

From: [John Connor](#)
To: [Bruce Johnson](#)
Cc: [Patty Connor](#); john@connorcontractinginc.com
Subject: 170 Cherry Tree Hill Rd.
Date: Tuesday, June 04, 2019 3:12:34 PM

Bruce,

Please see our questions and comments regarding the application by the owner's of 170 Cherry Tree Hill Rd. Please share this document with the members of the DRB.

1. Was an initial sketch plan provided to the DRB?
2. Has the applicant received permission / permit from the Select Board for their proposed driveway access alteration? Per Section 3.3 (C) & (D) this is to be obtained before presenting to the DRB, additionally, all properties are to be serviced by (1) driveway cut.
3. Water / Waste Waster:
 - a. What is the capacity of the existing waste water disposal area that services Site #1, as identified on their site plan. This system receives waste water from the main house (multiple commercial and residential uses), as well as 1a & 1b
 - b. What is the capacity & condition of the "grandfathered" waste water disposal system that services house site #2, as identified on their site plan.
 - c. What is the design of the new waste water disposal system that is proposed to service house sites #3 & #4 as identified on their site plan. Heavy soils in this area often require mound systems; what is planned? How are properties that are located down-grade protected?
 - d. What is the capacity of the existing well that currently services the property.
 - e. Do the current and proposed uses (multi-occupant home, community kitchen, day care, clay studio, summer camp, All Together Now, swim lessons, Community Center, etc.) require the potable water source to be classified as a public water source?
 - f. How are the users of the potable water source ensured that the water is of good quality & has enough capacity to service the current & proposed / expanded uses?
 - g. The ACT-250 Jurisdictional Opinion, dated 04-23-19 and included within the applicant's packet lists the water source as Community & Non-Transient, Non-Community Drinking Water System. At what point does The State of VT require the water source to be classified differently?
 - h. What is being done to address isolation distances for adjacent potable water drinking sources?
4. Protection of water resources - how are the adjacent waste water disposal area & stream bed being protected? Is there proper isolation distances between each to ensure protection of surface water & wetlands? How are adjacent properties that are down-grade from the proposed development protected from run-off?
5. Section 3.4, addresses changes of use & conversions of uses; does this apply to this application?
6. What is the classification of the current businesses that are operated on the property? Are the uses in compliance with the existing approvals? Section 4.10 Home Based Businesses includes home occupations, including day care facilities. Is this being addressed?
7. The application is for a PRD:
 - a. The current and proposed uses on the subject property are residential & commercial; therefore fall under a PUD, which is not allowed in Zone D.

b. The size of the lot is inadequate for the application, as 3-acres is required for each residential unit for a total of 12 acres

8. Rural nature of our neighborhood - we purchased our land and built our home 23 years ago. We selected our property because of the rural nature of Zone D and our neighborhood. Expanding the commercial and residential uses at 170 Cherry Tree Hill Rd will negatively impact the neighborhood with increased vehicle traffic, increased noise generated by the more intensive uses, including the expanded use of the main house by numerous businesses and residents, additional dwellings, large gatherings, weekend festivals, events, etc.

Patty and I are planning to attend the meeting tonight. Thank you for allowing us to provide these comments and concerns to The Board.

Sincerely,

John P. Connor
Vice President
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Please visit us at <http://www.connorcontractinginc.com>

Daniel and Christina George
122 Cherry Tree Hill Road
East Montpelier, VT 05651
802-223-0835

Via Email Eastmontadmin@comcast.net

June 2, 2019

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

RE: 19-022-Leonard-Walrafen-170-Cherry-Tree-Hill-Road-DRB-Application

Dear Bruce,

We are in receipt of the notice and have reviewed the above referenced East Montpelier DRB Zoning Permit Application and specifically request that the application be denied based on the following specific regulations as well as concerns regarding wastewater, safety our ability as abutting neighbors to continue to utilize our property without being impeded by this development.

1. Description of the Development plan as a PRD when facts indicate it is a PUD (Section 5.6 (A) (1) and (2):

The application purpose is described as an application for PRD's zoning designation update with Community Center and specified as follows in the Notice:

*The net effect of the proposal is to allow 3 stand-alone single-family dwelling units and one **multi-function community center/childcare/boarding house/studio/office facility**, all individually owned and subject to ground leases, on property intended to be owned by an associated cooperative group known as Cherry Tree Hill Community LLC. The property is in Zone D – Rural Residential/Agricultural District, where 4 individual dwelling structures would require a minimum of 12 acres, necessitating a requested affordable housing PRD density bonus.*

Section 5.6 of the East Montpelier Land Use & Development Regulations (EM LUDR) specify that:

PRDs are intended to allow for the clustering of residential development to preserve and maintain open space, including but not limited to important resource or conservation lands, and to authorize the granting of a density bonus to facilitate the provision of affordable housing;

The current and proposed future use of this property including a multifunctional community Center, childcare, boarding house, studio and office facility indicates that the actual use of this property are more inline with a "Mixed Use" (Section 4.11 Mixed Uses)

definition and do not meet the requirements under PRD's but are more similar to a Planned Unit Development (PUD) which under the EM LUDR:

PUDs are intended to allow for the establishment of planned commercial and industrial parks and to encourage an integrated mix of uses within village centers

Further, PUDs are permitted in the Commercial, Industrial, and Residential-Commercial Districts (Zones A, B and C, respectively).

As specified the referenced property is in Rural Residential-Agricultural District Zone D therefore it is our contention that the application should not be approved based on the fact that the current and future multifunctional Mixed Uses do not meet the requirements for a PRD.

2. Update of Zoning Designation to reflect the Property's uses

The fact the property has been utilized outside of all of the permits previously filed and approved should not warrant an update the property's zoning designation.

3. PRD Narrative attestations:

2) Character of the neighborhood or area affected:

The fact that the application requests a density bonus to provide for 4 housing units is already outside of Rural Residential-Agricultural District Zone D, and thus will change to the character of the neighborhood. The applicants have continually pushed the boundaries of the zoning regulation. As is noted under the November 13, 2017 Zoning Permit Application, #17-048 filed to "Remodel the Barn/Stable" structure the applicant further increased the size of the structure by adding a 2nd Floor Space. The result of this remodel was the complete building of a New structure, not a remodel of the existing structure.

The addition of a formal Community Center to this property is very concerning to us. The applicants have had a number of functions during the year whereby in excess of 100 people occupy the property. The noise of these functions is disruptive to the people in the neighborhood and further there are a safety concerns for the participants parking along Cherry Tree Hill Road.

Additionally, many times the participants are parking on our lawn.

These community center functions do not fit the character of a Rural Residential-Agricultural District Zone D

3) Traffic on road & Highways:

As specified above the addition of a formal Community Center to this property is already a cause for safety concerns. The applicants have had a number of functions during the year whereby in excess of 100 people occupy the property. The participants part along the road and many times on our lawn. These functions are a safety concern and do increase the amount of traffic to and from the facility.

4) Bylaws in effect – Wastewater Systems:

While all existing dwelling may have been “grandfathered” wastewater systems, the November 13, 2017 Zoning Permit Application, #17-048 filed to “Remodel the Barn/Stable” structure the applicant further increased the size of the structure by adding a 2nd Floor Space, thus it is unlikely that the wastewater system that was originally designed for the much smaller barn/stable would meet the “grandfathered” definition and likely has not been approved by the State of Vermont.

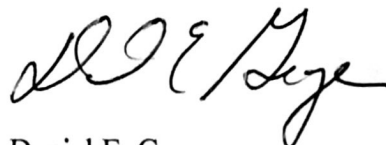
We are concerned about the capacity & condition of the “grandfathered” wastewater disposal systems that services house side #2.

5) Solar Trackers:

There has been no screening to obviate the impact of the aesthetic of the existing solar tracker from the neighboring property owners. The addition of another tracker will further impact the aesthetics of the neighbor’s views and property value.

We purchased our property and built our home 22 years ago. We chose this area because of the rural nature of the surrounding land and neighborhood. The expansion of use at 170 Cherry Tree Hill Road will negatively impact the area, including increased traffic, causing safety concerns, generating dust from the gravel road, noise from the increased use and more intensive uses through the expansion of the Community Center which does not fit the character of a Rural Residential-Agricultural District Zone D.

Very truly yours,



Daniel E. George



Christina George

From: [Joshua Singer](#)
To: eastmontadmin@comcast.net
Cc: [Brian Tokar](#); [Janice and Ellen](#)
Subject: 170 Cherry Tree Hill
Date: Friday, May 31, 2019 3:29:45 PM

Hi Bruce,

This is Josh Singer at 765 Cherry Tree Hill Road. I just wanted to send a quick note in my support for the development plans of Ellen and Janice for 170 Cherry Tree Hill Road. After a short talk with Brian, who resides on the property, and reading the information sheet for the upcoming Public Hearing, this sounds like a welcome plan from a neighbor down the road. Thanks for considering this,

Josh

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Joshua Singer, L.Ac.
301 River Street, Suite 101
Montpelier, VT 05602
802-613-3904

"We ought to do good to others as simply as a horse runs, or a bee makes honey, or a vine bears grapes season after season without thinking of the grapes it has borne." Marcus Aurelius