

Development Review Board
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August 12, 2020

Subject:

Minutes of Development Review board (DRB), site visit and Zoom hearing held July 30, 2020

Agenda

Appeal of denied Zoning Permit Application 20-0001; 25 Moss Hollow Road; requesting change of use from part time residence (residential) to Wellness Retreat/Nature Retreat (commercial).

Appellant Present (Hearing only)

Kathy J. LaBombard

Development Review Board Members Present

David Cotton Chairman; Walter Dadik, Secretary; Hendrik van Loon; Al Weisbrich;
Samantha Harlow, alternate (hearing only); David Hull, alternate (hearing only)

Others Present

Merle Tessier, Newfane Zoning Administrator (hearing only); Ken Estey, Chairman Newfane Planning Commission; Vincent J. Penna and Robin Penna, members of the public and previous owner of #25 (hearing only); the following abutting property owners/neighbors: Chris Gouger and Kim Gouger (#7), John Hughes and Teresa Boni (#16)

Background

The property is parcel D-215, 1.24 acres, located in the rural district which currently requires two acre building lots. Town tax records show the address as 25 Moss Hollow Lane. The zoning application, warranty deed and street sign show it as Moss Hollow Road.

Site Visit: 5:00 pm

The property is in a neighborhood of three houses on Moss Hollow Road plus two houses accessed from Vermont route 30. Except for a boundary shared with Newbrook School, Number 25 is surrounded by private property that gives the impression of being minimally developed. Moss Hollow Road is visually screened from Vermont route 30 which runs along the neighborhood's western side.

Moss Hollow Road is a mostly unpaved private road. It narrows considerably as it approaches the appellant's property at the end of the road. The property contains a single-family house and a separate garage/outbuilding. A significant portion of the lot at the rear of the house slopes very steeply downhill. The sloped area appears undevelopable. The appellant had forwarded a rough site plan that shows there would be parking for at least seven cars.

Hearing: held remotely via Zoom

Mr. Cotton opened the hearing at 6:32 pm. He introduced DRB members and asked the neighbors to introduce themselves. All who expected to testify were sworn-in.

The appellant, Kathy LaBombard, summarized her project. She has applied to use the property to host groups of 7 to 9 for three to five-day retreats. They would focus on activities like yoga and meditation supplemented by offerings available in the community such as nature walks, swimming and visits to farmers markets.

Mr. Cotton asked if Ms. LaBombard would be present during these sessions. She said probably not. She would recruit one or two leaders to develop and manage the sessions.

Mr. Dadik asked if the leaders would be her employees. She referred to them as contractors. In a subsequent exchange, she agreed with Mr. Cotton's example in which a yoga instructor would rent the house, recruit students and lead the program.

Mr. Dadik noted the septic permit is for occupancy by seven people in four bedrooms. This sets the houseguest limit. Ms. LaBombard thought other documentation allowed more occupants on a part time basis.

Mr. Cotton and Ms. Boni asked about clients with known mental health issues. Ms. LaBombard said there would none.

Ms. Harlow asked about oversight of the programs. Ms. LaBombard said she would provide cameras in the common areas and have contracts which define standards for participants and leaders.

Mr. Cotton asked for comments from the neighbors and other attendees.

Mr. Gouger noted Moss Hollow Road is used as a walkway by neighbors and their pets. He's concerned that increased traffic on this road will have a negative effect on safety and the character of the neighborhood. Ms. LaBombard said she plans to use strategies like carpooling to minimize disruption.

Mr. Gouger also asked about guests with mental health issues. Ms. LaBombard said none are expected. Her target is healthy people focused on staying healthy.

Mr. Dadik asked about the marketing strategy. Ms. LaBombard said she will probably rely on her network of contacts and friends as a source of leaders and recruiters.

Mr. Cotton asked about food arrangements. Participants will be responsible for their own meals; but, may use the onsite facilities to prepare them.

Mr. Weisbrich asked about parking. Mr. Cotton said Ms. LaBombard has submitted a rough site plan with parking for at least seven cars.

Mr. Hughes said the available space looks inadequate for the planned activities. Ms. LaBombard said she plans to make existing space more efficient by converting the garage to a studio; also, she expects a significant amount of time will be used for off-site activities.

Asked if she has contacted the state regarding issues like fire safety requirements, Ms. LaBombard she said she has not.

Mr. Weisbrich observed the project amounts to a quasi-hotel with a program of arranged activities for the guests.

Mr. Hull said it appears Ms. LaBombard could have bypassed zoning and justified the Nature Retreat as an Airbnb short term rental. Discussion followed and Mr. Estey said he believes the main concern with this application is use of the property as a Nature Retreat.

Other points discussed included the absentee landlord issue as well as use of outside parties for day-to-day management and program planning. Both Mr. Weisbrich and Mr. Hughes considered these objectionable. Mr. Estey said the planning commission also has concerns about absentee landlords.

Ms. Boni said she is very concerned about having a commercial venture in limited space in the midst of an established residential neighborhood. She believes this will have a very negative effect on the character of the neighborhood.

Mr. Cotton noted class size would be larger than the seven overnight guests allowed by the septic system if additional students are lodged off-site.

Once all who wished to testify had done so, Mr. Cotton said the hearing would be closed and DRB would enter a deliberative session. They have 45 days from closure of this hearing to issue a decision which would be approval or denial or approval with conditions.

Mr. Weisbrich made a motion to enter deliberative session. It was seconded by Mr. Dadik and unanimously approved. The hearing closed and the deliberative session began at 7:20 pm

Newfane Development Review Board
Walter Dadik, Secretary