

**TOWN OF SOUTH HERO, VERMONT
DEVELOPMENT REVIEW BOARD
DECISION DATED November 9, 2022**

APPLICANT

Name: Joseph Brigante/St. Croix Properties
Address: 219 Pearl St., Essex Junction, VT 05452

LANDOWNER

Name: same

APPLICATION

Type: Site Plan review for a Change of Use – Retail to Professional Services

Number: 23-35-RT334

PROPERTY

Location: 334 US RT 2

Hearing Date: October 26, 2022

St. Croix Properties, LLC submitted an application on September 30, 2022 requesting a site plan review for a change of use from retail to professional services at 334 US RT 2. The previous business had been South Hero Pharmacy. Per Section 805 of the 2021 amended South Hero Development Regulations, a warning for the public hearing appeared in the October 10, 2022 issue of the Islander and was posted in the Town Office, the Post Office, and the Town Library, and abutters to the property were notified. A hearing was held on October 26, 2022. A list of those who were present and participated in the hearings is included in the minutes.

During the course of the hearing, the following exhibits were submitted:

- Town of South Hero Development Regulations, effective September 13, 2020
- Application for Final Site Plan review, dated and rec'd September 30, 2022.
- Site Plan "St. Croix Properties, LLC" by Buermann Engineering; dated Oct. 6, 2022 and rec'd Oct. 11, 2022.
- Narrative from proposed business, Melissa Howe, dated Oct. 13, 2022.

- Email from Ed Pierce, Permit Coordinator with VTrans, dated and rec'd October 18, 2022.
- Warning Ad, Abutters' Notice, and Hearing Letter for the October 26, 2022 Site Plan review.
- Staff report by Zoning Administrator for the October 26, 2022 hearing.
- Draft Minutes from the October 26, 2022 hearing.

Based on the application, supporting documents, and testimony of Joseph Brigante and Melissa Howe, the **Development Review Board makes the following Findings and enters the following decision:**

Findings:

1. 334 US RT 2 is a 0.72-ac. lot on the north side of RT 2, directly across the road from the South Hero Town Office. This was the previous location of the South Hero Pharmacy.
2. The lot is in the South Hero Village Zoning District.
3. The Applicant is proposing to change the use from retail establishment to professional services. The Applicant wishes to lease the property to Melissa Howe, who owns an audio, video, and print media company.
4. The structure is 5688 square feet.
5. There will be no changes to the exterior of the building and the site. Exterior lighting will remain the same.
6. There will be 2 full-time employees, with occasional additional professional contractors when needed.
7. Proposed hours of operation are 8AM to 5PM weekdays.
8. There are 25 parking spaces available. Two of these spaces are ADA compliant.
9. Current wastewater is permitted for 243 gals/day. This number is based on 18 employees at 15 gals/day. There will be no public restroom.
10. The site plan was sent to VTrans for review since the site plan is on RT 2. An email from Ed Pierce, Permit Coordinator for VTrans, stated that they had no concerns with the proposal.

The site plan was deemed complete and T. Maxham closed the hearing on October 26, 2022.

Conclusions of Law:

- A. Per Table 2.1, professional services in the South Hero Zoning District are permitted with site plan review.
- B. The number of proposed parking spaces exceeds the requirements of Table 5.1 (Minimum Parking Ratios) for professional services with no regular customer traffic (1 space per 900sf).

- C. The plan, as presented, meets the requirements of Table 3.2 (Final Site Plan Requirements) and Sec. 303.D (Final Site Plan Review).

On November 9, 2022, M. Welch moved to approve the change of use from retail to professional services, with the findings of fact listed and with the following Conditions; D. Patterson second. Whereas, Final Approval was granted to the application with Conditions, with the following people voting in the affirmative: T. Maxham, D. Patterson; L. Kilcoyne (via email), and M. Welch.

Conditions:

1. Applicants shall comply with all evidence as presented at the hearing or as amended by this decision.
2. Signage shall meet the requirements of the South Hero Sign Ordinance.
3. It will be the Applicants' responsibility to obtain all required State permits.
4. The Town of South Hero's responsibilities are limited to ensuring compliance with the approvals and permits issued by the Town of South Hero. The Town accepts no responsibility for compliance with the conditions of any permits or approvals issued by any other entity. The Town of South Hero will not be liable for the failure of the applicants to carry out their duties and responsibilities.

Dated: November 9, 2022


For the Development Review Board

APPEAL RIGHTS

Any appeal of this decision must be filed with the Superior Court, Environmental Division (located at 2418 Airport Road, Suite 1, Barre, VT 05641-8701) within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. §1431 and the 5% surcharge required by 32 V.S.A. §1434a(a), which is \$262.50 as of January 2011. A copy of this appeal must be filed with the Zoning Administrator or the Town Clerk within thirty (30) days from the date of issuance.