

TOWN OF BETHEL
Development Review Board

Application for Conditional Use Review
Findings and Decision

In Regards to: Town of Bethel; Bethel Recreation Center, Property Owner

For the Property Located at: 115 Pleasant Street, Bethel, VT

Parcel # 16-246.000

Map #16-004.000

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves the review of an application for conditional use submitted by the Town of Bethel under the Bethel Vermont Unified Bylaw.
2. The application was received by Greg Maggard, Bethel Zoning Administrator on August 12, 2018. A copy of the application is available at the Bethel Town Offices
3. On October 18, 2018, notice of public hearing was published in the **Herald of Randolph**.
4. On October 18, 2018, notice of public hearing as posted at the following places:
 - a. The Town Clerk's Office;
 - b. The Bethel Public Library;
 - c. The Town of Bethel Website.
5. On October 19, 2018, 2017, a copy of the notice of a public hearing was mailed to the list of property owners adjoining the property subject to the application.
6. The application was considered by the Development Review Board (DRB) at a public hearing on November 6, 2018. The DRB reviewed the application under the Bethel Vermont Unified Bylaw as adopted June, 2018.

7. Present at the hearings were the following members of the DRB:

- Eric Benson
- Penny Griffin
- Charles Washburn
- Newt Whitcomb

8. At the outset of the hearing, the DRB afforded those persons wishing to receive status as an interested person an opportunity under 24 V.S.A. 4465(b) to demonstrate that the criteria set forth in that statute could be met. A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto.

9. During the course of the hearing the following exhibits were submitted to the DRB:

Exhibit #1. Site Plan

Exhibit #2. List of Abutting Property Owners

Additional exhibits available in the file at the Bethel Town Offices include:

Exhibit #3 Sign in Sheet from the 11/6 Hearing

Exhibit #4 Minutes of 11/6 Meeting

FINDINGS:

Based on the application, testimony, exhibits, and other evidence, the DRB makes the following findings:

1. The applicant seeks a conditional use permit to construct a skate park, tennis courts and basketball court per revised site plan.

2. The subject property is a 14.1 acre lot located at 115 Pleasant Street in Bethel. The property is currently in use the Municipal Recreation Center.

3. The property is located in the Village District as described on the Town of Bethel Zoning Map on record at Town of Bethel municipal office and section 4.7 of the Unified Bylaw.

4. Conditional use approval is required for the project as a Municipal use as that term is defined in section 4.4 of the Bylaw. The application requires review under the following sections of the Town of Bethel Zoning Bylaw:

- Section 4.7 – Village District
- Section 6.1 - Conditional Use Approval
- Section 6.9 - Site Plan Approval
- Section 8.1.3 – Appeal for Variance (Setbacks)

Section 4.7 Village District - "VD"

District Description

This area includes the areas of Bethel's Village which surround the Core Business District. This district includes a wide range of uses, but residential is the more prevalent use. Because there are areas with access to municipal sewer and water, density is high.

District Purpose

The purpose of this district is to support and maintain the role of the Village as the focus of many social and economic activities in the community and provide for high-density residential, commercial, industrial, municipal, and other compatible development that serves the needs of the Town as a whole.

Permitted Uses in the Village District

The following uses may be permitted upon the issuance of an Administrative Permit by the Administrative Officer:

1. One and Two Family Dwellings
2. Multiple Family Dwelling
3. Accessory uses or structures
4. Home Occupations (see Section 3.9)
5. Accessory Apartments (see Section 3.16.1)
6. Detached Housing (see Section 3.16.2)
7. Outdoor Signs (see Section 3.12)
8. Temporary Uses or Structures (see Section 3.4)

Conditional Uses in the Village District

The following uses are permitted uses upon granting Conditional Use Approval by the Development Review Board and issuance of an Administrative Permit by the Administrative Officer:

1. Town Center Commercial
2. Light Industrial
3. Individual Service
4. Community Service
5. **Municipal**
6. Child Care Facilities (see Section 3.18)
7. Special Public Uses (see Section 2.4)

Land, Area and Structural Requirements in the Village District

The following requirements apply to all development within the Village District unless specifically exempted in section 2.3.

1. Lot Area Minimum 20,000 square feet for all uses, excepting multiple family which requires 7500 square feet per unit.
2. Rear and Side Setback Minimum 15 feet
3. Front Setback Minimum: 25 feet from Right of Way.
4. Off-Street Parking Requirements (see Section 3.7)

[Per the submitted site plan, the proposed skate park and tennis courts do not appear to meet the requirements for the required 15' setback from the side property lines. - See Section 8.3.1 Appeal for Variance]

6.8 Conditional Use Criteria

The purpose of this conditional use review is to ensure compliance with standards addressing the potential impacts of development on adjoining properties and town facilities and services to thereby avoid or mitigate adverse impacts of that development.

General Conditional Use Standards

In granting an approval, the DRB shall find that the proposed use shall not result in an undue adverse effect on any of the following:

1. **Capacity of existing or planned community facilities or services.** The development shall not have an undue adverse impact on the existing or planned community facilities.
2. **The character of the area affected.** The DRB shall consider the character of the area affected as defined by the purpose(s) and standards of the district in which the proposed project is located as well as by the specifically stated policies and standards of the town plan.
3. **Traffic on roads and highways in the vicinity.** Adequate travel and pedestrian lanes on the site must allow residents, employees, business vehicles and delivery/service vehicles to safely enter and exit the site. The DRB shall determine that the traffic generated by the proposed development shall not result in adverse traffic congestion or exceed the capacity of roads and intersections in the vicinity of the development. The DRB may request, at the expense of the applicant, the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency and may require that mitigation measures be implemented.
4. **The utilization of renewable energy resources.** The proposed development will not interfere with the sustainable use of renewable energy resources, including access to, direct use of, or future availability of such resources.
5. **Compliance with other regulations and Town Plan:** The development shall be in compliance with all bylaws and ordinances in effect

[The Board finds the proposed use meets all of the above criteria.]

In the case of proposed commercial development that is a conditional use, the DRB, in addition to the above criteria, shall grant approval only on findings that the proposed development conforms to the above requirements and does not have an undue adverse effect on:

[This section does not apply]

Conditions, Safeguards and Mitigation

In granting a conditional use approval, the DRB may impose such additional reasonable conditions and safeguards and require such mitigation as it may deem necessary to protect the interests of the surrounding neighborhood and to implement the provisions of this development Bylaw.

[See "Decision"]

6.9.3 Standards for Approval of Site Plan

The DRB shall review the site plan map and supporting data before approval, approval with stated conditions, or disapproval is given and shall take into consideration only the following objectives:

1. **Maximum safety of vehicular circulation between the site and the street network.** Particular consideration shall be given to visibility at intersections, to traffic flow and control, to efforts to minimize curb cuts, to pedestrian safety and convenience, and to access in case of an emergency. DRB may require shared accesses or other traffic safety measures.

[See "Decision"].

2. **Adequacy of circulation, parking and loading facilities.** Particular consideration shall be given to the items in (1) above and effect of noise, glare, or odors on adjoining properties. Refuse and service areas should be included in this consideration.

3. **Adequacy of landscaping, screening and setbacks with regard to achieving maximum compatibility with and providing protection to adjacent property.** Particular consideration shall be given to preservation of existing vegetation, visibility of unsightly or incompatible areas from the road and adjoining properties and the adequacy of materials to meet seasonal conditions, soil conditions and light on the site.

[See "Decision"]


DECISION

Based upon these findings, the Development Review Board approves the application for conditional use with the following conditions:

- 1) The DRB grants a variance of setback for the proposed tennis court location, however, requires that the skate park meet the 15' side setback in that location;**

- 2) Any plans for future proposed exterior lighting will require DRB approval:
- 3) No vehicles shall be parked in the traveled portion of the access drive at any time to insure emergency vehicle access to the facility.

Dated at Bethel, Vermont, this 6th day of November, 2018.

 , Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such appeal must be taken 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.