

TOWN OF PEACHAM

Development Review Board Hearing Results for

Peacham Children's Center Conditional Use Application, 16-20 **56 Church Street**

INTRODUCTION AND PROCEDURAL HISTORY

1. The hearing was to review an application for a change of use and a change to the septic system for the Olde Meeting House at 56 church Street. The zoning application, submitted by Peacham Children's Center, Inc., was received at Town Office on December 7, 2020. It was transmitted to the Zoning Administrator on December 28, 2020, and was referred to Development Review Board on December 28, 2020.
2. The hearing was originally scheduled for February 9, 2021. The warning for this hearing was posted in three places in town plus the town website on January 21, 2021, and it appeared in the *Caledonia Record* on January 22, 2021. A copy of the application and site information was available at Peacham Town Offices. On January 21, 2021 a copy of the notice of a public hearing and the zoning application were mailed to the applicant and to the owners of abutting properties.
3. The hearing was rescheduled to February 19, 2021. The warning for the rescheduled hearing was posted in three places in town plus the town website on February 2, 2021, and it appeared in the *Caledonia Record* on February 4, 2021. A copy of the application and site information was available at Peacham Town Offices. On February 2, 2021 a copy of the notice of a public hearing and the zoning application were mailed to the applicant and to the owners of abutting properties.
4. The application was considered at a public hearing on February 19, 2021. The application was reviewed under the *Town of Peacham, Vermont Zoning and Flood Hazard Regulations* adopted February 28, 2017.
5. Present at the hearing were members of the Peacham Development Review Board, Marilyn Magnus, Morris McCain, Matt Kempton, and Rick Scholes. Rusty Barber recused himself from the hearings and the deliberations. Also attending was the Peacham Zoning Administrator, Bob Hansen.
6. Those wishing to achieve status as an interested person were given the opportunity, under 24 V.S.A. § 4465(b), to demonstrate that they met the criteria set forth in the statute. Interested persons were: Tim McKay, Sam and Julie Kempton, Richard Witt, Bruce MacLean, Nancy Saidi, Barry and Lynne Lawson, Becky and Larry Jensen.
7. Several parties gave notice that they desired to provide additional facts after the hearing was closed. They were not allowed to do so because of that closure. Clear opportunity was given during the hearing requesting all additional information at that time.

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8. During the course of the hearing the following exhibits were considered:
 - The application including a list of abutting property owners.
 - A “Zoning Permit Application Narrative”.
 - A hand-drawn site plan on graph paper dated 12/20/20 indicating property boundaries and existing utilities.
 - A “Proposed Sewer Plan & Details” prepared by Grenier Engineering, PC, dated 9/23/20.
 - A State of Vermont *Wastewater System and Potable Water Supply Permit* number WW-7-5473, dated January 13, 2021.
9. Property description:
 - The property is in the Village District.
 - The existing building is a church which is a permitted use for the zoning.
 - The building setbacks appear to be adequate

FINDINGS

A change of use of a property is considered a conditional use and is evaluated in accordance with *ARTICLE 8: SPECIAL PROVISIONS*. Based on the application, testimony, exhibits, and other evidence, the Development Review Board makes the following findings:

1. The Peacham Children’s Center, Inc. and the Peacham Congregational Church are applying for a zoning permit to allow the operation of a childcare center on the ground floor of the Olde Meeting House at 56 Church Street. The center will accommodate 35 children, between approximately 7:30 a.m. until 5:30 p.m., Monday through Friday, year round.
2. The existing septic system is unacceptable to the Vermont Department of Environmental Conservation if childcare is added to the building. A new system will pump the effluent from the church to the existing pump tank serving the Town Hall. That system utilizes the leach field at the Peacham Elementary School.
3. Act 250 Coordinator Kirsten Sultan determined that this project does not require an Act 250 permit.
4. There will be an approximately 36” x 18” unlit sign of a style in keeping with the building at the Church Street driveway entrance. There will be an exterior light at the new entrance which will only be used during hours of operation.
5. There will be a fenced play yard on the property.

CONCLUSIONS

802.1: General Standards of Review

(A) The Capacity of Existing or Planned Development.

- 1) The project will not result in undue impacts on the municipal water supply.

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- 2) The project will not cause other undue impacts on the municipality including but not limited to education, fire protection, emergency services, health services, recreation, waste disposal, and recycling.

(B) The Character of the Area Affected.

- 1) The proposed project, by its nature, scale, appearance, or operation, will not adversely change the character of the potentially affected area as it exists or as the area is projected to exist in the municipal land use plan and the zoning by-law in effect.

(C) Traffic on Roads and Highways in the Vicinity.

- 1) The project will not significantly reduce the safety of existing pedestrian, vehicular, or recreational uses of the highways affected.
- 2) The proposed use will not exhaust or exceed the physical capacity of the affected highway. In general, the project shall not substantially overburden the municipality in providing adequate highway construction and maintenance services.

(E) Utilization of Renewable Energy Resources.

- 1) No renewable energy resources are proposed.

802.2: Supplemental Considerations

(A) Economic benefit.

- 1) None.

(B) Minimum lot size, width and building setbacks.

- 1) Requirements for Village District are met.

(C) Air/water/noise/light pollution and soil erosion.

- 1) The conditional use will not adversely affect or exceed the intrinsic or inherent capability of the land to support the use.
- 2) The development will not result in groundwater or surface water pollution or cause an undue impact on air quality nor cause undue noise or light pollution or soil erosion.
- 3) No impacts will be made regarding the nature of soils and topography, proximity to streams, aquifer recharge areas, groundwater table and flood plains and to storm water runoff and drainage. No impacts will be made to the natural terrain, shorelines of lakes and streams, retention of vegetation and erosion control. There is no known potential pollution source that will impact adjacent properties.
- 4) Landscape plan is not required
- 5) Hours of operation are weekdays from approximately 7:30 a.m. to 5:30 p.m.

(D) Wildlife habitat, agricultural and forest resources.

- 1) No known impacts to critical habitats was noted.
- 2) No impact to agricultural resources were noted.

(E) Off-Street parking

- 1) Adequate off-street parking is available.
- 2) Adequate traffic circulation, parking, and loading facilities are planned.
- 3) Existing pedestrian and bicycle access will be unaffected.

(F) Lighting, signs and fences.

- 1) No adverse lighting, signs or fencing are proposed.

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General Standards of Review in *Section 802.1* and Supplemental Considerations in *Section 802.2* have been met.

The proposed change of use meets the requirements of zoning regulations.

DECISION AND CONDITIONS

At the conclusion of the hearing, a quorum of the Development Review Board members voted at a deliberative session. The hearing and deliberations were conducted by video conference.

Based upon the Findings, and Conclusions, but subject to the condition set forth below, the Development Review Board GRANTS THE APPLICATION.

The application is subject to the following condition:

- 1 Employees and parents will be directed to use the upper (western) driveway for dropping off or picking up children, and they will be directed to circulate in a counter-clockwise loop through the rear parking lot. No parking will be allowed along the western driveway on days when the Center is in operation.
- 2 The fence enclosing the play yard will be a simple picket fence meeting or exceeding state regulations.
- 3 The fenced play yard will not encroach on any adjoining property.
- 4 The fenced play yard will not interfere with any existing rights of way.

Dated at Peacham, Vermont on March 10, 2021.

Richard Scholes, Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s). Such appeal must be taken within 30 days of the date of this decision pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.