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May 17, 2016

To the East Montpelier Development Review Board,

We are submitting this letter regarding application 16-010, by OVWS to use 174 Coburn Road as a Day Care Center and partial-use classroom. 174 Coburn Road is zoned as Rural Residential. OVWS is asking for conditional use under Rural Residential for their Day Care Center, as this particular segment of Coburn Road is not zoned as Commercial. Day Care Center is a Permitted use under Commercial, strictly.

Day Care Center is defined as (quoted from <http://eastmontpeliervt.org/wp-content/uploads/2013/11/2015-LUDR.pdf> East Montpelier Land Use and Development Regulations): "All state registered or licensed day care facilities that do not meet the definition of 'Home Child Care', including nonresidential child and adult day care facilities, and home-based childcare facilities that serve more than six children on a full-time basis." With OVWS wanting an 18-child day care, this exceeds the maximum for home day care, so has to be considered a Day Care Center. From Table 2.1:

COMMERCIAL DISTRICT [ZONE A]

(A) Purpose. The purpose of the Commercial District is to encourage a mix of small-scale business uses at moderate densities in an area with convenient access to principal highway corridors, while avoiding strip development patterns and maintaining safe and efficient traffic flow.

(B) Permitted Uses

1. Accessory Dwelling [see Section 4.2]
2. Accessory Structure/Use (to a permitted use)
3. Agriculture
4. Bank/Financial Institution
5. Day Care Center
6. Forestry
7. Group Home
8. Home Child Care [see Section 4.10]*
9. Home Occupation [see Section 4.10]*
10. Medical Clinic
11. Motor Vehicles Sales & Service
12. Personal Service
13. Place of Worship
14. Private Club
15. Professional/Business Office
16. Recreation Facility (Indoor)
17. Recreation Facility (Outdoor)
18. Restaurant (without drive-through)
19. Retail Sales
20. Self-storage Facility
21. Transit Shelter
22. Veterinary Clinic

* Within an existing single-family dwelling

(C) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Campground [see Section 4.5]
3. Cultural facility
4. Dwelling, Multi-family
5. Dwelling, Single-family
6. Dwelling, Two-family
7. Adaptive Re-use [see Section 4.3]
8. Extraction of Resources [see Sections 4.6 & 4.7]
9. Gas Station [see Section 4.8]
10. Home Industry [see Section 4.10]
11. Hotel/Motel
12. Kennel
13. Mixed Use [see Section 4.11]
14. Public Facility/Utility [see Section 4.13]
15. Residential Care Facility
16. Restaurant (with drive-through)
17. School
18. Telecommunications Facility [see Section 4.14]
19. Any other use the Development Review Board determines to be similar in scale, intensity and potential impact as other uses allowed as permitted or conditional uses in this district.

The DRB mentioned at our May 3rd meeting that this use potentially could be considered a Public Facility.

Again from the Land Use and Development Regulations, Article 8, pg. 80, a Public Facility is defined as: "A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by a municipality, state or federal government, regulated utility or railroad. Such facilities include, but may not be limited to municipal buildings and garages, water and wastewater facilities, power generation and transmission facilities, and educational facilities [see Section 4.13]"

Public Facility is a conditional use under Commercial Zoning only. 174 Coburn is also a privately owned property, and is not being leased by any of the public categories mentioned in the above definition.

The Zoning Regulations are stated very clearly: what OVWS is proposing to do with 174 Coburn Road does not fall within the acceptable parameters for permitted use OR conditional use for Rural Residential.

---Personal Perspective-----

We realize this board exists to review all aspects of a proposed development change – zoning, road conditions, and conditional uses. We echo everything submitted by our neighbors from 74 Coburn. In addition, we need the DRB to seriously consider the proximity our house, at 218 Coburn is to 174 Coburn. With the increased comings and goings from that location - should OVWS gain approval, it creates an environment for us that is not fitting within normal residential parameters, or for us as neighbors.

Our main living side of the home is what borders the property line, and is closest to the proposed parking lot/turn around area. With drop off times beginning at 7:30 am, if we are home, we can clearly hear doors opening and closing and any kind of voices speaking. My husband is a teacher, and is home all summer with our two boys. With that schedule with even two additional cars coming in and out is a disturbance for that hour of the morning. The noise, idling cars while kids are dropped off in the cold winter temps, again, is beyond what is acceptable for this area of E. Montpelier.

We have a dog, who has been able to roam freely in our backyard for the past three years without us being concerned that he needs to be chained up. We are respectful and cognizant if there is anyone next door, and will leash him accordingly, even though we don't have a true leash law in town. However, with a yard full of young kids, and the play area only being fenced – not the entire yard, we will be obligated to leash him to reduce risk of him being over exuberant about the kids next door, and darting over, risking a child being hurt – a child we do not know. We also would have to tie him up to keep him from being hurt as well. Part of our lifestyle involves having the dog free outside with us, and that would have to cease.

East Montpelier has one of the highest tax rates in the State. We pay these taxes willingly -- our kids have had a wonderful education through EMES and now U32, and we have a prime location up on our hill with beautiful views, and are an active family outside a lot. Part of our enjoyment here, and what has kept us living here under a heavy tax burden has been knowing who our neighbors are, having a wonderful friendship with each family that has lived there. There is a security that comes from knowing who you have next door. Having the natural turnover that occurs with a day care and school, with kids growing up creates a sense of unease for us as neighbors, as does an empty, unsupervised 'school property' over nights and weekends. We built in a residential area to be in a residential area, not commercial, and our taxes are based on maintaining that.

Our two boys take a bus home in the afternoon, which drops them at the top of Coburn Road (on Rt. 14N). At the timeframe they are walking our road home, OVWS parents are picking up at the 'main campus' which as parents causes us concern with our kids being on foot. If this proposal for 174 Coburn was to pass, not only are the kids needing to walk past the busy in and out of the main campus, but now have to watch for the cars coming for the Day Care Center. Huge concern for us, given the blind hill just above that residence.

Lastly, we stand firmly about our beliefs of protecting our largest asset, our home. We built our home ourselves, over 10 years ago, around the same time that 174 Coburn was built. We specifically looked at zoning to make sure we were protected. The increased occupancy OVWS will have there (21 for Day Care Center plus part-time students), exceeds the norm for a 3-4 bedroom residence. Even with approvals for septic design, we have concerns over effects of our well water. With the addition of a commercial use property in a residential zone, we are at risk of potential decreased sale options... losing people strictly opposed to living next door to the increased activity we will experience, should OVWS be granted permission to develop there.

Submitted Respectfully,

Phillip and Rachael Richards