

STATE OF VERMONT

ENVIRONMENTAL COURT

In re: Appeal of Russell Collins, }
Therese Collins, Gary Collins, and }
Ammie Collins } Docket No. 267-11-00 Vtec
} }
} }

Decision and Order

Appellants Russell and Therese Collins and Gary and Ammie Collins appealed from a decision of the Zoning Board of Adjustment (ZBA) of the Town of Fairlee denying conditional use approval for a child-care business in a single-family residence. Appellants are represented by Christopher Dye, Esq.; the Town is represented Andrea L. Gallitano, Esq. The Court held the trial on the merits on August 15, 2001, took a site visit, and issued its findings and conclusions on the record that the permit was granted for up to 12 full-time children, conditioned on the construction of the circular driveway as presented at trial. The Court invited the parties to file their proposed language for any additional permit conditions.

Based on the evidence and ruling at trial and the proposed conditions submitted by the parties, a conditional use permit is hereby granted to Appellants for the operation of a licensed family child care facility serving up to twelve full-time children, subject to the following conditions:

1. Appellants shall construct a semi-circular or loop driveway in the front yard of the property, as shown on Exhibit 5, intended for one-way use in connection with the licensed family child care facility.
2. All vehicles coming to the property to deliver or pick up children in connection with the licensed family child care facility shall use the driveway by entering at the westerly access and exiting at the easterly access, as shown on Exhibit 5.
3. Appellants shall assure that no vehicle coming to the property to deliver or pick up children in connection with the licensed family child care facility shall back out of the driveway into the street.

Nothing about this approval or these conditions limits the personal use of the property by Appellants or their guests, unrelated to the licensed family child care facility. Any increase in the number of children to be served by this facility must be approved as an amendment to this approval.

Done at Barre, Vermont, this 17th day of August, 2001.

Merideth Wright
Environmental Judge