

TOWN OF EAST MONTPELIER
DEVELOPMENT REVIEW BOARD

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In the matter of:
Orchard Valley Waldorf School
Property: 2290 VT Route 14 North
Parcel #08-027.000

Zoning Permit Application 10-035
Site Plan and Conditional Use Review

Procedural History and Applicant Request

1. Orchard Valley Waldorf School (Applicant) owns a 55± acre parcel located at 2290 VT Route 14 North in East Montpelier. The property is currently developed with a house, barn, gym, and classroom, all being used for education. The parcel has access and 1,090 feet of frontage on VT Rte. 14 N, and 1,320 feet of frontage on Coburn Road. The property is in Residential and Commercial zoning district C, and lies partly in the Special Flood Hazard Area and Conservation Overlay Aquifer Protection Area S.
2. On May 18, 2010 Deborah Reed, OVWS Administrator, on behalf of Applicant, submitted a zoning permit application to construct a 30-foot diameter yurt to serve as additional classroom space. The yurt, which will be located adjacent to the grade school building, will be built on a pier-supported deck and will include a covered front entry porch, a 6'x6' rear egress deck with stairs (max rise/run 7"/11"), and a 6' wide walkway from the existing school to the classroom with an ADA-compliant surface to be sloped no more than 1:12 with no cross slope. There will be electricity in the yurt, but no water or septic facilities. The application included a site plan of the project.

Zoning Administrator Dina Bookmyer-Baker (ZA) referred the application to the Development Review Board (DRB) for a hearing on November 15, which was warned by May 31, 2010.

3. On June 15, 2010, having been duly warned, a hearing was convened by the DRB to receive comment on application 10-035, a proposal by Orchard Valley Waldorf School to construct an accessory building to serve as additional classroom space at 2290 Vermont Route 14 North in East Montpelier. DRB members present were Richard Curtis, Jeff Cueto, Ken Santor, Stanley Pierce, and Gene Troia (alternate). ZA Dina Bookmyer-Baker, Recording Secretary Kristi Flynn, and Applicant representatives Deborah Reed and Miccal McMullen were also present.

Findings and Conclusions

Section 4.12 Protected Public Uses: Pursuant to the requirements of the *East Montpelier Land Use & Development Regulations*, Section 4.12 Protected Public Uses, (A) In accordance with the Act [§4413(a)], the following public facilities or uses may be regulated only with respect to location, size, height,

building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that such regulations do not have the effect of excluding, or interfering with the intended use or function: ... (2) public and private schools and other educational institutions certified by the Vermont Department of Education.

4. DRB noted that the operation of the school is a protected public use and is therefore subject to limited review. DRB concluded that they could review and regulate the construction of the proposed accessory structure without interfering with the operation of the school.

Section 2.3 Application of District Standards Subsection (B) states that all uses and structures, unless specifically exempted, must comply with applicable standards for the district(s) in which they are located. The standards for each district shall apply uniformly to each class of use or structure.

5. DRB noted that the school is an existing use. In 2003 the property was issued site plan and conditional use approval to operate a school. In 2007 the school received conditional use approval to construct a classroom and a covered outdoor gym. The standards that were applied then to the use and structures continue to apply to the operation of the school as a whole. The proposed structure is not the closest structure to the property boundaries. DRB concludes that the construction of a classroom is allowed as a conditional use in this zoning district.

5.4 Conditional Use Review, Subsection (C) General Standards Approval shall be granted by the DRB upon finding that the proposed development will not result in an undue adverse effect on community facilities, the character of the neighborhood, traffic, bylaws, and the utilization of renewable energy resources.

6. Upon review of the five general standards as set forth in Section 5.4(C), DRB finds that the proposed development is consistent with the character of the area, complies with the municipal bylaws and ordinances currently in effect, will not interfere with the utilization of renewable energy resources, and that the existing and proposed community facilities, services, and byways are capable of serving this use.

5.3 Site Plan Review, Subsection (C) General Standards In accordance with Section 5.4(D), the DRB shall also apply all applicable site plan review standards. The Board shall consider and may impose conditions and safeguards with respect to the adequacy of traffic and pedestrian access, on-site circulation, parking, landscaping and screening, and other aspects of site development.

7. **Parking and Circulation:** The site includes 52 parking spaces. One parking space is required per three persons, as per Conditional Use Permit #03-126. Enrollment is expected to be 147 students next year, which will require 49 parking spaces. Applicant intends to alleviate congestion at drop-off and pick up times by using school buses. DRB concludes Applicant has provided for safe and adequate on-site vehicular and pedestrian circulation and that adequate on-site parking has been provided in accordance with the requirements of Section 3.11.
8. Upon review of the remaining general standards (1, 4, 5, & 6) as set forth in Section 5.3(C), DRB finds that the proposed development is compatible with its setting and context, will not interfere

with safe and adequate access from the site to the public road, and requires no additional landscaping or screening.

5.4 Conditional Use Review, Subsection (E) Supplemental Standards In addition to the review standards set forth above, the DRB may also impose conditions in accordance with Section 5.4(E) to minimize nuisance and adverse impact on neighboring properties.

9. Upon review of the seven supplemental standards in Section 5.4(E), DRB finds that the proposed development will maintain the district character and does not require additional conditions to prevent a potential adverse impact on nearby properties.

Table 2.6 Conservation Overlay Areas, Subsection (E) Supplemental District Standards In addition to the conditional use standards above, the DRB must approve all land development identified in the Conservation Overlay Areas in accordance with the requirements set forth in Table 2.6(E).

10. **Protect natural features, wetlands, wildlife habitat, and water supply sources.** No structures are proposed in or near the conservation overlay area or the floodplain. Amended water and wastewater permits for the proposed use have been obtained. DRB concludes that the land and water are capable of sustaining this use without degradation.

Decision

By unanimous vote, DRB grants site plan and conditional use approval for permit application #10-035 as presented.

Voting in favor: Curtis, Cueto, Santor, Pierce, Troia; Voting to deny: None;
Absent: Welch, King, Watson, Lane, Ricker. The decision carries, 5-0.

Dated this 8 day of March 2012.

By: 
Richard Curtis, Chair
East Montpelier Development Review Board

NOTICE OF RIGHT TO APPEAL: In accordance with 24 V.S.A. §§ 4471 and 4472, this decision may be appealed to the Vermont Environmental Court within 30 days of the date of this decision. Notice of appeal shall be filed by certified mailing, with fees, to the Vermont Environmental Court and by mailing a copy to the East Montpelier Town Clerk, or the Zoning Administrator, who shall supply a list of interested persons to the appellant within five (5) working days. Failure of any interested person to appeal this decision to the Vermont Environmental Court within the specified 30-day period shall result in such interested person being bound by this decision or act of the DRB. Thereafter, such an interested person shall not contest, either directly or indirectly, the decision or act of the DRB in any subsequent proceeding, including any enforcement action brought under the provisions of Title 24, Chapter 117 of the Vermont Statutes Annotated. See also Town of East Montpelier Land Use and Development Regulations, Section 7.5(B) Appeals.