

**TOWN OF SOUTH HERO, VERMONT  
DEVELOPMENT REVIEW BOARD  
DECISION DATED May 31, 2023**

**APPLICANT**

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

**LANDOWNER**

**Name:** Martin and Patricia Lavin

**APPLICATION**

**Type:** Final Site Plan Review for a Miniature Golf Course

**Number:** 23-43-RT275

**PROPERTY**

**Location:** 275 US RT 2 (Lot #2)

**Hearing Dates:** March 8, 2023; May 24, 2023.

Meghan Kohlmeyer, representing Island Time Golf, submitted an application on February 7, 2023, requesting a final site plan 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. Per Section 805 of the South Hero Development Regulations, a warning for the public hearing appeared in the February 15, 2023 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 March 8, 2023, recessed to April 27, 2023; and recessed again to May 24, 2023. 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:**

1. Final Site Plan review application, dated and rec'd February 7, 2023
2. Site Plan narrative by David Marshall, P.E., Civil Engineering Associates, dated February 12, 2023.
3. Site Plan Review Presentation – Island Time Golf; dated May 24, 2023; rec'd at May 24, 2023 hearing.

4. Complete Site Plan, by Civil Engineering Associates, items 'a' – 'h' dated May 23, 2023; rec'd at May 24, 2023 hearing. Items 'i' through 'q', were rec'd May 16, 2023, including:
  - a. Overall Plan Village Area (C0.0)
  - b. Existing Conditions Plan (C1.0)
  - c. Site Improvement Plan (C2.0)
  - d. Landscape Plan (L2.0)
  - e. Site Grading and Utility Plan (C2.1)
  - f. Site Lighting Plan (C2.2)
  - g. Site Drainage Plan (C2.3)
  - h. Proposed EPSC Plan (C3.0)
  - i. EPSC Narrative and Details (C3.1)
  - j. Site Details (C4.0)
  - k. Utility Details (C4.1)
  - l. Drainage Details (C4.2)
  - m. Specifications (C5.0)
  - n. Specifications (C5.1)
  - o. Specifications (C5.2)
  - p. Specifications (C5.3)
  - q. Specifications (C%.4)
5. Warning ad, Abutters Notice, and Hearing Letter for the March 8, 2023 Final Site Plan review.
6. Staff reports for March 8, 2023 and May 24, 2023 hearings.

Based on the application, supporting documents, and testimony of Meghan and Kevin Kohlmeyer and Dave Marshall, **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 Applicant received conditional use approval from the DRB on December 14, 2022 (application #23-28-RT275).
3. The lot will be accessed from Lavin Lane, a 60-ft. wide access right-of-way from RT 2.
4. 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 designed to look like Champ, the Island Railroad, a lighthouse, and a mobile telescope. All structures will be anchored in concrete. Designs will be concrete and steel and will be wind resistant.
5. The dimensions of the Champ submarine feature are 16' tall, 20' long, and 8' wide at the base. This feature is approx. 65 feet from RT 2 and will anchor the course's 12<sup>th</sup> hole.



6. The Island Railroad engine feature is 8' tall, 12' long, and 4' wide at its widest point. It is approx. 155 feet from RT 2.
7. The lighthouse feature is 18' tall, 6' wide at its widest point, and is 20' long (including a raised walkway to the base). It is approx. 200 feet from RT 2.
8. The mobile telescope feature is 5' tall, 8' long, and 5' wide at its widest point. It is approx. 50 feet from RT 2.
9. The course is designed around the natural landscape, working to build the holes around the trees and drainage swale. Priority will be given to reduce damage to tree roots. Some thinning will reduce crowding and improve the overall health of the trees. Trees identified for removal are less than 18" in diameter.
10. Power will be underground from the utility easement on the east side of Lavin Lane to a transformer across the road, then continue underground to the clubhouse. Any water service from the Fire District will also extend from the utility easement to the clubhouse.
11. A 3-rail cedar fence will be along the RT 2 and Lavin Lane frontage. Landscaping will provide screening along the west boundary of the lot.
12. A 'clubhouse' for office space, ticket sales, and equipment will also offer concessions made off-site. No food will be cooked on-site, and no food trucks will operate at the site. The structure will be stained cedar with an asphalt shingle roof.
13. The business sign on RT 2 will be a kiosk design with an asphalt roof matching the clubhouse. Lighting will be downward from under the roof of the kiosk.
14. A 29-space gravel parking lot is on the south side of the lot. The lot includes 2 HC spaces. All spaces meet the 9'x20' required dimensions. An open area between the parking lot and the course allows for additional expansion of parking.
15. The Landscape Plan (Sheet L2.0) shows hydrangea bushes on the east and north sides of the parking area (including the overflow space) to buffer the views from Lavin Lane.
16. A bike rack is shown on the south side of the clubhouse.
17. 2 to 3 employees will be working at any given time. The maximum number of patrons is 108.
18. All facilities will be ADA compliant.
19. The course will not operate after dark. Four motion sensor security lights within the course will be mounted on poles. Four bollards will light the path to the parking lot for employees leaving after dark.
20. Three bridges will cross the drainage swale.
21. The Applicants will apply for an Army Corps of Engineers General Permit for the wetlands and bridges with the final plans.
22. There will be no potable water or wastewater for the project. A porta-john is located on the south side of the lot, by the entrance to the course from the parking area. The seasonal use of the facility is eligible for an exemption from State wastewater permitting provided that temporary bathroom facilities (porta-johns) are used.
23. Stormwater plans will be submitted to the State once this application receives approval.
24. There will be off-season security cameras.

Chair Tim Maxham closed the hearing on May 26, 2023.

**Conclusions of Law:**

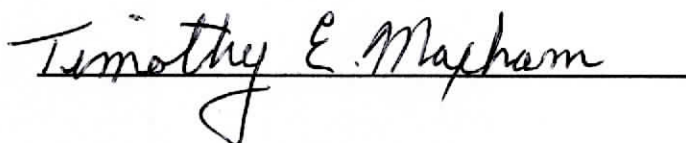
- A. The application meets the requirements of Sec. 303.D (Final Site Plan Review) and Table 3.2 (Final Site Plan Requirements).
- B. The application meets the requirements of Section 606.B (Stormwater Management)
- C. The Application meets the requirements of Section 603.A (Parking Area Design Standards).
- D. The Application meets the requirements of Section 602.B (Screening).
- E. The Application meets the requirements of Section 607 (Utilities).

**On May 31, 2023, M. Welch moved to approve the Final Site Plan, with the findings of fact listed and with the following Conditions; J. Brightwell second. Whereas, Final Approval was granted to the application with Conditions,** with the following people voting in the affirmative: T. Maxham; D. Patterson (via email); N. Hayward; M. Welch, L. Kilcoyne, G. Hunt, and J. Brightwell

**Conditions:**

- 1. Applicants shall comply with all evidence as presented at the hearing or as amended by this decision.
- 2. There will be no outdoor storage of materials or equipment.
- 3. Should the business close permanently, the owners will remove the course features and bridges.
- 4. There shall be two porta-johns, one of which is ADA compliant.
- 5. After one year of operation, the Applicants shall meet with the DRB to review adequacy of operations and amenities (parking, sanitation, lighting, etc.).
- 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: May 31, 2023**

A handwritten signature in black ink, reading "Timothy E. Maxham", is written over a horizontal line.

**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.