

**TOWN OF SOUTH HERO, VERMONT
DEVELOPMENT REVIEW BOARD
DECISION DATED December 14, 2022**

APPLICANT

Name: Meghan Kohlmeyer/Island Time Golf
Address: 21 Iby St., South Burlington, VT 05403

LANDOWNER

Name: Martin and Patricia Lavin

APPLICATION

Type: Conditional Use review for a miniature golf course.

Number: 23-28-RT275

PROPERTY

Location: 275 US RT 2 (Lot #2)

Hearing Date: November 9, 2022

Meghan Kohlmeyer, representing Island Time Golf, submitted an application on October 18, 2022, requesting a conditional use review for an 18-hole miniature golf course on Lot #2 at 275 US RT 2. This property is owned by Martin and Patricia Lavin. Additional site plan review will be required should the DRB approve the conditional use review. Per Section 805 of the South Hero Development Regulations, a warning for the public hearing appeared in the October 26, 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. The hearing was held on November 9, 2022. A list of those attending and participating 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 Conditional Use review, rec'd October 10, 2022.
- Narrative by Applicant, dated October 17, 2022; rec'd October 18, 2022.
- Conceptual drawings with signage and design features, dated October 2022; Rec'd Oct. 18, 2022.

- Reference map showing Lot 2 location in Lavin subdivision, taken from a larger subdivision sketch plan by Jeff Sikora.
- State Wastewater rules Chapter 1, Sec. 304(29).
- Warning Ad, Abutters' Notice, and Hearing Letter for November 9, 2022 Conditional Use review.
- Staff report by Zoning Administrator for November 9, 2022 hearing.
- Conceptual site plan submitted at the November 9, 2022 hearing.
- Minutes from the November 9, 2022, 2022 hearing.

Based on the application, supporting documents, and testimony of Meghan and Kevin Kohlmeyer, **the Development Review Board makes the following Findings and enters the following decision:**

Findings:

1. The 2.44-acre lot is identified as Lot #2 of the Lavin subdivision #19-45-RT275, approved by the DRB on August 28, 2019, and fronts onto US RT 2. The lot is in the South Hero Village Zoning District.
2. The lot will be accessed from Lavin Lane, a 50-ft. wide access right-of-way from RT 2.
3. Meghan Kohlmeyer proposes to build an 18-hole miniature golf course on the lot. The theme of the seasonal course will center on artifacts from "Champ's" adventures. The 'steampunk' style will include a decoy submarine, the Island Railroad, a lighthouse, and other fixtures related to northern Lake Champlain. All structures will be anchored in concrete. Designs will be concrete and steel and will be wind resistant.
4. A 'clubhouse' for office space, ticket sales, and equipment will also offer concessions from a small freezer. No food will be cooked on-site, and no food trucks will operate at the site.
5. 2 to 3 employees will be working at any given time. The maximum number of patrons is 108.
6. Daily business hours are weather dependent: April and May -- 10am to 7pm; June to August -- 10am to 9pm; and September to October -- 10am to 7pm. The course will be open 7 days/week for up to 120 days/year.
7. All facilities will be ADA compliant.
8. The Applicant proposes to incorporate existing drainage swales and large trees as part of the course. If necessary, trees will only be removed for safety reasons. Existing underbrush will be removed. Landscaping is proposed throughout the course.
9. Operational lighting will illuminate footpaths only, will be no more than head high, and will be downward facing. Lighting plans for safety are yet to be determined. All lighting will be shielded with no bulbs exposed.
10. Power will be underground from a transformer in the Lavin Lane utility wasright-of-way.
11. There will be no outdoor music.

12. A four to five-ft. fence will encircle the course, with a buffer of 10 feet between the fence and the east, west, and north property boundaries.
13. 27 parking spaces will be in a gravel lot to the south of the clubhouse and golf course. There is room for future expansion of parking if needed.
14. Additional features include a bike rack. A future party pavilion and "Future Attraction" are shown on the conceptual site plan, but no specific proposal or plan is included with this review.
15. The proposal is exempt from wastewater. Porta-johns will be provided.
16. There will be off-season security cameras.

Chair Tim Maxham closed the hearing on November 9, 2022.

Conclusions of Law:

- A. Per Table 2.1 (Allowed Uses), Recreation uses in the South Hero Village Zoning District require conditional use and site plan review by the Development Review Board.
- B. The application meets the requirements of Sec. 302.D (Conditional Use Review – Review Standards).
- C. The application addressed the applicable standards of Articles 5, 6, and 7.
- D. Per Figure 3.2, the Development Review Board finds no undue adverse effect will be created. The proposal does not conflict with the standards in the Development Regulations or the current Town Plan (2015).

On December 14, 2022, M. Welch moved to approve the Conditional Use, 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; N. Hayward; M. Welch, and G. Hunt.

Conditions:

1. Applicants shall comply with all evidence as presented at the hearing or as amended by this decision.
2. The Applicant shall apply for site plan review. This conditional use review is valid for 5 years from the date of approval.
3. There will be no outdoor storage of materials or equipment.
4. Additional screening along the west boundary shall be shown on the site plan to further shield the course from the residential unit at 291 US RT 2.
5. At the site plan review, the Applicant should be prepared to discuss providing sufficient guarantees to the Town for demolition and site reclamation of the course and amenities should the business close permanently.

6. It will be the Applicants' responsibility to obtain all required State and Federal permits. Prior to the beginning of construction, copies shall be submitted to the Zoning Administrator.
7. 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: December 14, 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). 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.