

TOWN OF GEORGIA ZONING BOARD OF ADJUSTMENT
47 Town Common Road North
Georgia, VT 05478
Phone: 802-524-9794 • Fax: 802-524-3543
Monday, December 3, 2018

Board Members Present: James Powell, Gilles J. Rainville, Krissy Jenkins, Kyle Anderson, Rich Hamlin and Tony Gabel

Board Members Absent: None

Staff Present: Cindy Deyak

Others Present: Dave & Cindy Lang, Charles Miranda, Joe Nasca, Bob Provost, Justin Holmes, Kevin and Sarah Camisa.

Approved: February 4, 2019

Meeting called to order at 7:00 pm by James Powell, Chair.

James Powell swore in those providing testimony.

ZBA #009-18 Kevin Camisa d/b/a 17 Black Walnut, LLC, Applicant/Owner

Cindy Deyak read the Zoning Administrator's report.

“On November 5, 2018, applicant submitted an application requesting Conditional Use in order to construct mixed use buildings containing a Level II daycare and multi-tenant elderly housing. Subject property is located at 26 through 104 Ballard Road in the South Village Zoning District. This property was formerly the Georgia Fun Center.

Level II Daycare and *Multi-Tenant Elderly Housing* are conditional uses in the South Village zoning district (Section 2.2). *Level II Daycare* is defined as “[a] State registered or licensed family child care facility serving more than six full-time and four part-time children as defined in Title 33 V.S.A. *Multi-Tenant Elderly Housing* is defined as “multiple dwelling units with no more than two bedrooms per unit designed specifically to meet the physical and living requirements of the elderly or handicapped and restricted to occupancy by one or more persons over 55 years of age or handicapped as the principal tenant(s) of each unit.”

The property currently consists of three lots totaling 7.15 acres. Lot 2 is currently 3.07 acres and includes the old track, mini-golf course, and bumper boats. Lot 4 is 0.96 acres and includes the original farmhouse with two bedrooms plus a one bedroom apartment. Lot 5 is currently 3.12 acres and includes a barn and silo. This lot previously included the driving range tee boxes and parking area for the previous development. Applicant intends to reconfigure the lots from three to four as shown on the proposed plan.....”

Justin Holmes, Pinnacle Engineering. Justin went over the existing conditions. The property is currently made up of three lots. Lot 2 includes the mini-golf, bumper boats and go cart track. Lot 4 is the old farmhouse with a one bedroom apartment. Lot 5 is the lot with a pole barn and silo.

Lot 4 currently has its own driveway that is proposed to remain the same. Access to Lot 2 is currently across Lot 5 with a 60 ft. wide right of way. We are in the southwest corner of the South Village District.

We are proposing to use the existing well on site which is 100 gallons per minute and then another smaller existing well that serves the old farmhouse and the apartment. The daycare at the Georgia Farmhouse is currently hooked on to the 100 gallons a minute well, with a right of way that comes up around. On the proposed plan the new proposed daycare would be hooked on to the public community water supply. There is a new public community well that has been constructed that yields 75 gallons per minutes. We still have a lot of testing to do on this but we have at least determined that we do have a water source on site.

A public community water supply is required when you are serving more than 25 people year round. With a public community water supply you are required to have control of the entire isolation zone around the well. What is allowed in this isolation area are sidewalks and parks, but you can't have buildings, parking areas or driveways. They drilled a well and we had success and yielded 75 gallons per minute.

We are proposing three different wastewater systems. A 3,900 gallon system on proposed Lot 2, a 5,300 gallon system on proposed Lot 4, and a 6,300 gallon system on proposed lot 6.

On Lot 2 we are proposing three buildings each with 5 residential units. On Lot 4, no changes in use at this time. On Lot 5 we are proposing two similar buildings to the ones being proposed on Lot 2, although there will be one or two bedroom units and then a new daycare that goes on Lot 5 as well. We are also proposing a pharmacy or some kind of retail around half of the first floor and four additional residential units.

The building on Lot 6 will include a first floor parking garage and then three stories above that of 60 residential units of elderly housing.

Lot 4 access will remain unchanged. We are proposing to upgrade the existing access on Ballard Rd. to serve Lots 2, 5, and 6. Lot 5 will also be served by the 60 ft. wide right of way that the adjacent church granted to the Town when they went through their site plan approval.

As far as traffic, we are planning on having a traffic impact study performed by the same firm that is doing the corridor study for the South Village with VTrans.

The total number of residential units is 93. Generally there will be one person per unit, but there may be two people. From a wastewater perspective we count them as 1.5 people per unit for the 60 unit building, so that would be maybe 90 people.

We have tried to be sensitive to the surrounding residential neighborhood, which is in the AR-3 district which is high density residential. We could, in theory, construct along the street with a massive building, almost 50 ft. high. We just didn't think really that is what they wanted to look at so in a transitional nature we are proposing 5 units in a building here, a little bit of commercial with four additional units here, we put the daycare to the back to try to get it away from the road and to give them a little bit of open space in the rear and obviously the more intensive use at the rear with the 60 elderly housing units.

All of the buildings in the front are two stories. There will be access through the church parking lot. You may see the daycare on the back corner move to a different building. There is a huge need for daycare around here.

The Zoning Administrator asked where the designated outdoor play area for the proposed daycare would be located as it is not shown on the proposed plan. Justin Holmes stated that it would probably be in the well

isolation area. This was not put on the drawing and is something that would need to be addressed. The Vermont state daycare license would dictate the size and location of the outdoor play area.

Joe Nasca asks, “Does the big building in the back have parking; is the parking below grade?” Justin states that it is going to be on grade with everything built above it. The building is estimated to be about 42 feet high.

There was a general discussion regarding the definition of mixed use in the South Village District.

We are currently working with our architect on sprinkler design in order to figure out the well situation. Justin has talked to the State Fire Marshall and there are some buildings that will definitely have to have sprinklers, so we are still working out the requirements of that. The others, it depends, there are different construction techniques, and different fire proofing that may or may not necessitate sprinklers.

James asked the neighbors that were here what they thought of the project. Are you guys excited about this project? Dave Lang states he doesn’t mind seeing it happen, to get some change going on around town.

Joe Nasca asks if the fire department has the equipment to deal with a fire in a three story building. Justin states that we just got a letter from the Fire Chief this afternoon and the Fire Department doesn’t have the equipment to deal with the three story building. That was one of the issues that the Chief addressed in his letter. There was a general discussion regarding the fire safety of the building.

One possibility is to move the daycare one unit down. In the plan we are intending to move forward with the daycare on the property for now.

Kevin states, “We want something that fits. We really ran around trying to find what we felt were the right puzzle pieces for this.”

Justin will get some drawings done of where the playground is going to go outside of the daycare. At this juncture, is the board in a position to approve the day care because there is no plan for the play area? There is a State process that this daycare will need to go through, which mandates within the permit that they have to provide details. Can the board approve the daycare, with the condition that they get all of their state permits? The board can put conditions on a permit, if they choose to.

There are a couple of choices. You can take the daycare off the table, we can continue the hearing until you have a plan for the daycare or the board can approve the plan conditional on them getting the state permits required. Continuing the hearing would not stop you from moving forward with the Planning Commission either.

There was a general discussion on what would be the next step regarding getting the daycare their conditional use permit. The applicant still has to go through the permitting process for the daycare with the State. The State is going to require that they look at the traffic pattern, the safety, etc.

Motion made to close the hearing at 8:15 p.m., made by Rich Hamlin, second by Tony Gabel. No further discussion. All in favor.

Motion to accept the minutes of the October 15, 2018, Zoning Board of Adjustment meeting, as presented, made by Gilles Rainville, seconded by Kyle Anderson. No further discussion. All in favor; the motion carried.

Motion made to enter deliberative session made at 8:20 p.m. by Tony Gabel, seconded by Gilles Rainville. The ayes were unanimous, the motion carried.

Motion made to come out of deliberative session at 8:45 p.m. by Rich Hamlin, seconded by Tony Gabel. The ayes were unanimous, the motion carried.

Motion out of deliberative session to approve the 17 Black Walnut, LLC request for Conditional Use for a Level 2 Daycare Facility and Multi-Tenant Elderly Housing, with conditions, made by Gilles Rainville, seconded by Tony Gabel. Rich Hamlin voted against; all others in favor; the motion carried.

Motion made to close the hearing at 8:45 p.m., made by Kyle Anderson, seconded by Krissy Jenkins. The ayes were unanimous, the motion carried.

Respectfully submitted,
Krissy Jenkins