

**TOWN OF POULTNEY
DEVELOPMENT REVIEW BOARD**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

INTRODUCTION AND BACKGROUND

On or about October 15, 2022, Regenerative Land Holdings LLC (“RLH” or “Applicant”) submitted a zoning permit application for a “Planned Unit Development” located at 41 Brennan Circle, Poultney, Vermont.

The zoning application was referred to the Poultney Development Review Board (DRB) for hearing pursuant to Poultney Unified Bylaws (PUB) Article IV, Article IX, and Article XV.

On November 21st, 2022, the DRB convened a duly warned public hearing at the Poultney Town Office to consider the application pursuant to the PUB. Hearings were recessed and continued to December 14th, 2022. On December 14th, 2022, the hearing was recessed until receipt of the Water/Sewer Allocation from the Village of Poultney, upon which the DRB would go into deliberations.

All members of the DRB who have deliberated and have participated in this decision have reviewed all exhibits and other evidence and have attended all hearings in this matter personally, pursuant to 24 V.S.A. §1208(b).

Public in attendance included:

Albert Kulik, Nick Guitierrez, Mariah Lovejoy, Sarah Pelkey, Cindy McMahon, Carol Bunce, Steven Biset, Henry Piccolo, Amelia Arcamone-Makinano, Bonifocio Makinano, Chuck Colvin, Gerry Dankowski, Mary-Sue Reed, Robert Williams, Rick LaPierre, Joanne LaPierre, Sheryl Porrier, Leo Gibson, Daniel Norwood, Nic Stark, Margaret Mug, and Paul Donaldson.

The following members of the public were sworn in to testify and/or presented evidence as Interested Parties:

Amelia Arcamone-Makinano, Bonifocio Makinano, Richard LaPeirre, Mariah Lovejoy, Nick Guitierrez, and Henry Piccolo.

Based upon the testimony of the interested parties appearing during the Hearing and the documents and evidence introduced at the hearings, the DRB finds, concludes and orders as follows:

FINDINGS OF FACT

- 1) The subject property is a single, contiguous and integrated parcel of land identified as Poultney tax map parcel #215030-013 with multiple pre-existing structures (“the Parcel”).
- 2) The Parcel is comprised of portions of those lands that are described in a Warranty Deed from Green Mountain College to Regenerative Land Holdings, LLC and dated September 17, 2020 and of record in the Poultney Land Records at Book 194, Page 260. See Exhibit A-15.
- 3) The lot is comprised of approximately 112.43 contiguous acres and consists of approximately 172,960 square feet of interior space in 20 structures.
- 4) An application has been filed by Regenerative Land Holdings, LLC for a Planned Unit Development.
- 5) The area of the lot impacted by the application is comprised of approximately 112.43 contiguous acres and consists of approximately 100,024 square feet of interior space in 6 structures.
- 6) The property is owned by Regenerative Land Holdings, LLC.
- 7) Submitting evidence and testimony on behalf of the applicant is Dan Norwood, Campus Redevelopment-Bhakta Spirits; Abby Dery, P.E., Director of Project Management, Trudell Consulting Engineers (TCE); and Roger Dickinson, PE, PTOE, Trudell Consulting Engineers (TCE).
- 8) The following documents were introduced by interested parties during the hearings and have been admitted as Exhibits for the DRB’s consideration: DRB incorporates as part of the permanent record of this hearing, the following:

Application for Planned Unit Development (41 Brennan), submitted by the Applicant, on, or about October 15, 2022. Entered into evidence and labeled as **Exhibit A-1**.

Narrative of Poultney Campus Development, dated June 28, 2022, submitted by the applicant on, or about October 15, 2022. Entered into evidence and labeled **Exhibit A-2**.

Survey map and description of lands owned by Regenerative Land Holdings, dated 1937, submitted by the applicant on, or about October 15, 2022. Entered into evidence and labeled **Exhibit A-3**.

Green Mountain College Parking Design, submitted by the applicant on, or about October 15, 2022. Entered into evidence and labeled **Exhibit A-4**.

Overall Existing Conditions map (C-1.0), dated December 7, 2021, submitted by the applicant on , or about October 15, 2022. Entered into evidence and labeled **Exhibit A-5.**

New Campus Plan map (SP-1), dated September 9, 2022, submitted by the applicant on, or about October 15, 2022. Entered into evidence and labeled **Exhibit A-6.**

Letter of Transmittal, dated December 14, 2022, submitted by the applicant on December 14, 2022. Entered into evidence and labeled **Exhibit B-1.**

Landscape Plans map and materials (LA-01, LA-02, LA-03), dated December 14, 2022, submitted by the applicant on December 14, 2022. Entered into evidence and labeled **Exhibit B-2.**

Overall Site Plan map (C2-01), dated December 14, 2022, submitted by the applicant on December 14, 2022, and to be amended. Entered into evidence and labeled **Exhibit B-3.**

Lighting Plan map (LI-01), dated December 14, 2022, submitted by the applicant on December 14, 2022. Entered into evidence and labeled **Exhibit B-4.**

Lighting Specifications, dated December 14, 2022, submitted by the applicant on December 14, 2022. Entered into evidence and labeled **Exhibit B-5.**

Traffic Technical Memo, dated December 14, 2022, submitted by the applicant on December 14, 2022. Entered into evidence and labeled **Exhibit B-6.**

Water/Sewer Allocation for the Village of Poultney dated February 9, 2023, submitted by the Village of Poultney on February 10, 2023. Entered into evidence and labeled **Exhibit B-6.**

- 9) The Parcel is depicted as being located in the College Campus zoning district ("CC") on the Official Zoning Map (see PUB, **Article II: Establishment of Zoning Districts and Zoning Map**, at *Section 202*) and Official Zoning Map.
- 10) Pursuant to the **PUB, Article IX Planned Unit Development**, a Planned Unit Development is a use permitted in the CC District and that "[a]ll submission requirements by the applicant and public hearing process necessary for Conditional Use Approval (Article IV) and Site Plan Review (Article XIII) shall apply"

- 11) Currently, the structures on the subject parcel bearing street address of 41 Brennan Circle are unoccupied, having previously been College-related uses under the operation of Green Mountain College.
- 12) Individual uses proposed by the applicant include Retail, Hotel, Spa/Fitness Center, Micro Brewery/Distillery, Multi-family per **Exhibit A-2**. All structures proposed to house these uses are highlighted in yellow on **Exhibit B-3**.
- 13) The hours of operation and days of operation of the individual uses could not be confirmed, though it was estimated that there would be little change from the previous use of the property as a college campus.
- 14) The structures on the Parcel have been used, historically, for college related purposes, including a dining hall and event center, dormitories, a café, a fitness facility, a theater, a library, art galleries, administrative offices, and a biomass plant.
- 15) The number of employees of the proposed hotel and accessory uses could not be confirmed, though it was estimated that between fifty (50) and sixty (60) full and part time employees would work at the hotel and accessory uses during hours of operation.
- 16) The Applicant proposes to offer spaces for 549 cars (137 existing, 412 new), at various locations on the property per **Exhibit A-6**.
- 17) The existing access points to the property from College Street will be retained, and an additional entry to College Street will be introduced per **Exhibit A-6**.
- 18) All lighting will be similar to existing which has both free standing poles and lanterns which are part of the walls, and all fixtures will be Dark Sky friendly, per **Exhibit A-6**, **Exhibit B-4**, and **Exhibit B-5**.
- 19) Due to the utilization of existing historic structures, the application does not expand or decrease the degree of structural nonconformance of existing structures.
- 20) The Applicant has proposed to provide screening of a three (3) foot brick bordering all parking areas in view of neighboring properties per **Exhibit B-2**.
- 21) The applicant has testified that current Daily Traffic and load increase if the Planned Unit Development is approved is expected to increase by 762 trips per day on the average weekday, resulting in good levels of service (LOS B) with peak hour delays of ± 14 seconds per vehicle per **Exhibit B-6**.
- 22) The applicant has proposed additional landscaping for the property, including the screening of new parking areas, per **Exhibit B-2**.

- 23) The applicant has testified that ingress and egress for public access will flow through various entry points on campus, including new access per **Exhibit B-6**. Deliveries will use the Rae Terrace entrance.
- 24) A delivery schedule could not be confirmed by the Applicant, but was presumed to be similar to previous operations of Green Mountain College.

CONCLUSIONS OF LAW

A. Planned Unit Development

- 25) It is evident from the facts as submitted by the Applicant and found above that the proposed application conform with the PUB.
- 26) The subject parcel is not less than 5 acres, is located in the College Campus Zoning District, and as determined by the DRB, has met the requirements of Conditional Use Review (see **Section B. Conditional Use Review**, below).
- 27) The PUD is consistent with the Town Plan, the land uses involved conform to those allowable for the district in which the project is located, or, from the determination of the DRB, the PUD involves uses that are of the same general character as those allowed in the district in which the use is proposed.
- 28) All zoning requirements for the underlying district, except for dimensional requirements (Article V, Section 501) for structures existing at the time of the Poultney Unified Bylaws' adoption, have been met.
- 29) Proposed special landscaping and natural buffer setbacks are sufficient to protect the character of adjacent properties.
- 30) All property within the PUD is owned by one entity or individual.

B. Performance Standards

- 31) It is evident from the facts as submitted by the Applicant and found above that the proposed application conform with the PUB.
- 32) There shall be no noise which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area.
- 33) There shall be no emissions of objectionable odor beyond the property line.

- 34) There shall be no emission of fly ash, dust, fumes, vapors, gases, or other forms of air pollution which can cause any damage to health, to animals, vegetation, or other forms of property which can cause any excessive soiling, at any point on the property of others
- 35) There shall be no vibration permitted which shall cause or result in any noticeable, clearly apparent vibration of or on the property of another landowner under normal conditions.
- 36) There shall be no glare, lights, or reflection permitted which are a nuisance to other property owners or tenants or which could impair the vision of a driver of any motor vehicle or which are detrimental to public health, safety, and welfare.
- 37) There shall be no fire, explosive, or safety hazard permitted which significantly endangers other property owners or which results in a significantly increased burden on municipal facilities or services.
- 38) There shall be no storage of any highly flammable liquid in tanks above ground with unit capacity greater than five hundred-fifty (550) gallons shall be prohibited, unless such tanks up to and including ten thousand (10,000) gallon capacity are placed not less than eighty (80) feet from all property lines, and unless all such tanks of more than ten thousand (10,000) gallon capacity are placed not less than two hundred (200) feet from all property lines.

C. Conditional Use Review

- 39) It is evident from the facts as submitted by the Applicant and found above that the proposed application conform with the PUB.
- 40) The application as proposed will not have an undue adverse effect on existing and planned community facilities and services.
- 41) The application as proposed will not have an undue adverse effect on the character of the neighborhood or area affected.
- 42) The application as proposed will not have an undue adverse effect on traffic on roads or highways in the vicinity.
- 43) The application as proposed meets the standards of Article XV, Section 1529, and other specific requirements of the Poultney Unified Bylaws, and complies with other Town Ordinances and Regulations.
- 44) The application as proposed will not have an undue adverse effect on utilization of energy resources.

- 45) The project complies with and actively furthers the Poultney Town Plan.
- 46) The application as proposed meets the requirements of Article IV, Section 411, Section 413, Section 416, Section 421, and Section 428, except for dimensional requirements for structures existing at the time of the Poultney Unified Bylaws' adoption, per **A. Planned Unit Development (28)** above.

ORDER/DECISION

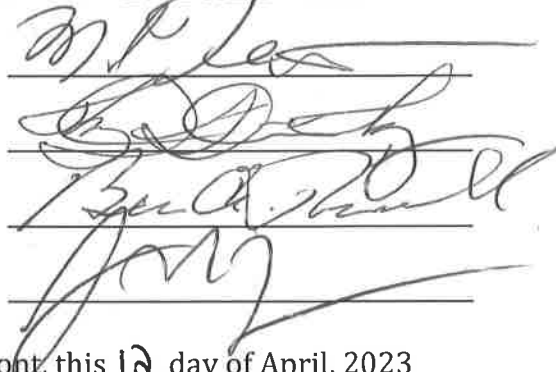
Insofar as the application as filed seeks use and site plan approval in connection with 41 Brennan as a Planned Unit Development, the same is approved conditioned on the receipt of a modification of Exhibit B-3 to include Waldron Athletic Center within the project boundaries.

Motion made by Ben Thirkield, seconded by Margaret Mug. Motion passed with all in favor.

APPEAL PROCEDURE

Any interested person who has participated in this proceeding may appeal this Decision of the Development Review Board to the Superior Court, Environmental Court within thirty (30) days of this decision under Section 1001(b) and pursuant to 24 V.S.A. §4471. Upon the failure of any interested person to appeal this decision to the Superior Court, Environmental Division, this decision will be final. See 24 V.S.A. §4472(d).

DEVELOPMENT REVIEW BOARD MEMBERS for the decision



Dated at Poultney, Vermont, this 12 day of April, 2023

Copy to: Dan Norwood, Campus Redevelopment-Bhakta Spirits (Certified Mail)