

**TOWN OF SOUTH HERO, VERMONT
DEVELOPMENT REVIEW BOARD
DECISION DATED March 13, 2024**

APPLICANT

Name: Yetta Rushford

Address: 263 West Shore Rd., South Hero, VT 05486

LANDOWNER

Name: Same

APPLICATION

Type: Site Plan Amendment

Number: 24-97-RT275

PROPERTY

Location: 275 US RT 2, Lot #2 (E911 Address issued after application – 62 Lavin Lane)

Hearing Date: July 24, 2024

Yetta Rushford, new owner of South Hero Adventure Golf, submitted an application on July 1, 2024, requesting a site plan amendment to DRB decision #23-43-R275 to change the features on the miniature golf course on Lot 2 at 275 US R T 2. No other changes are proposed. Per Section 805 of the South Hero Development Regulations, a warning for the public hearing appeared in the July 4, 2024 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 July 24, 2024. The Applicant presented the application to the Board. 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:

- Conditional Use/Site Plan review application #24-97-RT275, dated and rec'd July, 2024.
- Email from Yetta Rushford to South Hero Zoning Office, dated January 8, 2024.
- "Mini Golf Revisions" by Yetta Rushford and photos/renderings of proposed features, rec'd January 8, 2024
- Vermont Public Radio "On Lake Champlain", published August 3, 2017.

- Previously approved site improvement plan “Island Time Entertainment, LLC” by Civil Engineering Associates, Sheet C2.0, revision date June 1, 2023.
- Warning Ad, Abutters Notice, and Hearing Letter for July 24, 2024 DRB hearing.
- Staff report by Zoning Administrator for July 24, 2024 hearing.
- Meeting minutes from July 24, 2024 DRB meeting.

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

Findings:

1. 62 Lavin Lane (previously 275 US RT 2, Lot #2) is a 2.44-acre wooded lot that is the first lot on the right upon entering Lavin Lane from RT 2. The property was approved for a miniature golf course in May 2023 as DRB decision #23-43-RT275. The property is in the South Hero Village zoning district.
2. The previous Applicants sold the course plan to Yetta and Janet Rushford, owners of South Hero Adventure Golf. The Rushford’s are planning to use the 2023 approved plan but are asking the Board to amend the site plan to change the features, from the previous “steam punk/retro” to features that represent a more Vermont/New England theme.
3. The course will add some historical notes related to the area, including John Deere (born in Vermont), Ethan and Ira Allen, dairy farming, skiing, Mt. Mansfield and Camel’s Hump, and the Long Trail.
4. An update rendition of “Champ”, of the same size shape, and location, will replace the previous “steampunk” submarine Champ.
5. A John Deere tractor will replace the train feature.
6. An agricultural windmill will replace the lighthouse feature.
7. The Applicants anticipate that the parking lot will be constructed later in the summer after Lavin Lane is put in. Construction of the course is planned for the fall (2024) with the business opening in spring 2025.

The site plan was deemed complete, and T. Maxham closed the hearing on July 24, 2024.

Conclusions of Law:

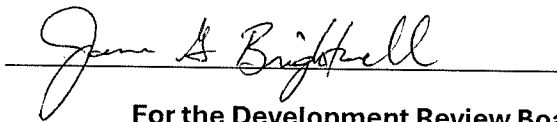
- A. Per Table 2.1 (Allowed Uses), recreation facilities in the South Hero Village Zoning District require conditional use and site plan review. Conditional use had already been approved in December 2022 by the Development Review Board.
- B. The application meets the requirements of Table 3.2 (Final Site Plan Requirements) and Sec. 302.D (Final Site Plan Review).

On August 14, 2024, M. Welch moved to approve the application, 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: D. Patterson; L. Kilcoyne; M. Welch; T. Mullen; and J. Brightwell.

Conditions:

1. Applicants shall comply with all evidence as presented at the hearing or as amended by this decision.
2. None of the feature replacements are to exceed the size or height of those originally approved.
3. It will be the Applicants' responsibility to obtain all required State permits and submit copies to the Zoning Administrator.
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: August 14, 2024



For the Development Review Board

APPEAL RIGHTS

Any appeal of this decision must be filed with the Superior Court, Environmental Division) 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.