

Cherry Tree, LLC
PO Box 66
East Montpelier, VT. 05651

Via Email Eastmontadmin@comcast.net

June 14, 2019

Mr. Bruce Johnson
East Montpelier Town & Zoning Administrator
P.O. Box 157
East Montpelier, VT 05651

RE: DRB Zoning Permit Application # 19-022
Leonard & Walrafen, 170 Cherry Tree Hill Rd

Dear Bruce,

Thank you to you and to The Board of the DRB for providing us the opportunity to share our concerns regarding the existing, non-compliant uses as well as the proposed development at 170 Cherry Tree Hill Road during the DRB hearing on June 4th.

It is our understanding that The Board has extended the hearing on this application until July 2, 2019. In addition to the concerns we shared during the meeting on June 4th, we respectfully request The Board suspend any further review of this application until the property owners address the following:

Site Plan:

1. The applicants have not submitted an engineered site plan. Their site plan needs to include:
 - Dimensions of the proposed changes, including parking and drive lanes, showing the plan offers significant improved vehicular and pedestrian circulation.
 - Details of the pedestrian ways, contour lines, showing slopes and topography.
 - Erosion control measures, protection of stream beds, culvert installations, etc.
 - Septic system locations (new and proposed) with details of the additional waste water disposal system that is proposed for the additional dwellings proposed in their application.
 - Well locations (new & proposed), isolation distances for water & waste water systems that are being proposed.
 - Dimensions of the dwellings they're proposing to add to the site.
 - Dimensions from the proposed dwellings to other buildings on the property and to the setback limits of the Lot.
 - Landscape screening & site improvements to mitigate the negative impact on neighboring properties.
 - Location of additional solar installations.

2. State of Vermont water / waste water permit for the proposed waste water disposal field and for the proposed well.
3. Confirmation that their demand of water resources won't deplete the neighboring properties. This is of great concern given the applicants acknowledged running their well dry, which could negatively impact the well sources on neighboring properties.

State of Vermont Department of Public Safety, Division of Fire Safety:

Given the fact that the applicants have admitted they're non-compliant with regards to their existing, previously approved uses and the fact that they have been using the main house to accommodate numerous (non-approved) commercial & residential uses; we firmly believe the applicants are required to secure a building & occupancy permit(s) from The State of Vermont, Department of Labor, Division of Fire Safety, for the following reasons:

1. The existing facility includes commercial occupancies adjacent to occupied residential uses.
2. The existing facility includes the occupancy of over-night, unrelated tenancies within the rooming house portion of the house, which need to have properly rated partitions to separate / isolate the residential units from the adjacent commercial uses.
3. The State of Vermont Fire Marshall will need to review and confirm the existing conditions throughout the property and any proposed improvements within the existing facility, including, but not limited to:
 - o Proper fire separation of commercial uses from residential uses to ensure the over-night residents are safe and can easily & effectively exit the house in the event of an emergency. This includes rated floor & wall separations as well as rated egress corridors.
 - o Fire alarm & smoke detection requirements
 - o Emergency egress, including emergency egress from each bedroom
 - o Properly rated corridors and stairways to allow over-night residents to exit in the event of a fire
 - o ADA compliancy, including but not limited to access, parking, walkways, entrance doors, toilet rooms, kitchens, common areas, corridors, etc.
4. The State of Vermont Electrical Inspector will need to schedule a walk-thru of the facility, identifying any and all risks, hazards and violations
5. The State of Vermont Plumbing Inspector will need to schedule a walk-thru of the facility, identifying any and all risks, hazards and violations

The applicants have acknowledged their non-compliance and they are seeking the approval of the DRB to continue to use the property for numerous commercial entities, including Community Center, Summer Camps, Early Childhood Ed, Clay Studio, Office & Music Lessons as listed within their application. These commercial uses, operated within a mixed-use, residential facility, sharing all of the services and systems, including kitchen, bathrooms and common areas require the approval of the State Fire Marshal and compliance with commercial building, electrical and plumbing codes.

The mixed commercial uses at this property and the application as presented to the DRB require the approval of The State of Vermont, Department of Public Safety, Division of Fire Safety. The main house is an unprotected, wood-framed, combustible structure, which needs to be properly evaluated and upgraded to ensure code compliancy and fire safety throughout every aspect of the facility.

As a concerned neighbor, we want to make sure that life safety, ADA accessibility, electrical & plumbing code compliance and fire prevention are an equal priority to the zoning regulations that The DRB governs. This application includes a mixed-use facility, which increases the potential hazards with numerous commercial uses coexisting within a single family residence.

This property, initially constructed as a single family home, located within Rural Residential-Agricultural District Zone D is not the place for a mixed-use commercial / residential facility, housing numerous commercial entities, community center, boarding house, etc. This property does not have adequate acreage to support the application, nor is it properly equipped to facilitate the current, non-approved uses as well as the uses that are proposed in the DRB application.

We respect the work and the services the property owner's are providing for their clients at this location. We also acknowledge and respect their proposal to construct affordable housing at this site; however, they have not demonstrated compliance with their previously approved uses and they are now seeking to "update their zoning designation to reflect the property's uses" (copied from their application narrative).

Rather than allowing the applicants to "update their zoning designation to reflect their uses", we request the DRB enforce the previously approved uses at this location and limit future uses to what is allowed within the Land Use and Development Regulations of The Town of East Montpelier, VT.

Enforcement of the Town's Development Regulations was stated at the meeting on June 3rd, 2004, when the applicant's were granted their approval for a home business. Following my presentation voicing our concerns, Planning Commission Chair, Rob Chickering stated..."if in the future, there appears to be a violation, the Zoning Administrator would investigate and issue a violation as necessary".(attached to Zoning Permit #04-077, issued September 16, 2004.)

Regarding the affordable housing as stated within the application, there is a statement that the owner's of the current housing as well as the proposed additional "affordable housing" units will be inhabited by the owner's of each unit. The application also includes a statement that all of the housing unit owner's have incomes that meet the Town's affordable housing guidelines. What the application does not include is the cost of the "affordable housing units", how they will be built & paid for and how the cost (all costs, including loans, fees, utilities, taxes, etc.) will remain within 30% of the household's income, as defined in The East Montpelier Land Use and Development Regulations.

The current and proposed uses of this property require careful consideration and approvals from numerous governing agencies. We appreciate your thorough review and appreciate the opportunity you have provided to us to continue to express our concerns regarding this property and the permit application before you.

Sincerely,

John P. Connor



Patricia A. Connor



Bruce Johnson

From: Greg Wimer & Kari Little <wimer.little@comcast.net>
Sent: Saturday, June 15, 2019 11:18 AM
To: eastmontadmin@comcast.net
Subject: Email in support of All Together Now

To the Development Review Board,

I am writing this email to voice my support for All Together Now. Both my children have attended their summer camps for many years and now they are working as counselors for the camps. They have enjoyed their experiences at these camps so much. No matter the camp your child attends, there is opportunity for each child to explore their artistic capabilities, whether through art, song (and song writing!) and performance—often all combined within a single week of camp! The camps have given my children confidence in themselves and also in performing in front of others. These camps embrace all children and accept their unique ways of learning and discovering about the world around them and with each other. I can't speak highly enough about the All Together Now camps and for a working mom like me, to have this within our very own town of East Montpelier has been a godsend and a gift—easy to drop the kids off in the morning on my way to work! We need to preserve local opportunities like this for our town. I am so very grateful for the programs they offer children, year round.

Thank you, Kari Little=

Bruce Johnson

From: Yana Poulson <poulsony@gmail.com>
Sent: Saturday, June 15, 2019 12:09 PM
To: eastmontadmin@comcast.net
Subject: All Together Now Zoning

To: Development Review Board (DRB)
Zoning Administrator, Bruce Johnson

I am writing to support the All Together Now! community in their process of zoning update. My daughter completed the full pre-school program in 2012 - 2015, attended music classes from age 1 till 8, summer camps at ATN are still her favorite part of summer. We are proud to be a member of ATN community, it enriched our lives tremendously, provided the needed care and support. We highly appreciate the sense of community and believe that ATN should continue to grow and develop to accomodate more families in the area.

Sincerely,
Yana Poulson
145 Grandview terr
Montpelier VT

Bruce Johnson

From: scorso@vtlink.net
Sent: Saturday, June 15, 2019 2:17 PM
To: eastmontadmin@comcast.net
Cc: alltogethernowvt@gmail.com
Subject: zoning application AllTogetherNow!

Dear Mr Johnson:

This note is in support of the zoning application of AllTogetherNow! to have their main building zoned as a Community Center.

Being a member of the folk music and dance community in Central and Northern Vermont, I have personally seen the good works that Janice and Ellen have done over the last fifteen years through their programs for children and families at AllTogetherNow! The skills and experiences the children are exposed to, not only foster the growth of their individual gifts and creativity, but teach them about being a part of a community.

To limit the programs put on by AllTogetherNow! only to families who can afford it, is limiting our communities. Please convey to the Development Review Board, my support to making the main house at AllTogetherNow! zoned as a Community Center.

Thank-you,
Stuart Corso

Bruce Johnson

From: Erin Clark <ebclark23@hotmail.com>
Sent: Saturday, June 15, 2019 4:40 PM
To: eastmontadmin@comcast.net

Hi Bruce,

I wanted to add my support to All Together Now!'s application for rezoning. My kids both went to daycare there and continue to use their facility for music lessons and summer camp. They are a fantastic resource and community center piece enriching not only my children's lives but the communities of East Montpelier and Montpelier.

Thanks

Erin Clark

4145 County Rd

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Bruce Johnson

From: meganpcannella@gmail.com
Sent: Sunday, June 16, 2019 8:45 PM
To: eastmontadmin@comcast.net
Subject: All Together Now zoning

Bruce,

Thank you for all that you do for the town of EM. I am writing to urge you to grant the zoning request of All Together Now (ATN). The organization is comprised of a group of caring, knowledgeable, incredible people who are wise beyond their years in terms of childcare and youth programming.

I have three children who each have attended programming at ATN for the past 5 years. It is a place that I never think twice about sending my kids to; I know that they are in attentive, experienced hands when they are there. ATN gives children memorable, positive, completely-unplugged experiences that they will remember for the rest of their lives. It sounds cheesy, but it's really true, Bruce! There are not many places like this out there anymore. ATN is truly a gem in this town and should be encouraged to keep doing what they are doing.

Please grant their request so that kids can continue being, well, just kids! They run there. They play there. They learn there. They grow there.

Please contact me if you have any questions and thank you for your consideration.

Best,

Megan
2883 County Rd.

Megan Cannella
802-881-1645=

Bruce Johnson

From: Christine Schulz-Beling <csbeling@gmail.com>
Sent: Monday, June 17, 2019 7:35 AM
To: eastmontadmin@comcast.net
Subject: All Together Now

Dear Development Review Board Members, I wanted to express my support for the updated zoning for All Together Now. Our son attended their summer camp for several seasons and loved it. I advocate for the zoning change so that other kids, less fortunate, than our family could attend the camp via state subsidy.

Christine Beling
580 Cummings Road

Bruce Johnson

From: Elizabeth Suiter <esuite@gmail.com>
Sent: Monday, June 17, 2019 7:40 PM
To: eastmontadmin@comcast.net
Subject: Support for ATN

Follow Up Flag: Follow up
Flag Status: Flagged

Hi,

I am writing in support of All Together Now getting licensed as a community center. They have already acted as a center for the community in the role they play in organizing events like Ice on Fire, All Species Day and Enchanted Forest. They have served as a site for preschool/day care and then summer camps for our children and many of our friends. Ellen and Janice have led art and music classes and created a wonderful and welcoming space.

Thank you for your consideration.

Elizabeth Suiter
East Montpelier =

Bruce Johnson

Subject: Letter of Support

From: Aro Veno [<mailto:aroven@gmail.com>]

Sent: Thursday, June 20, 2019 9:22 PM

To: eastmontadmin@comcast.net

Subject: Letter of Support

Dear Mr. Johnson --

I have lived at AllTogetherNow! since December 2013. I moved here from upstate NY to be closer to my son and family in Burlington. I had been searching for community for several decades and would not have moved to Vermont had I not found AllTogetherNow! One of the things I was looking for in community was a strong and established organic garden and I found that here at ATN. We run a 7 person gardening collective and grow pretty much all of our veggies in the summer and enough storage crops to last through most of the winter.

Intentional communities are hard to find in a society that values and espouses the nuclear family model and looks down upon communal living.

At 73 years of age, I am semi-retired and on a very low fixed income. I substitute teach at the preschool which enables me to meet my expenses. One of the things I value about living here is the affordability of the rent. I pay \$460/mo which includes ALL utilities including internet and phone. In the last 5-1/2 years my rent has gone up \$10. This is unheard of. I would not be able to afford a higher rent. I also appreciate the fact that I can work where I live. As an elder, I welcome the presence of children in my home.

AllTogetherNow! is a unique and creative community that provides enriching and nurturing care for children. In addition to the preschool, the summer camps are very popular and give older children a place to play, learn, swim in our inground salt water pool and interact with their peers under the supervision of caring adults and teenaged counselors-in-training. Many former preschool kids come to summer camps year after year which offers a strong sense of connection and continuity.

Sincerely,

Aro Veno

Bruce Johnson

From: Janice and Ellen <alltogethernowvt@gmail.com>
Sent: Friday, June 28, 2019 3:11 PM
To: Bruce Johnson
Cc: Ben Graham; Brian Tokar; Adrienne Allison
Subject: Additional comments for ATN permit application

Follow Up Flag: Follow up
Flag Status: Flagged

Dear DRB and Town of East Montpelier,

Thank you for hearing our request to update our zoning designation. Upon leaving the hearing in June, we have some reflections we'd like you to consider. We heard discussion about whether the use of our property is commercial, public, private or residential. We do not fit neatly into these designations. We are a community comprised of people living and working together to create opportunities for our larger community to have a safe and nurturing home daycare for their children and families. It is a place where we grow food for ourselves and celebrate our relationship with one another. What we are doing here is growing healthy children and food. It is ideal location for the enriching programs we offer to our community. It has historically been a place of mixed use.

For over a century, this property was a working farm, and in our lifetime, was a dairy farm with 500 cows and had 15 people, family members and workers, dwelling together in the main house. More recently, it was divided into two apartments, permitted as a bed and breakfast, and a yarn dying studio occupied the old milking parlor. We see the current existing uses at our property as well paired with the historical and current character of our Cherry Tree Hill Road neighborhood. We see no reason that if the uses are permitted singularly that they would not permitted in aggregate. We understand that the state has decided not to distinguish a PRD from a PUD. For this reason we think our zoning application works within the regulations as mixed use.

We have an ongoing relationship with the State to maintain and ensure the safety of our facility. The State requires annual water quality and quantity testing, regular inspections from fire and safety and the Dept of Children and Families. We pride ourselves on creating a safe home based program for our community and do whatever has been asked and required of us to meet the current codes. When the Town approved our home occupation permits for a daycare with 12 children and it was increased to 15, we were unaware that we needed to revisit the home occupation permit with the Town. We take our lead from the State licensing agency.

We felt that some of the comments submitted seem to characterize us as citizens who do not want to abide by the rules and this is untrue. We have valid permits for our wastewater and

daycare, and are applying for all the required permits to proceed with our proposed plans.

Moreover, in reading the East Montpelier Town Plan we only feel alignment and support for our community building efforts.

Sincerely,

Ellen Leonard and Janice Walrafen

Bruce Johnson

From: Stephanie Hurley <Stephanie.Hurley@uvm.edu>
Sent: Monday, July 01, 2019 3:12 PM
To: eastmontadmin@comcast.net
Subject: All Together Now community center zoning

Follow Up Flag: Follow up
Flag Status: Flagged

Dear East Montpelier Zoning Board,

We want to express our support for All Together Now community and staff in their request to formally be considered a Community Center. We are Montpelier residents but have chosen to have our preschool and elementary school age children be part of All Together Now, and all the benefits they offer. ATN's location and indoor and outdoor spaces have been a huge part of our lives for 5+ years. Both of our children attended their preschool (one currently still enrolled) and have taken part in the ATN summer programs.

The ATN staff and programming provide connections throughout the local community and enhance the educational, artistic, and cultural context in the greater Montpelier area and beyond. It is critical that such community amenities be supported by local governments to ensure their continued function and longevity.

Thank you for your valuable time and consideration,

Stephanie Hurley and Christopher Kilian
802-223-5343

Bruce Johnson

From: Dan Jones <dan@siteprod.com>
Sent: Saturday, June 29, 2019 2:51 PM
To: Bruce Johnson
Subject: All Together Now zoning appeal

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Johnson and the East Montpelier DRB

I am writing in support of the petition to rezone All Together Now on Cherry St as an arts center. While I do not have standing in the matter as an abutter, I have been privileged to attend many arts events at All Together Now. Some of those events directly benefit Montpelier, including All Species Day and the Haunted Forest, and are beloved by citizens throughout our region. The seasonal celebrations at the center are also beloved while their creation of events that embrace the public spirit of central Vermont are one of the cornerstones of our regional culture. I can literally think of no other location more deserving of the designation as an "arts center". My organization's work in local preparation for the coming challenges of climate change recognizes the absolute need for the public spirit and cohesion that All Together Now exemplifies if we are to work together for the public benefit.

Thank you for your consideration
Sincerely
Dan Jones

Executive Director
Sustainable Montpelier Coalition
15 State St
Montpelier VT 05602
(o) 802) 272-1195
(c) 617-817-3638
www.sustainablemontpelier.org

Bruce Johnson

From: Brenda Mooney <vt5moons@gmail.com>
Sent: Tuesday, July 02, 2019 3:12 PM
To: eastmontadmin@comcast.net
Subject: Bruce Johnson, Support for AllTogetherNow

Follow Up Flag: Follow up
Flag Status: Flagged

To the Town of East Montpelier,

I have been working in the Early Child Education field since 1987. After moving to VT in 2002, I begun working for the AllTogetherNow Pre-School in 2004.

I have worked in many capacities as an Early Childhood Educator. AllTogetherNow by far, has been the best experience of my career. The multi-age children and devotion of long term staff is unusual today. Our Director, Ellen Leonard, has been steadfast in maintaining educated staff and a nurturing environment for our children. This is not an easy task. Over this decade plus, I have witnessed countless amounts of children/families, benefit from Kindergarten Readiness, Music, Art, Community and Summer Camp experiences.

AllTogetherNow Pre-School and Community Art Center is an integral jewel in the East Montpelier Community.

Sincerely,

Brenda Mooney

Sent from my iPad=