district [3.1.2.11] under section 4.2 and site plan approval under section 9.1 of the Town Zoning Bylaws.

Foster Goodrich and Keenan Chenail, of Waypoint Development LLC, outline their development that seeks to put in a 68-cabin campground that centers on "outdoor recreation first, experience second, and asset third". They look for unique development opportunities that have trail access, skiing, biking, and fishing. They have an option on the Wildflower Inn plus this 60+ acre parcel. The concept is a campground

with cabins accessed via the pavilion entrance which is on the paved portion of Darling Hill Road. A two-lane road would lead to the existing cow barn that would house ancillary retail (t-shirts, hats, rentals of bicycles), check in, food service, and a pump track in the western end. There is an existing shed positioned at the SW end of the barn that would house their beer garden/shack. The vision is to have picnic tables and benches and provide a place for people to relax. Down in the lower west corner of the parcel, Kingdom Trails Association trails meet the lot. Everything being proposed falls below the crest of the hill. Wastewater, traffic, and sound mitigation studies will be conducted as required by ACT 250.

Weddings will take place at the pavilion. Sound would be amplified toward the wood line to dampen sound and they may use sound dampening blankets/panels to reduce sound travel.

Mr. Chenail demonstrates how this development would be adding to the existing KTA trail network in a way that would benefit families and support the strains on the existing trail network capacity.

The proposed cabins measure approximately 12'x15' with a floor to ceiling height of 9'. There are two styles of cabins- one is a tent style and the second is a shed profile wooden cabin. The cabins will be spread across the 64 acres. The ratio of cabins to acres is comparable to the two other conditionally permitted campgrounds in the Town of Lyndon. The cabins are designed to be installed on Helico-piers which lightens the impact; the cabins would not have a pad/slab/foundation. The large squares around the cabin sites indicates the space provided to give a sense of privacy and seclusion. While the cabins could have been consolidated into one smaller space, the advantage of spreading them out is stronger.

Mr. Chenail details the elevation profile and viewsheds.

Mr. C. Carpenter asks if these will be built on site. Mr. Goodrich hopes to engage as many local trades as possible in the development.

Mr. Chenail addresses the traffic impacts noting that the developers would engage the local municipality to provide excellent wayfinding to guide vehicular travel to the pavement. Wayfinding and messaging can help guide traffic toward Lyndon. Mr. C. Carpenter asks how much of a traffic increase the developers expect. Mr. Goodrich shares that the connection to the trails will help keep people on the site for the duration of their stay. They hope to include a shuttle service to bring riders and experiencers to other areas within the region and trail network. The addition of amenities would help keep people on site.

Brice Simon, representative for John Rial, speaks about the increase in vehicular trips on the road.

Mr. Chenail closes with the local impact. This is an economic development opportunity and the goal is to have this project be a positive impact on the community.

Ms. Rast asks about the events. Would events have onsite catering, or would food/beverage be brought onto the site? Mr. Goodrich notes that the goal is to keep the activity at the lower part of Darling Hill, at the pavilion. The events that Waypoint Development seeks to primarily host small events that help fill the rooms.

Mr. C. Carpenter asks about the different lines on the survey and asks if the chapel will stay on its own lot. Mr. Chenail notes the blue dotted line depicts the original watershed. Mr. C. Carpenter asks how many lots the developers hope to purchase. Mr. Goodrich notes that there are two lots they seek to purchase: one with the Wildflower Inn and the second is this agricultural mixed-use lot.

Mr. Prue asks for the lot line to be outlined. It is an existing 64-acre piece. Mr. Prue cannot tell if the proposed buildings meet the setbacks. Mr. Chenail notes that the red line is the boundary line and the green line notes the 25-foot side and rear setback line.

Mr. C. Carpenter asks about electricity. Mr. Goodrich says that all units will be electrified, and the goal is to have all electric underground.

Mr. C. Carpenter asks about view impacts from other hills, such as Pudding Hill. Mr. Goodrich notes that yes, they have looked at the visual impacts from the other hillsides, but the impact is minimal.

Mr. Prue asks about the cabins. Mr. Goodrich says the development will be a mix of the helico-pier canvas tents (three-season offering) and cabins (four-season offering). The offering would be a 50/50 mix of canvas tents and cabins. Mr. Prue asks for clarification on the heating/cooling system. Mr. Goodrich shares that each unit would have a mini-split heat pump. All units would also have their own bathrooms.

Mr. Chenail shares that there will be a bathhouse adjacent to the barn and beer shed/garden. Mr. Goodrich shares that there will be 3 septic systems to accommodate the development.

Mr. McKeon asks about the occupancy limits on the cabins/tents. Mr. Goodrich says the units would accommodate 2-3 people. This would mean 1 car per cabin to be parked in the centralized parking areas. The parking metrics accommodate 1.25 cars per unit.

Mr. Prue asks for clarification about the parking offered: 100 parking spots at the pavilion, 100 parking spots around the barn, and parking would be available to the public for trail access at the event space parking located near the pavilion.

Mr. McKeon asks about stormwater management. Mr. Goodrich shares that that has not been finely detailed because the developers wish to make sure their project can meet local desires and codes before they develop detailed plans that may not meet local approval.

Mr. C. Carpenter notes that the other campgrounds in Lyndon came to the DRB with very developed site plans. Mr. Goodrich aims to use this event as a way to vet public opinion and try to find a mutually agreeable development plan.

Mr. C. Carpenter recognizes that the Bylaws do not define what a campground is. He asks the developers how they define campground. Mr. Goodrich shares his definition that structures connected to the trail networks are a campground. Cabins are a part of campgrounds in many other locations throughout the state and the US.

Mr. Weston asks if the roadway access or a sign at the roadway would be illuminated. Mr. Chenail says that all lighting would be as minimally invasive, meet the bylaws, and still meet the requirements of code. A sign would be appropriate at the entrance to the campground but is not detailed at this point.

Mr. B. Carpenter asks about the hours of operation. Mr. Goodrich shares that event hours would meet the requirements that the Town had established for other venues of this nature.

Mr. B. Carpenter asks about the construction sequence. Mr. Chenail shares that permitting must be obtained first. The construction of the cabins would ideally occur during the down-season (late fall and winter). The development would be phased.

Mr. C. Carpenter asks for the location where the pavement stops on Darling Hill Road. Mr. Chenail locates that point on the site plan.

COMMENTS FROM THE PUBLIC:

Zoe Gascon has representation from Liam Murphy. Mr. Murphy shares that the developers have not noted anything about the zoning bylaws. The application says it's a campground with accessory uses and write in their description that they seek to "create a three- and four-season resort". Mr. Murphy says the uses are not accessory to a campground and none have a size or occupancy limitation. This is not your typical campground at all.

Mr. Murphy reads the definition of the rural residential district verbatim. Mr. Murphy states that while outdoor recreation is permitted that does not include a "resort". Outdoor recreation definition is read verbatim. This development does not fit the other permitted or conditional uses in the Rural Residential district. Mr. Murphy feels that this is most similar to "transient lodging" and reads the definition verbatim. Mr. Murphy notes that the conditional use permit for Kingdom Campground found that its use was most similar to a "motel" in the Commercial zoning district. Mr. Murphy asks: Is this a campground? Conditional use criteria must be met, and Mr. Murphy feels that the application does not meet the conditional use criteria.

Mr. Murphy addresses "character of the area". The legislature notes that "character" is defined by the Town Plan and Ordinances. Mr. Murphy quotes page 15 of the Town Plan that agricultural land should be protected. On page 20 it is noted that the scenic value of Darling Hill has not been evaluated. Page 22 references low density in the rural residential district. And page 24 urges the Town to focus development in the village center and travel corridors.

Mr. Murphy asks "where is the traffic study? Where is the lighting study? Where is the noise study?"

Mr. Murphy thinks the application should be rejected because it is incomplete. From there the DRB must determine if this is a campground and then finally make sure the development meets all of the conditional use criteria and performance standards.

A handout accompanies this testimony. See Appendix A.

Kathleen Walsh discusses the scenic beauty of Darling Hill Road. She feels that an incredible resource is being compromised. Thousands of people drive up the road to take in the rural beauty of the roadway. She notes that the agricultural land of the roadway should be preserved. She asks that 300+ acres should be preserved. Any development on this property must be met with compromise.

CJ Scott, Kingdom Trail Association reads a statement on the behalf of Abby Long and Kingdom Trails Association. See Appendix B.

Brice Simon on behalf of John Rial argues that the 3.1.2.20 should not be detrimental to the other uses of the district. The proposed project does not meet the conditional use guidelines because it does not show how the development meets the minimum requirements and does not negatively impact the surrounding lands of residential character. He notes section 4.2.4 of the Bylaws that "the DRB shall give weight to the well-founded opinions with respect to such proposed use".

Mr. Goodrich shares that they did not reach out to Kingdom Trails Association or Village Sports Shop so that those organizations/businesses did not receive negative associations because of this controversial project.

Anna Cronin asks whether an engineered and pre-approved wastewater permit for the project. Is the board able to permit a project without a wastewater permit in hand? Mr. Prue states that it is often a condition of a permit that a wastewater permit is obtained before a certificate of completion/occupancy is obtained. Mr. Goodrich reiterates that they are seeking local approval before wastewater permitting is obtained and they have only confirmed that the soil can accommodate multiple septic systems.

Chris Scott, of Lyndon Heights, asks if Waypoint Development has any connection to a Dallas based firm called Waypoint Development. Mr. Goodrich states no. Mr. Scott shares that sounds emanating from Darling Hill will be heard across the river at Lyndon Heights. Mr. Scott urges the DRB to not allow any projection of sound anywhere in the Town.

Madge Buus-Frank notes that the project would negatively affect her life. She believes that the only asset worth preserving is the rural scenic beauty. She argues that occupancy has not been accounted for and that there has been no appropriate traffic, electrical, environmental impact, lighting studies done. Ms. Buus-Frank does not think the project fits the “character” of the area.

Brian Kelly asks if the developers have engaged in the ACT 250 process. Mr. Goodrich states that the project has not yet sought an ACT 250 permit. Mr. Kelly asks the DRB if it is customary to have local permits obtained before or after an ACT 250 permit. Mr. Prue states that it can be done both ways. Mr. C. Carpenter confirms this. Mr. Kelly asks if the DRB will conduct a vote from those participating this evening if they are in favor or not of this project. Mr. Prue says that no, a vote will not be taken.

Gary Burrington shares that this is not a campground. It’s a horizontal hotel with all the amenities and it should not be permitted in the Rural Residential area.

Michael Greenblatt and Catherine Spellissy agree with everything that has been said. Mr. Greenblatt asks a question about the financial capacity of the developer and asks what percentage of the revenue would be derived from the ancillary resources versus the main campground development. Mr. Prue dismissed the question.

Bill Fallon agrees with what has been said so far. He asks the DRB if in fact the DRB approves the permit, would the DRB require an on-site visit? Would a site visit be an option to local residents to see what is being planned? Mr. Goodrich states he would be happy to give a site visit to anyone interested. Mr. Prue shares that the DRB has not discussed doing a site visit. If that were the direction the board chooses, they will need to leave the public hearing open to gather more information.

Kathleen Walsh has had a site visit and shares that it is immensely helpful to see the “lay of the land”.

Timothy Grosbeck did not know about the hearing until he saw the sign in the driveway. He asks how will he be informed of ongoing meetings? Ms. Gratton shares that abutter letters are one way that the public is informed but there are other ways to be informed.

Barb Irwin asks for clarification about who an interested person is. Ms. Gratton shares that an interested person must give testimony, either oral or written.

Neil Favereau is in opposition to this project.

Shawn Ward is in opposition to this project.

Someone asks why the developer wishes to create such a large campground. Mr. Goodrich shares that that they compared the campsite to acre ratio of the other campgrounds in the Town of Lyndon and determined that the 68 cabins, plus the consideration of spacing, would be a comparable development.

Jim Crone, of BurkeLyn Inn, thinks this is a subdivision project rather than a change of use to a campground. Mr. Crone thinks that the cabins are homes. He does not think the site plan is grounded in engineering. He does not think the development fits in the zoning. Mr. Crone does not think that signs alone will work to deter people from turning left and traveling north on Darling Hill Road. He does not want more vehicular traffic at the BurkeLyn Inn. Mr. Crone asks about the travel trailer sites and wants to know how many travel trailers are allowed. Mr. Prue clarifies that there will be two individual sites for a single travel trailer each. Mr. Goodrich states that the two travel trailer sites are intended for onsite management and the developers themselves when visiting the site during the development process and beyond.

Mr. C. Carpenter asks if Mr. Goodrich can go into more details about the precedent for cabins as campgrounds in the state of Vermont. Mr. Goodrich notes that State Campgrounds have cabins and in Manchester, VT there is a large campground development that has cabins.

Richie Woodworth is in agreement with everything that has been stated. He has a question about precedent. Kingdom Campground was conditionally approved and does that set precedent for this campground? Mr. Prue says that no, Kingdom Campground is in a different zoning district. Mr. Woodworth thinks that there should be greater consideration of road safety.

Jim O'Reilly, owner of Wildflower Inn, is in contract with Foster Goodrich to purchase the land of the Wildflower Inn. Mr. O'Reilly shares these points: 1. Kathleen Walsh made a great comment that the land and the economics of the land cannot maintain what was. Farming is struggling. Farming is in decline and the reality is agriculture can't support itself to keep the land as it was. 2. He understands that new landowners recently purchased one- and two- acre lots near the pavilion. Mr O'Reilly asks if the Town want to see development have a more planned and cohesive scheme and maintenance of large parcels or if they will let small subdivisions be the future of Darling Hill lands. 3. Taking a site visit is very informative. It may help you better understanding of how project will play out 4. The pavillion has been used for weddings and events for a while, so that is not a change of use. 5. A large percentage of land is being preserved. Mr. Goodrich says that the amount of land to be preserved is to be worked out with the Town so that there is a win-win. Mr. O'Reilly states that Mr. Goodrich has from the beginning worked with him to make this a win-win.

Justine Fahey she agrees with what has been said in opposition of the project.

Kathleen Walsh asks how the land conservation will take effect. Would it be in the form of a Land Trust? Mr. Goodrich states that a land trust is an option especially if it is a mechanism that makes a mutually agreeable situation between developer and Town.

Barb Irwin asks if the developer will stay in the Northeast Kingdom. Mr. Prue dismisses the question as it does not relate to zoning. She agrees with what the attorneys are saying.

Steve Elliott agrees with what the opposition is saying and asks who Waypoint is and what successes they have had in the past. Mr. Prue dismisses the question.

Elizabeth Favereau asks how far away the development is from the river. Mr. Goodrich says its at least a half mile.

Larry Willey asks if the Vermont Land Trust and Vermont Housing and Conservation Board as abutters have submitted any comments. Mr. Prue shares that written testimony was not received from those parties. Mr. Willey asks if the conservation easement on the parcel has been reviewed. Mr. Willey thinks that the conservation easement has not been depicted on the site plan.

Brian Kelly asks if the board will be voting tonight to close the hearing or to keep it open. Mr. Prue and Mr. C. Carpenter reiterate that the hearing will remain open as long as there are people who wish to speak.

Ronald Guy is concerned about the increase in traffic.

Margi McGanty is listening to everything everyone is saying. She does not think the infrastructure can handle the project.

John Rial shares that the ROW crosses over his land. He thinks there might be a buffer of 200 yards from the ROW to structures. Mr. Goodrich says that his site plan was aiming to keep 200 yards off existing structures. Mr. Rial is concerned that the lot he just sold to Mr. Grosbeck will be negatively impacted by the development.

Mr. C. Carpenter states that while there is discussion that abutters may not have received official written notice, the showing tonight shows that notice was received.

Zena Clark is in opposition to this project.

Additional written testimony or Zoom participation from Interested Persons was received from:

Viki Woodworth, Ronald Guy, Mary Donnell, Jane Tenney, Martha Elmes, Jim O'Reilly, Justine Fahey, Barbara Irwin, Kathy Tamburello, Steve Elliott, Dan O'Reilly, Ashley Holland, Brian Boyden, Amy Joyal, Marty McGanty, Catherine Herz, Kim Patsos, Bill Patsos, Kathleen Walsh, Zena Clark, carbonfiber88@yahoo.com, Kimlatlaw@gmail.com, Lynn Borchers, Eli Avery, Alexis Wruble, Mary Jane Miller, Sharon Dolloff, Gary Burrington, Kristin Barany, Robin Beaupre, Hope Bentley, Catherine Dwyer, Anna Foley, Scott Fournier, Michael Greenblatt, Ashley Holland, Ian Holland, Alyssa May, Jane Miller, Chris Scott, Richie Woodworth, Viki Woodworth, Anita Rosencrantz, Michele Phelan

Motion to close 2021_114. Mr. C. Carpenter made the motion, seconded by Mr. B. Carpenter. All in favor. Motion carried.

Other Business: None.

Next meeting is scheduled for Thursday December 2nd, 2021.

Mr. Prue seeks a motion to adjourn the meeting. First by Mr. McKeon, second by Mr. C. Carpenter. All in favor. Motion carries. Meeting adjourned 9:39pm.

Respectfully submitted by: NGRATTON