

Town of Danville, Development Review Board
Permit 2024-04, Conditional Use Hearing

Applicant: Adam Kane for the Fairbanks Museum and Planetarium

Site: TH068-005.000, 745 Chet Willey Road, Danville VT 05828

Zoning District: Low Density Residential/Conservation.

Project Description: Develop a 20-car gravel parking area, a pavilion, and a rest room facility to access the Matsinger Forest. Construct a 100sf restroom addition to the existing log cabin structure to allow exterior access.

Warning: 27 January 2024 (Caledonia Record).

Hearing Date: 21 February 2024.

Development Review Board Members Present: Mickey Bullock, Brian Henderson (Chair), Terry Hoffer, Craig Morris, Bruce Palmer, Theresa Pelletier, Larry Rossi, Wes Standish(Alt).

Development Review Board Members Absent: Bob Magro(Alt.).

Interested Parties Present: Leslie Fredette, Dave Houston, Adam Kane(Applicant), Dennis Marquise (Zoning Administrator), John and Linda Roberts,

Correspondence from Interested Parties: Additional ANR color site plan showing trails and pavilion location (by Applicant).

Disclosure of Conflict of Interest: None.

Disclosure of *Ex Parté* Communication: None.

Applicable Bylaws:

This application requires a review by the DRB under the following section of the Danville Bylaws:

Sec 502.3, page 31, Conditional Use

Sec 516, page 49, Low Density Residential District

Sec 517, page 51, Conservation District

Findings of Fact:

Sec 502.3 *Conditional uses are those uses that may be allowed by the Development Review Board as provided for in 24 VSA §4414 after public notice and hearing. In order for the permit to be granted the DRB must find that the proposed use is in conformance with the specific standards for the district in which it is located, and it shall not adversely affect:*

Responses furnished by Applicant.

- a) *The capacity of existing or planned community facilities,*

No

- b) *The character of the area affected as defined by the purpose of the zoning district within which the project is located, and specifically stated policies and standards of the plan,*

The proposed project will have no significant effect on the rural character of the area. The property was enrolled in the Reserve Forestland category of Use Value Appraisal in fall 2023; one of the very first properties in the state enrolled in this category which values and accelerates the development of old forest conditions. No additional residential units will be added to the property. Given the size of the parcel, the low impact recreational and educational use of the property will be largely invisible to neighbors and passersby.

- c) *Traffic on roads and highways in the vicinity,*

The proposed project is opening a heretofore closed tract of land to recreational users and educational programs. Given that the property currently results in very limited, if any, traffic on surrounding roads, the creation of a community-based outdoor recreation site cannot but increase traffic. With that said, we believe the traffic will be limited. As a walking/hiking site, the property has lovely trails but there is no destination such as a swimming hole or peak that would drive significant volumes of traffic. For educational programs such as summer day camps, we anticipate having 12-15 campers per day there for three to eight weeks per summer. This activity, measured against the baseline, is an increase, however, we believe that increase will be modest in the overall traffic pattern.

- d) *Bylaws and ordinances then in effect,*

See bylaws below.

- e) *The utilization of renewable energy resources.*

This project will have no effect on the potential utilization of renewable energy resources. Based on the VLT conservation easement, we would not be allowed to site renewable energy projects on the property.

Sec 516.2, *LDR, Permitted and Conditional Use.*

Recreational Facility and Community Center is a Conditional Use in this district.

Sec 517, *Conservation District, Permitted and Conditional Use.*

Community Center is a Conditional Use in this district.

COMMUNITY CENTER: Establishment where members of the public can meet for social, educational, or recreational activities.

Summary of Discussion:

Adam Kane gave a brief presentation on the history and future of this parcel. The 515-acre parcel falls under a VT Land Trust easement, and motorized vehicles are prohibited. Vermont permitting under Wetlands and Act 250 has been submitted. A live-in caretaker will occupy the existing off-grid camp on Chet Willey Rd.

The parking area is located on a relatively flat area bordered by Thaddeus Stevens Rd. This area is covered by a Norway Spruce forest, which will be cleared. The parking lot is sized for bus turnaround and has space for approximately 20 cars. The gate to the parking area will be opened and closed as required by the live-in caretaker. This parking area will have a kiosk with a trail map, and a small structure to house a composting toilet.

Fairbanks Museum intends to operate a day camp on this parcel from 8:30 to 3:00 during the summer. They will also offer adult education programs along with teacher continuing education (accredited by Castleton University). An alternative education "Forest School" will be offered one day per week. The educational programs will generally be offered during the warmer months only.

A very rustic 20' diameter shelter will be constructed in the forest to the north of the parking area. There will be additional bathroom facilities available at the caretaker's cabin. One of the existing bathrooms in the cabin will be relocated to a small addition constructed to permit exterior access.

Decision and Conditions:

The Chair entered a motion to approve the permit as submitted with conditions. Bruce Palmer seconded the motion. With all in favor, and with no objections, the permit was approved with the following condition:

1. The applicant is encouraged to obtain VT Wastewater permits for both bathroom locations, if required.

An approved permit will be issued once the above conditions are met and the 30-day appeal period has passed, pending any appeals.

Signed:

Brian F Henderson

Brian Henderson, Chair, Danville Development Review Board

Date of Decision: 21 February 2024

Final Appeal Date: 22 March 2024

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings (in person or in writing) before the Development Review Board. Such appeal must be made within 30 days of the date of this decision, pursuant to 24 V.S.A. #4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.