

**TOWN OF MANCHESTER, VERMONT**  
**DEVELOPMENT REVIEW BOARD**

DECISION ID: 2018-07-062.2

APPLICANT: Orchid, LLC

LANDOWNER: Orchid, LLC

LOCATION: 5940 Main Street  
Tax Map ID 16-20-30.00  
Parcel ID 1041

HEARING DATES: July 6 and August 3, 2022

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**FINDINGS OF FACT**  
**&**  
**CONCLUSIONS OF LAW**

1. On June 16, 2022, Stephen Drunsic, on behalf of Orchid, LLC (hereinafter the “Applicant”), submitted an application for a permit amendment for a previously approved 80-room hotel and spa and associated development that was originally approved by the DRB on August 24, 2012.
2. The original permit was appealed to the Environmental Court and combined with an appeal of the state indirect discharge permit. That court case was resolved on July 23, 2015, by decision of Judge Thomas S. Durkin with one additional condition that a tree be planted to offer an appellant better screening of the parking lot. The town permit was renewed administratively on July 16, 2018. Under new ownership, the permit was again renewed with modifications after approval by the DRB on October 2, 2019.
3. The proposed development must comply with the *Manchester Land Use & Development Ordinance* as adopted on May 29, 2018, with revisions effective June 1, 2022 (hereinafter, the “Ordinance”). The subject property consists of approximately 46.1 acres and falls within the Mixed Use 2 (MU2) and the Design Review Overlay (DRO) zoning districts. Hotels are permitted uses in the MU2 district.
4. The redesigned 67-room hotel is proposed to be situated to follow natural contours further back on the site than the previously approved hotel. A reconfigured parking lot also follows the site contours behind the building. According to the Applicant, the new orientation is intended to cause less disturbance to the natural features of the site, to provide sweeping southerly views from each room in the hotel, and to better contain sound and light emanating from the building and grounds. The redesign also relies on

municipal sewer connection and service, eliminating the need for an in-ground septic system on approximately three acres of the lower meadow.

5. The DRB conducted a public hearing on July 6 and August 3, 2022. Stephen Drunsic, Bill Drunsic, Frank Parent, and Kyle Murphy provided testimony for the Applicant during the hearing. Others providing testimony or present at the hearing were Linda Benway, Dee Myrvang, Joel Ario, Carol Dupont, Joe Romano, James Sessions, Gertrude D'eredita, Denise Scheps, Adreanna Zahn, Kyle Vanderberg, John & Heather Newman, Jonny Farrow, Jay Gerber, and Sylvia Jolivette.
6. A site visit was conducted on July 20, 2022, with the following people present: Applicant representatives Stephen Drunsic, Bill Drunsic, Frank Parent, and Jessie Merrow; DRB members Kyle Emge, Ray Ferrarin, Cathy Stewart, Tim Waker and John Watanabe; Manchester Planning & Zoning Director Janet Hurley; and interested persons John Newman, Luke Vanderberg, James Sessions, Jonny Farrow, Linda Benway, Dee Myrvang, and Greg Sukiennik.
7. The Design Advisory Committee (DAC) reviewed the site and design plans at its meeting on June 29, 2022, and recommended approval provided the Applicant consider lower profile lighting in the vicinity of the existing house and barn so that it would not be visible above existing and proposed vegetation from the Main Street southerly approach.
8. The following letters were submitted to the DRB during the course of the hearing:
  - a. Letter from Dee Myrvang and Joel Ario, dated July 6, 2022.
  - b. Letter from Jay Gerber, dated July 25, 2022.
9. Application submittals consist of the following documents:
  - a. Sheets SD101 and SD102 comprising the Landscaping Plan.
  - b. Sheet SD103 and SD104 consisting of the Lighting Plan, dated December 10, 2021.
  - c. Sheet ES1 (2 sheets) depicting exterior lighting calculations.
  - d. Plan set prepared by KaTO Design, Inc. containing site engineering and architectural plans dated June 24, 2022, last revised 7/6/2022, including a Project Comparison Plan by Long Trail Engineering, and Sheets A1.01, A2.00, A2.04, A3.01 and several additional sheets showing architectural details by KaTO Design Inc.
  - e. Plan Sheets C1.03 and C1.04 showing site engineering details including water and wastewater details and driveway details by KaTO Design Inc., dated June 23, 2022.
  - f. Traffic Study Update, June 2022.
  - g. Parking Space Requirements, December 10, 2021.
  - h. Estimated Noise Levels, July 2022.
  - i. Comparison matrix showing proposed vs. permitted hotel characteristics.
  - j. A project narrative dated June 16, 2022.

## ***Site Plan Standards***

10. The Development Review Board may approve a site plan after public hearing and concluding that it meets the standards specified in Section 9 of the Ordinance, including Section 9.3 performance standards. Accordingly, the proposed use must be assessed as to its likelihood to generate excessive noise (§9.3.1), glare and skyglow (§9.3.2), odors (§9.3.3), vibration (§9.3.4), electrical or radio interference (§9.3.5), air quality issues (§9.3.7), hazardous materials issues (§9.3.8), and water quality issues (§9.3.9). It must also be assessed for negative impacts on scenic and natural beauty (§9.3.10) and historic sites (§9.3.11), evaluated for its use of energy conservation measures (§9.3.13), and for its provision of a residential buffer to adjacent residential use.
11. The proposed use is unlikely to cause excessive or noxious odors, vibration, electrical or radio interference, air or water quality issues, or hazardous materials issues. With its more sensitive treatment of the natural surroundings, the proposed redesigned hotel and spa arguably will not adversely affect the natural beauty of the area (§9.3.10) nor impede views from other nearby properties or public roadways. No part of the proposed development falls within the required residential buffer (§9.3.15).
12. The subject site contains an existing historic house at 5940 Main Street (though not on a historic register) that is proposed to be repurposed for administrative offices. The existing barn structure is also proposed to be repurposed for meeting space in the future. Retaining these structures and renovating them preserves the historic character of the site as viewed from Main Street in keeping with §9.3.11.

## **ZONING DISTRICT DIMENSIONAL REQUIREMENTS**

<b>MU2 Zoning District</b>	<b>Required</b>	<b>Existing/Proposed</b>
√ Minimum Lot Area	12,000 sq. ft.	46.1 acres
√ Minimum Road Frontage	90 ft.	±1,530 ft.
√ Maximum Lot Coverage	75%	9.3%
√ Maximum Building Coverage	40%	3.1%
√ Minimum Front Setback	15 ft.	±56 ft.
√ Minimum Side Setback	20 ft.	±360 ft.
√ Minimum Rear Setback	20 ft.	±522 ft.
√ Minimum Building Height	20 ft.	29 ft. 6 in.
√ Maximum Building Height	30 ft.	29 ft. 6 in.

√ Zoning compliance

13. Section 9.3.13 (Energy Conservation) requires the project to “reflect principles of energy conservation and incorporate the best available technology that is economically justified.” According to the Applicant’s architect: “HVAC Systems will be cold climate VRF air source heat pumps with dedicated outdoor air heat recovery ventilation air systems. Back-up LP gas hot water heating will be provided to supplement the air source heat pumps and to provide domestic hot water heating. All systems will meet or exceed the current CBES requirements.” The DRB concludes this plan is in keeping with the

Section 9.3.13 Ordinance standard, but encourages the applicant to pursue solar options as they may be accommodated in the redesign.

14. As a hotel and spa that will host events such as weddings, noise issues will be of concern and will be addressed below. Glare and skyglow concerns will be addressed under the lighting section below. Additional site performance standards concerning waste storage (Sections 9.3.6 and 6.22), transportation safety (Sections 9.3.12 and 9.6), impervious cover and stormwater (Sections 9.3.14 and 6.18), and landscaping (Section 9.4) will be considered in subsequent paragraphs of this review along with other site standards as required by the Ordinance.

### ***Parking, Circulation & Traffic***

15. The existing driveway will be retained, extended, and paved for access to the redeveloped house and barn together with the new hotel and spa. Sheet C1.04 of the plans includes a cross section detail of the access drive and a note indicating that an access permit will be secured from the Director of Public Works and that the driveway will comply with Vermont Agency of Transportation B-17 standards.
16. A new ten-space paved parking lot is planned to serve the refurbished house and barn. After the barn, the driveway will be extended turning to the north to proceed to the hotel above the ridge paralleling Main Street. The driveway will then turn to the east to serve a 156-space paved parking lot behind the new hotel structure.
17. Access to the hotel for pedestrian and bicycle modes was discussed at hearing, including sidewalk and crosswalk access. Section 3.4.4(B) establishing site design criteria for drives, parking, and circulation requires enhanced streetscapes with pedestrian amenities, including separate accommodation for vehicular, bicycle and pedestrian traffic (§3.4.4(4)). Section 9.6.2 design principles also include the provision of safe pedestrian links between buildings, parking lots, and streets (§9.6.2(1)), as well as expansion of the public sidewalk system (§9.6.2(4)). Furthermore, Section 4.5.1 establishing the purposes of the Mixed Use 2 Zoning District includes the following: “Promote a quality streetscape and pedestrian-friendly environment.”
18. The public sidewalk on Main Street only extends along the west side of the street north of Center Hill Road in the downtown. The subject site is on the east side of the street ±4,700 feet (nine tenths of a mile) from existing sidewalk on the east side of the street at the corner of Center Hill Road. The DRB concludes that requiring sidewalk along the frontage of this property is not reasonable at this time because it would not connect to the existing public sidewalk network.
19. The installation of a crosswalk from the west side of the street to the subject site is not advisable because the level of pedestrian traffic would not meet engineering safety standards for warranting a crosswalk. The town recently rejected consideration of a crosswalk 2,000 feet closer to the downtown at the Northshire Day School site for this reason. In addition, the posted speed limit on this stretch of Main Street is 45 miles per

hour (mph), increasing the unsafe nature of a crosswalk in this uncontrolled location on Main Street.<sup>1</sup>

20. Despite not having public sidewalk on the east side of the street where the hotel is proposed and the site not meeting crosswalk warrants, there will still be people who will want to access the hotel and spa as pedestrians. They may be guests of the hotel who wish to walk downtown or to nearby recreational amenities (such as Riley Rink, the Old Marble Rail Trail, and the Dana Thompson Memorial Park), they may be employees who walk to work or to access downtown amenities during a lunch break, event attendees not staying at the hotel may walk to the hotel for the event from other area accommodations, or members of the general public may be accessing the hotel as pedestrians to the restaurant if seats are available.
21. The plans depict a gravel pathway for guests of the hotel to access the lower meadows. However, in keeping with site and design standards and Section 3.4.4 as outlined above, the DRB concludes that pedestrians should be served by a dedicated and direct pedestrian path from the lower walkway at the refurbished historic house to the closest pedestrian access point at the north side of the hotel where entrances to the restaurant and hotel are located.

<b>Baseline Parking Space Needs</b>			
<b>Use</b>	<b>Standard</b>	<b>Quantity</b>	<b>Baseline</b>
Hotel	1 per room	67 rooms	67
Restaurant-base	1 per 2.5 seats	140 seats	56
Restaurant-additional	1 per 10 seats	140 seats	14
Bar-base	1 per 2.5 seats	20 seats	8
Bar-additional	1 per 10 seats	20 seats	2
Spa-base	1 per 250 SF	3000 SF	12
Spa-additional	6 per 2500 SF	3000 SF	6
Event Space	1 per 4 seats	180 seats	45
<b>Total</b>			<b>210</b>

22. Pursuant to Figure 9-3 of the Ordinance, a hotel must provide one parking space per room plus one space per 500 sq. ft. of public meeting area. Instead of calculating the area devoted to public meeting space, it makes sense to consider the different accessory uses within the proposed hotel to determine parking needs. Baseline parking for the proposed mix of uses according to Table 9-3 of the Ordinance is 210 spaces. However, shared parking between the proposed uses results in a baseline weekday need of 150 spaces and a weekend need of 190 according to Table 9-4 calculations.
23. Nevertheless, the proposed different aspects of the hotel are not standalone uses. Rather, they are accessory uses to the primary lodging use. Therefore, the shared use of the parking lot by the separate uses will be higher than the suggested percentages in Table 9-4. The Applicant anticipates that 80% of the spa use will be by guests of the hotel,

<sup>1</sup> For more information on the safety of crosswalks in uncontrolled locations see:  
[https://safety.fhwa.dot.gov/ped\\_bike/docs/cros.pdf](https://safety.fhwa.dot.gov/ped_bike/docs/cros.pdf)

whereas 30 to 35% of the restaurant, bar and event space use will be by guests of the hotel. Taking these reasonable estimates into account the estimated maximum shared use needs (weekend evenings) would be for 106.5 spaces. The total number of proposed parking spaces does not exceed the maximum allowed ( $\pm 260$ ) per Section 9.6.4(2). The DRB concludes that the proposed 166 parking spaces is suitable for the proposed development.

<b>Weekday Shared Parking Space Needs</b>				
<b>Use</b>	<b>Baseline</b>	<b>Daytime</b>	<b>Evening</b>	<b>Night</b>
Hotel	67	7	40	60
Restaurant	70	70	70	3.5
Bar	10	0.5	10	6
Spa*	18	18	4	0
Event Space*	43	2	26	2
<b>Maximum</b>			<b>150</b>	

<b>Weekend Shared Parking Space Needs</b>				
<b>Use</b>	<b>Baseline</b>	<b>Daytime</b>	<b>Evening</b>	<b>Night</b>
Hotel	67	33.5	60	67
Restaurant	70	70	70	7
Bar	10	0.5	10	6
Spa*	18	18	7	0
Event Space*	43	4	43	4
<b>Maximum</b>			<b>190</b>	

- According to Planning & Zoning staff sharing estimates.

<b>Hotel Guests as Shared Users</b>			
<b>Use</b>	<b>Evening</b>	<b>Share</b>	<b>Need</b>
Hotel	60	100%	60
Restaurant	70	35%	24.5
Bar	10	35%	3.5
Spa*	7	80%	5.6
Event Space*	43	30%	12.9
<b>Total</b>			<b>106.5</b>

24. These numbers do not take into account the renovated house ( $\pm 1,500$  sq. ft.) and barn ( $\pm 3,200$  sq. ft.) on the lower campus. The Applicant has indicated that the house would support administrative offices for the hotel and spa and the barn may eventually house conference meeting space. Again, these are not standalone uses, but rather office space for the hotel uses already accounted for in the preceding paragraphs. Nonetheless, given the distance and grade change between this lower campus and the upper campus, it makes sense to provide a modest amount of the parking at this lower campus.
25. A standalone office of 1,500 sq. ft. would need four parking spaces according to Table 9-3 in the Ordinance. Other than limited parking by staff that might be preparing meeting spaces in the barn, guests should not be encouraged to drive from the upper campus to the lower campus to attend conference sessions or meetings in the barn. Consequently, the DRB concludes the proposed ten-space parking lot is appropriate for the lower campus.

26. In the case the hotel and spa hosts an event that generates more than 155 cars, the Applicant has indicated that overflow parking for 30 cars is available in the field to the northwest of the proposed parking lot, and for more than 100 cars in the lower meadow. However, these reserved parking areas are not shown on the site plan. The DRB notes that no paving of these areas is proposed nor advised and concludes that these overflow grass parking areas should be delineated on the site plan.
27. Pursuant to Section 9.6.10 of the Ordinance, one bicycle parking space per 25 automobile parking spaces must be provided. Five bike racks are shown adjacent to the main hotel entrance on Sheet SD101. For parking lots accommodating a total of 156 automobiles, accommodation for seven bicycles should be provided. These five racks can accommodate ten bicycles, with a bike secured to either side of each rack. Sheet SD102 depicting the lower campus shows no bike rack adjacent to the ten-space parking lot. To serve personnel or visitors to the renovated and repurposed house and barn, and in keeping with site and design standards requiring accommodation of bikes as discussed in paragraph 17 above, the DRB concludes that a bike rack should be added in the lower campus.
28. A paved loading dock is situated at the southwest corner of the new hotel that can accommodate tractor trailers. Page 20 of the KaTO Design plan set provides additional depiction of truck circulation for this loading area. Trucks will be able to back into the area directly from the access drive. Two fire hydrants are shown on the plans, one at the northwest corner of the building and one just to the west of the main entrance to the hotel. Fire trucks will be able to access these hydrants from the paved drive. In addition, a fire lane is shown to provide access on the far southeast side of the proposed building. The Manchester Fire Department reviewed the plans at its meeting on July 6, 2022, and expressed no reservations about serving the development.
29. The Applicant submitted an update to the original traffic analysis that was conducted in 2012 for the previously approved 80-room hotel and spa. The 2012 analysis “was based on local traffic counts at the Equinox Hotel, Vermont Agency of Transportation traffic data, and estimates from the Institute of Transportation Engineer’s *Trip Generation Handbook* and concluded that the hotel would result in no reduction in the level of service on the existing roadway network.” The Applicant’s update points out that the current proposal is for a smaller hotel. Citing more current traffic data for Manchester, the update suggests that “traffic levels in Manchester have not significantly increased in the last decade.” Based on this information, the DRB concludes that the redesigned hotel and spa will not lead to a decrease in the level of service on the town’s road network.

### ***Exterior Lighting***

30. Detailed lighting plans were submitted that show the location, heights, and other specifications for each proposed outdoor lighting fixture on both the lower and upper campuses. In addition, photometric simulations for both the upper and lower campus portions of the development are provided showing expected light distribution levels across the site in footcandles. These simulations include light that will be cast from the

interior space to the outside at nighttime. A footcandle is a per square foot measure of light intensity with one footcandle representing the “illuminance of one lumen on a one-square foot surface with a uniform distribution.”<sup>2</sup>

31. The photometric plots show light levels of 0.4 to 1.9 footcandles in the lower campus parking lot, 0.2 to 0.7 footcandles along the access drive, similar levels for the upper campus parking lot, 3.3 to 11.2 footcandles at the main hotel entrance, 4.3 to 14.5 at the restaurant entrance, generally higher levels on the south facing walls of the restaurant (10 to 26.1 footcandles), and 5 to 15.3 footcandles on the south facing walls of the hotel. The pool area is shown to be dimly lit at 0.1 to 1.8 footcandles.
32. Eleven 41.5” high bollard style lights are proposed for either side of the main hotel entrance and extending to the restaurant entrance. The parking lot and driveway lighting consists of four variations of a post top fixture offering different heights and distribution patterns, indicated by SH3H, SH4H, SH4, SH5 on the plans. It appears that the SH3H and SH4H are bollard height (pathway style) at 30”, and the SH4 and SH5 are mounted to be 16’ height pole lights.
33. Two SH5 pole lights are proposed for the lower campus parking lot offering about 1.0 footcandles around each of the poles. This proposed lower campus lighting is likely to be largely screened by existing mature trees on the site; however, these two poles should be replaced with lower profile lights to stay in keeping with the Design Advisory Committee’s recommendation to keep the lighting below tree lines on this lower campus. Any resulting changes to the photometric analysis should be quantified.
34. A mixture of pole and pathway lights are proposed in the parking lot islands behind the hotel. All downcasting, this lighting will not shine upward toward the adjacent residential properties on Moon Ridge Road, and it will be screened from view from Main Street by the hotel. The photometrics reveal that the restaurant wing on the hotel will emit the highest light levels, and the remainder of the hotel façade will also emit moderate levels of light. Given the very large setback from adjacent residential uses on Main Street, this light is unlikely to adversely affect these neighbors to the south. It will be important to maintain this lighting at warm color temperatures (e.g. 2700K color temperature) to prevent harsh light conditions at the site that would be visible from Main Street.
35. All fixtures are shielded or recessed and downcasting as required by the Ordinance. LED lights are proposed to be 3000K color temperature or 2700K when available, offering a warm tone to the lighting. However, specifications provided for a number of proposed SA Series fixtures indicate 4000K color temperature. These will need to be changed to 3000K maximum color temperature options. Furthermore, a discrepancy between the key and the lighting plot plan was noted at hearing on August 3, 2022. The SA4 and SA6 shown in the key are not located on the plans. This discrepancy should be rectified, and any resulting changes to the photometric analysis should be quantified.

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<sup>2</sup> <https://en.wikipedia.org/wiki/Foot-candle>



36. Pursuant to Section 9.5.3(9), outdoor lighting must be extinguished by 10:00 p.m. or one hour past the close of business, while security lights may be triggered for short periods thereafter by motion sensor. Since the proposed hotel and spa will be open 24 hours per day, limited lighting after 10:00 p.m. is appropriate. However, exterior lighting should be significantly reduced from 10:00 p.m. to dawn.
37. Methods to control nighttime lighting can include fixed controls, bi-level controls, or dynamic response controls.<sup>3</sup> Fixed control involves simply turning lights on at dusk and off at sunrise. Bi-level control involves implementing a high level output during maximum need and a low level output during minimum need when lighting is on. However, with all LED luminaires, more sophisticated dynamic response controls are feasible that offer more nuanced control than fixed or bi-level control. Such dynamic control allows the system to respond to ambient light conditions on the site or occupancy levels in the vicinity of luminaires after dark. In addition to limiting light pollution, such controls also help reduce energy expenditures. The DRB encourages the Applicant to implement such dynamic control of the proposed lighting.
38. There is no street lighting along Main Street, nor do town standards encourage such lighting outside of the downtown. This is to help preserve dark sky qualities and prevent light pollution outside of the downtown. Consequently, the DRB concludes that street lighting along the Main Street frontage of the subject property is not advisable at this location.

### ***Landscaping***

39. Pursuant to Section 9.43(3) of the Ordinance, landscaping for new proposed development “must be an integral element of project design, especially as related to parking lot screening” and “the fit of the building within the natural and built environments.” Substantial deciduous tree plantings mixed with conifer, shrubs and ornamentals (including densely planted flower beds) are required to provide shade, screening, and aesthetic improvements. The proposed landscaping plan as depicted on Sheets SD101 and SD102 complies with these principals.
40. As depicted on Sheet SD101, the proposed landscaping plan for the northern section of the hotel campus includes 32 maple trees (sugar maple, red maple, purpleblow maple) along the front and sides of the new parking lot. Miss Kim lilacs and crabapples are proposed for outdoor patio areas. Sargent cherry trees are proposed between the building and the parking lot and white cedars along parking lot edges and near the loading dock. In addition to the existing wooded ridgeline, the proposed mix of small to medium sized trees, with the sugar and red maples reaching large status at maturity offers screening and buffering of the proposed parking lot and hotel entrances from neighboring properties on Moon Ridge Road. Extensive perennial plantings surrounding walkways along terraces, and in foundation gardens will add to the buffering and screening effects.

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<sup>3</sup> See: *Guide to FEMP-Designated Parking Lot Lighting*, US Department of Energy, Federal Energy Management Program, March 2013, p. 24. [https://www.energy.gov/sites/default/files/2014/02/f7/parking\\_lots\\_guide.pdf](https://www.energy.gov/sites/default/files/2014/02/f7/parking_lots_guide.pdf)

41. As depicted on Sheet SD102, the landscaping plan for the southern section of the hotel campus includes most of the same species as proposed for the upper campus, as well as maintaining many of the existing mature deciduous trees. A planting island separates two halves of the ten-space parking lot and five crabapples are proposed to flank the parking lot. Four more crabapples are proposed along the entrance drive, along with two red maples and a sugar maple. A line of 20 viburnum are proposed to offer low to the ground screening in addition to the existing mature woods to the south of the parking lot. In addition, perennial gardens (foundation, walkway, and terrace) are proposed to further beautify the lower campus.
42. Minimum planting specifications are established in Section 9.4.3(2) and Figure 9-1 of the Ordinance. Sheets SD101 and SD102 include plant specifications tables confirming that minimum heights, caliper, and soil volumes at planting will be met by all proposed woody and perennial specimens.
43. The total equivalent planting units for the upper campus is 191.9 and 28.25 for the lower campus. One EPU is equivalent to a large deciduous tree at maturity per Section 9.4.3(2) and Figure 9-1 standards. Given existing mature screening to be retained and an EPU to parking space ratio of about 1.23, the DRB concludes the upper campus landscaping plan conforms to Ordinance requirements. With an even larger EPU to parking space ratio for the lower campus (2.82), the proposed lower campus landscaping plan is also in keeping with Ordinance standards.
44. Although all proposed parking will be screened from view from Main Street, five existing mature deciduous trees will function as street trees to the south of the existing house and barn, revealing the landmark hotel above. The proposed driveway is naturally screened from view by a wooded ridgeline to the west of the drive. To further buffer the driveway the DRB concludes that additional deciduous tree plantings on the east side of the drive between the barn and the hotel loading dock are advisable to provide additional buffering, screening, and pedestrian shade.
45. Existing meadowlands are proposed to be retained and managed to allow grasses to reach one to two foot heights according to the Applicant. In addition, the Applicant has indicated the lower meadow in the southwest quadrant of the property may be converted to vegetable gardens to support a farm to table concept for the hotel restaurant. There was discussion at hearing about managing the meadows to accommodate grassland wildlife. The Applicant indicated a willingness to research this and implement appropriate measures that were in keeping with maintaining the meadowlands for the hotel purposes. Management of meadows to support pollinators benefits most other grassland species as well and in Vermont involves delaying mowing until October when most pollinators have finished their pollinating activities.<sup>4</sup>

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<sup>4</sup> <https://anr.vermont.gov/content/7-tips-for-pollinators-in-peril>

### ***Waste Storage Areas***

46. A large waste storage area is located at the southwest corner of the building accessible from the paved loading area. Sheet 20 of the plans illustrates the area containing three ten cubic yard containers for trash, recycling, and compost, as well as a 6' x 6' grease container. Semi-tractor trailer access to each container is depicted showing truck circulation is adequately accommodated. The facility is housed on a concrete floor under a standing seam metal roof at 9.5' height and behind a wood sided 8.5' wall fitted with gates for access to the waste containers. The facility is finished to match finishes on the building. The DRB concludes that this facility is adequately sized for the proposed hotel and complies with the standards of Section 6.22 of the Ordinance.

### ***Grading & Stormwater Drainage***

47. Section 2.10.1(8) of the Ordinance requires site plans to show existing and proposed contours. Among other things, this is intended to help the town determine that proposed development will not result in adverse effects with respect to erosion and stormwater run-off. The Applicant's engineer has indicated that the project will require a State of Vermont stormwater permit. According to Section 6.18 of the Ordinance, all proposed development must implement measures to reduce and manage stormwater to prevent adverse effects. However, a project that obtains a stormwater permit from the State of Vermont is assumed to meet the Section 6.18 stormwater standards. Section 6.18.3 requires that the zoning permit and DRB approval be conditioned on securing a state stormwater permit before construction begins.
48. The site plan includes two foot contour lines indicating that the site is generally sloping. As explained by the Applicant's architect, the new design attempts to conform to the existing contours as much as possible while providing expansive southerly views of the valley and mountains from throughout the hotel. The paved driveway is lined on both sides by a geogrid re-enforced swale. A series of catch basins is shown to collect stormwater from the hotel parking lot, feeding overflow primarily into the driveway swale, with some feeding into a swale on the southeast end of the parking lot. A large infiltration basin is provided on the south side of the site, and two smaller basins below the westerly ridgeline.
49. Section 6.10 of the Ordinance requires that all projects that will disturb soil must be accomplished in accordance with *The Low Risk Site Handbook for Erosion Prevention and Sediment Control* (Vermont Department of Environmental Conservation, 2006 – hereinafter, “The Low Risk Site Handbook”). Specifically, the limits of the construction area should be marked with flagging or fencing and stormwater from upslope areas of the site must be diverted to avoid the construction area. Any disturbed pervious areas on the property not covered with established growth shall be seeded and mulched immediately following placement of fill or end of disturbance. The project narrative indicates that the project will secure a Construction General Permit from the state. The DRB concludes that engineering plan sheets should be revised to include a note indicating that construction activity will comply with “The Low Risk Site Handbook.”

## ***Utilities***

50. Section 2.10.1(10)(a) requires site plans to show the location of water lines, wastewater system features, gas facilities, electric lines, and other utilities. These utilities are shown on Sheets C1.01, C1.02, C1.03 and C1.04 of the plans. Sheets C1.03 and C1.04 are titled “Water and Wastewater Details.” However, these sheets include driveway details and should also include a bike rack detail and notes referencing “The Low Risk Site Handbook.”
51. The site plan indicates two connections to the municipal water main. One 4” line is proposed to service the repurposed house and barn, and a separate 8” line is proposed to service the new hotel. Although connection for the house and barn can be served without upgrades to the municipal system, service to the proposed hotel will require pressure upgrades if the sprinkler system for fire suppression inside the hotel – required by state public safety rules – is to be fed by the municipal connection. Such upgrades were permitted by the town for the previously approved hotel. However, the permit has expired and will require renewal by the Town Consulting Engineer, unless an alternative means of providing the necessary pressure for the fire suppression system is devised and approved.
52. The plans also show two sewer lines, one 6” line to serve the repurposed house and barn, and an 8” line with three spurs to serve the hotel. Both will be gravity fed lines, and the hotel spur serving the in-house restaurant would be fitted with two grease traps. These connections depend on a planned but as yet to be built municipal sewer line extension from Cemetery Avenue north along Main Street.
53. An underground power and data line is shown beginning from a power pole to the north of the driveway on Main Street. The line follows the driveway to serve the existing house and barn and thence to the hotel. No overhead power or data lines will be present on the site. Three proposed generators are shown to the north of the parking lot. The Applicant’s engineer indicated that these will need to be shifted further north to a flatter area and screening will be provided for them. The plans should be revised to show the new location and screening for these three generators.
54. As indicated above, HVAC systems will be cold climate VRF air source heat pumps with dedicated outdoor air heat recovery ventilation air systems. Back-up LP gas hot water heating will be provided to supplement the air source heat pumps and to provide domestic hot water heating. The plans do not show the location of any propane tanks for this proposed back-up system. The plans should be revised to show these propane tanks.

## ***Sound Generation***

55. Section 9.3.1 of the Ordinance limits noise emanating off the site that exceeds background levels and prohibits noise that interferes with “the reasonable use and enjoyment” of nearby properties. Although some through traffic can bypass Manchester

on Route 7, Main Street at this location is Vermont Route 7A and experiences consistent traffic flow as an arterial corridor. Weekday daytime traffic at 45 miles per hour is consistently probably in the 68 to 85 decibel range, including regular truck traffic.<sup>5</sup> (This estimate was corroborated by measurements taken by abutting landowner Jonny Farrow at 5823 Main Street on July 20, 2022 with a smartphone app.) However, nighttime flows are reduced and background levels should be lower, from 30 to 60 decibels, punctuated by the noise of occasional cars at 68 decibels and infrequent trucks at 85 decibels.

56. Generally as a lodging establishment, the hotel and spa will want to maintain a quiet environment. However, with a restaurant and event venue, the proposed hotel will host live or recorded performances, as well as large gatherings of people. During warm seasons, such activities would occur at least partially outside on the site. The building and grounds have been designed to contain and buffer noise - generated by large gatherings of people within the building and on exterior patios on the south side of the hotel, from the restaurant, and trucks servicing the hotel at the loading dock - from adjacent residential uses above and to the east. Proposed landscaping throughout the upper parking lot and the existing wooded ridgeline will add buffering of noise generated from cars and people loading or unloading in the parking lot. In addition, no rooftop mechanicals are proposed for the redesigned hotel and the previously approved rooftop bar is no longer planned.
57. The Applicant provided modeled estimates of sound levels that would be found at property boundaries from outdoor activities at the proposed banquet or restaurant patio location and at the proposed outdoor pool location. These estimates are based on distances from the emanating source area and do not take into account the buffering effects of the proposed building or landscaping. According to the Applicant's calculations, amplified music at the banquet patio of 110 decibels would result in levels of 50 to 58 decibels at various property boundaries or nearby Moon Ridge Road properties. Congregated people at the pool producing noise at 90 decibels would result in levels of 33 or 34 decibels at property edges or nearby residential properties.
58. These estimated levels are within the range expected to be generated along the Main Street frontage at nighttime and can be compared to rustling leaves at the low end and normal conversation at the high end. Again, these estimates are based simply on distance and do not take into account existing and proposed features on the site that would function to buffer such noise. Furthermore, as pointed out at the hearing, such noise would only occur during warm season days when the leaves on existing trees and proposed landscaping would function to buffer such noise even to the south where the hotel would not function as a buffer.
59. The Applicant also conducted a sound demonstration during the July 20, 2022, site visit. A temporary wooden wall was constructed on the site in the location of the proposed restaurant patio to the height of the proposed building. Music was amplified from just in front of this wall at a 110 decibels level. Directly behind the wall the sound level was measured at 74 decibels. Sound levels in the vicinity of the proposed upper parking lot

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<sup>5</sup>See: <https://www.nonoise.org/resource/trans/highway/spnoise.htm>

were measured at 40 decibels. The music could not be heard from the back yard at 75 Moon Ridge Road, nor from the existing house or barn on the lower campus.

60. Bass from the July 20, 2022, sound demonstration was reportedly faintly audible from 5927 Main Street according to testimony provided by Linda Benway on August 3, 2022. Because high frequency sound diminishes more quickly than low frequency sound, bass penetrates walls better than treble and travels further distances. Therefore, the Applicant should pay particular attention to bass settings for indoor and outdoor amplified sound to be sure the levels do not cause nuisance noise at abutting properties. This would, of course, also help prevent nuisance noise for hotel guests as well.
61. Noise of 76 to 80 decibels is considered loud and makes conversation difficult. Furthermore, noise levels above 85 decibels will cause people to have to shout at each other to converse and can lead to damaged hearing after relatively short exposures of 50 minutes to 2 hours. Regular exposure to noise levels above 76 to 80 decibels will lead to hearing loss over time.<sup>6</sup> Therefore, sustained music at amplification above 75 decibels would not be conducive to a peaceful hotel or spa experience, would not be safe for regular employees, and would be more likely to lead to offsite nuisance noise. The DRB concludes that maximum sustained amplification should not exceed 76 decibels on the exterior of the hotel.
62. Although a number of neighboring residents have called for a sound study of the proposed redesigned hotel and spa, the above discussed estimates are based on widely understood noise levels for various types of sound producing activities, the proposed hotel is smaller and specifically designed to better contain and buffer sound than the previously approved one, and the DRB concludes that further sound study is not warranted. The Applicant should closely monitor any amplified events at the site to be sure sound levels do not exceed background levels at property boundaries, particularly for bass.
63. Although, Manchester does not specifically regulate the timing of construction activity, the DRB may consider limiting construction activity to prevent unwarranted nuisance noise for surrounding residential and religious uses. The Applicant has estimated an 18 month construction period for the proposed hotel. The DRB concludes that construction activity should be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday, and 9:00 a.m. to 4:00 p.m. on Saturday, with no construction allowed on Sunday. Furthermore, the DRB encourages the Applicant to work with the Israel Congregation at 6025 Main Street to avoid disturbing services at the synagogue.

### ***Design Standards***

64. Per Section 3.4.4 of the Ordinance, before granting design plan approval, the DRB must conclude that “the proposed development conforms substantially to the relevant goals and policies described in the Manchester Town Plan, as illustrated and described in Design

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<sup>6</sup>See: [https://www.cdc.gov/nceh/hearing\\_loss/what\\_noises\\_cause\\_hearing\\_loss.html](https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html)

Guidelines for Manchester's Commercial and Historic Districts" as well as specific architectural design, site design, and historic preservation standards. Site design standards have been addressed in previous paragraphs.

65. Architectural design standards require demonstration that the height, proportion, materials, textures, colors, and building features are in keeping with adjacent buildings or with the purposes of the underlying zoning district. As indicated already, the existing house and barn are proposed to be renovated and repurposed for the hotel and spa use maintaining historic character within this stretch of Main Street.
66. Materials proposed for the new building include wood timber; charred cedar plank siding and soffits; timber framed and aluminum framed windows; and dark aluminum fascia and standing seam roofing. The DRB concludes that the proposed materials and colors, although offering a distinct form, conforming to the contours of the site, are in keeping with materials common to a Vermont barn vernacular. Furthermore, the materials and colors will blend in with the surrounding wooded ridgelines, while celebrating views of the Green and Taconic Mountains to the south from all areas within the building.
67. The new hotel will be set back and topographically removed from Main Street and any adjacent development. As such, it should reflect the purposes of the MU2 district as outlined in Section 4.5. The district is meant to provide economic development opportunities, including for lodging. It is also meant to ensure new development incorporates access management, avoids congestion, and promotes a quality and pedestrian oriented streetscape. These traffic and circulation issues have been addressed in previous paragraphs. The DRB concludes that the proposed hotel and spa are in keeping with the purposes of the Mixed Use 2 Zoning District.

### ***E911 Addressing Standards***

68. Occupied structures on the redeveloped site will need to be assigned distinct Enhanced 9-1-1 addresses according to Vermont E9-1-1 addressing standards. Accordingly, the historic house will maintain the 5940 address number, the repurposed barn will be assigned 5942, and the hotel 5944. These will be confirmed by a notification letter from the Manchester E9-1-1 Coordinator in conjunction with the issuance of a zoning permit. These numbers will need to be displayed visible from Main Street and on each structure.

## **DECISION & ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Development Review Board hereby approves the proposed redesigned hotel and spa site and design plan at 5940 Main Street subject to the following conditions:

1. Upon issuance, the zoning permit shall be in effect for two years from the date of issuance, except the effective date of the permit can be delayed pursuant to §2.9.10. The permit can be renewed for an additional two year period per §2.9.12.

2. Prior to the issuance of a zoning permit, the Applicant must secure a State of Vermont Stormwater permit.
3. Prior to the issuance of a zoning permit, the site plan (Sheets C1.01, C1.02, C1.03, C1.04) shall be revised to show:
  - a. Delineated grass areas to be reserved for overflow parking.
  - b. The relocated generators and generator screening.
  - c. The propane tanks that will serve the backup LP gas hot water heating system.
  - d. A centerline on the access driveway.
  - e. A path providing dedicated and direct pedestrian access from the proposed walkway at the refurbished historic house to the closest pedestrian access at the north side of the hotel.
  - f. A note indicating that all construction activity shall comply with “The Low Risk Site Handbook.”
  - g. A bike rack detail.
4. Prior to the issuance of a zoning permit, the landscaping plans shall be revised to show:
  - a. Four to six tree plantings along the east side of the access driveway between the barn and the hotel.
  - b. A bike rack adjacent to the lower campus parking lot.
5. Prior to the issuance of a zoning permit the lighting plans shall be revised to show:
  - a. Low profile lights in place of the 16’ pole mounted lights at the lower campus.
  - b. Corrections in fixture coding to the lighting key and the plot plan.
  - c. Change from 4000K to 3000K maximum color temperature options.
  - d. Recalculated photometrics after making the above revisions.
6. Construction shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. to 4:00 p.m. on Saturday. No construction shall occur on Sunday.
7. Prior to the issuance of the required certificate of compliance, an as-built site plan shall be submitted to the Planning & Zoning Department.
8. Outdoor speakers and amplifiers shall be limited to a maximum 75 dB output. Outdoor amplification above 60 dB shall not be allowed after 10:00 p.m. Indoor and outdoor sound levels shall be monitored at least once annually to assure that they do not exceed background levels at property boundaries, and by request of the Planning & Zoning Department in response to any noise complaints.
9. Connection to the municipal water system shall be accomplished according to Town of Manchester specifications and the work shall be subject to approval and inspection by the Town Consulting Engineer and Water Superintendent.
10. Connection to the municipal sewer system shall be accomplished according to Town of Manchester specifications and the work shall be subject to approval and inspection by the Town Consulting Engineer and Wastewater Superintendent.



11. All exterior lighting shall be shielded, downcasting, and shall not cause glare or light trespass off site. LED lighting shall not exceed 3000K color temperature, with 2700K preferred. ***Outdoor lighting shall be at least 50% reduced after 10:00 p.m. and at least 75% reduced after 2:00 a.m. until dawn. Dynamic control of the LED system with ambient light sensing and occupancy sensing shall be preferred to accomplish this. The method of control shall be provided and annual functional testing of the system shall be reported to the Planning & Zoning Department.***
12. Prior to the issuance of the required certificate of compliance, landscaping shall be installed as approved herein. Thereafter, landscaping shall be maintained in a healthy state. If specimens die or become diseased, they shall be removed and replaced in-kind within one planting season.
13. Acreage devoted to meadowlands on the site shall be managed to preserve grassland wildlife habitat by delaying annual mowing until October to the maximum extent possible. This includes acreage beyond the extent of manicured lawn and wooded areas as depicted on sheets SD101 and SD102 of the plans, except that vegetable gardens may be added anywhere within these meadowland areas. Mowing of the meadowlands may occur before October to prepare overflow parking areas for events as needed and as delineated per condition #3a of this decision and order.
14. Erosion control measures during periods of soil disturbance shall follow the *Vermont Handbook for Erosion and Sedimentation Control on Construction Sites*. The Applicant shall provide appropriate measures to prevent eroded sediment from reaching neighboring properties, rights of way, and tributaries of the Battenkill. The limits of areas of construction or soil disturbance shall be marked with flagging or fencing, stormwater runoff shall be diverted from areas of disturbance, and all disturbed areas shall be seeded and mulched immediately following disturbance.
15. Stormwater runoff either generated on or passing over the subject site shall be treated and dissipated on site so as to not cause adverse impacts on town highways, adjoining properties, or waters of the state. The DRB maintains the authority to require the Applicant to construct appropriate devices to contain, control, and rectify any stormwater problems that may arise on the site. Specifically, if overflow from the stormwater system approved herein causes flooding or related issues on adjoining properties or adds undue sediment to the Town of Manchester stormwater or roadway system, the Applicant shall be required to construct appropriate devices to correct the problems.
16. The stormwater system shall be regularly maintained to remove sediment. ***One year from the date of the issuance of a certificate of compliance and annually thereafter, inspection of the system shall be conducted and reported to the Planning & Zoning Department in writing to confirm it is operating as designed. Five years from the date of issuance of a certificate of compliance and each five years thereafter, restatement of compliance of the stormwater system must be secured from a licensed engineer and submitted to the Planning and Zoning Department.***

17. This approval is conditional upon receipt of any other required permits by state and federal agencies. Copies of all required permits must be submitted to the Manchester Planning and Zoning Office. If changes to the project are made per other permits, then approval for these changes must be granted by the Town of Manchester as amendments to this approval. Any conditions of state or federal permits shall be included as conditions of any subsequent amended permit by the Town of Manchester.
18. The Town of Manchester maintains continuing jurisdiction during the lifetime of this approval and subsequent permit, and may periodically require that the permit holder file an affidavit certifying that the project is being completed and continues to operate in accordance with the terms of this approval.
19. This project shall be executed in accordance with these Findings of Fact, Conclusions of Law, Decision and Order and in accordance with the approved plans on file with the Town of Manchester Planning and Zoning Office. Except as indicated or modified herein, all other conditions of approvals or permits granted for the subject property remain in full force and effect.
20. By acceptance of this approval and its conditions without appeal, the permit holder and all assigns and successors in interest agree to allow representatives from the Town of Manchester access to the subject property to ensure compliance with the conditions of this approval and the *Manchester Land Use & Development Ordinance*.
21. By acceptance of this approval and its conditions without appeal, the Applicant confirms for themselves and for all assigns and successors in interest that this approval and its conditions shall run with the land and shall be binding upon and enforceable against the Applicant and all assigns and successors in interest.
22. Failure to comply with any of the above conditions or any additional conditions which may be attached to any subsequent amended land use and development permit shall constitute a violation of this approval and subsequent permit.
23. This approval becomes effective upon acceptance by the Applicant in the form set below. These Findings of Fact, Conclusions of Law, Decision and Order must be signed within 30 days of receipt or they become invalid and any subsequent permit issued shall immediately expire.

AS DECIDED BY THE MANCHESTER DEVELOPMENT REVIEW BOARD

DATE September 8, 2022

CONCURRING

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[Signature]  
[Signature]  
[Signature]  
[Signature]

DISSENTING

[Signature]  
[Signature]

ABSTAINING

[Signature]  
[Signature]

*By this form, I do hereby attest that I have read and understand these Manchester Development Review Board Findings of Fact, Conclusions of Law, Decision and Order and all applicable sections of the Manchester Land Use & Development Ordinance, and do hereby agree to abide by these Findings of Fact, Conclusions of Law, Decision and Order as written and approved.*

DATE \_\_\_\_\_, 2022

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for Orchid, LLC