

TOWN OF BARNARD
Development Review Board
Application for Conditional Use Review
Findings and Decision

Brodie Webster
Permit Application No. ZP22-07

Conditional Use Hearing:
ZP22-07

For Parcel 01-0772.2, 6791 VT RTE 12 in the Town of Barnard, VT. The proposed project is described as follows: Home Business 2, a Contractor's Yard.

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Brodie Webster under the Town of Barnard Zoning Regulations on file at the Barnard Town Hall offices.
2. The application was received by Town of Barnard Administrative Officer Rob Ramrath on May 16, 2022. A copy of the application is available at the Barnard Town Hall offices.
3. On June 2, 2022, notice of a public hearing was published in the Vermont Standard and physically posted at the Barnard Town Hall offices, inside & outside and at the Barnard General Store on May 25, 2022.
4. On May 25, 2022, a copy of the notice of a public hearing was mailed to the applicant and to the following owners of properties adjoining the properties subject to the application :
 - a. Mark & Linda Lafave PO Box 176 Barnard, VT 05031
 - b. Richard & Diane Abraham PO Box 187 Barnard, VT 05031
 - c. Drew & Natasha Reeder PO Box 217 Barnard, VT 05031
 - d. Rock & Penny Webster PO Box 261 Barnard, VT 05031
5. The application was considered by the Development Review Board at a public hearing on July 5, 2022 following a site visit. The Development Review Board reviewed the application under the Town of Barnard Zoning Regulations, as adopted November 6, 2012.
6. Present at the hearing were the following members of the Development Review Board:
 - a. Doreen Hurley
 - b. Teo Zagar
 - c. Kurt Lessard
 - d. Justin Park
 - e. Ellen Miles
7. At the outset of the hearing, the Development Review Board afforded those persons wishing to achieve 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 regarding the criteria, and a record of their participation at the hearing is indicated below.

- a. Richard Abraham PO Box 187 Barnard, VT 05031 – Abutter, active discussion participant.
 - b. Rock Webster PO Box 261 Barnard, VT 05031 – Abutter, active discussion participant.
8. During the hearing the following exhibits were submitted to the Development Review Board:
- a. Board Review Package including:
 - i. Hearing Agenda.
 - ii. Logistical Checklist.
 - iii. Zoning Permit Application.
 - iv. Certified Abutter's List.
 - v. Abutter and Public Warning.
 - vi. Applicable excerpts from the Barnard Zoning Regulations.
 - b. An aerial print of the subject lot boundary was presented by Rob Ramrath, Clerk & Administrative Officer to be used for the purpose of sketching and clarifying plantings for screening purposes.

FINDINGS

Based on the application, testimony, site visit, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant seeks Conditional Use approval for a Home Business 2, a Contractor's Yard as defined in section 4.10 and the Definitions section of the Barnard Zoning Regulations. The subject property is a 1.224 acre parcel located at 6791 VT RTE 12 in the Town of Barnard (tax map parcel no. 01-0772.2).
2. The property is located in the Barnard Village District as described on the Town of Barnard Zoning Map on record at the Town of Barnard municipal office and section 2.2.4 of the Barnard Zoning Regulations.
3. The applicant satisfactorily addressed questions by the DRB regarding use, future intentions, and details of property screening from abutters and the road.
4. The applicant intends to significantly clean up the yard from its historic condition.
5. The applicant took ownership of the property recently and wishes to bring the use of the property into full conformance with Barnard Zoning Regulations.
6. The subject property is contiguous with parcel 01-0750.2, also owned by and containing the residence of the applicant. The Development Review Board judged this fact satisfies the Barnard Zoning Regulations requirement 4.9 that, "A Home Business 1 (and 2) must be owned and operated by the resident(s) of the property on which the business operates."
7. Only down-lighting will be used on the property.
8. The state wishes the cleared area of the yard to be accessible for turn-around purposes and any plantings for screening purposes should not diminish this use.
9. The yard has been operating since 1969.
10. The applicant will not be placing any roadside signage.

11. In accordance with Barnard Zoning Regulations, no more than three trucks, only one of which may be larger than 26,000 GVWR, are used in a Home Business 1 or 2.
12. The proposed development will not create an undue adverse effect on any of the elements enumerated in Barnard Zoning Regulations Section 4.11
13. The proposed development conforms with 4.10 of Barnard Zoning Regulations.

During the Deliberative Session a motion was made to approve the application as presented with the below conditions. A vote in the affirmative was unanimous.

DECISION AND CONDITIONS

Based upon these findings, and subject to the condition(s) set forth below, the Development Review Board grants the application for a Home Business 2, A Contractor's Yard, ZP-22-07. Conditions:

- a) All lighting shall be down-lighting.
- b) The yard shall be screened using a mix of native species, blending with the existing foliage. There shall be a continuation of the present tree-line from the south, and a new tree-line from the north, resulting in an opening to the yard of approximately 100 feet.

This document authored by Rob Ramrath, Clerk, Barnard Development Review Board. Dated at Barnard, Vermont, this 19th day of July, 2022.



Development Review Board Approval, Dated at Barnard, Vermont, this 19th day of July, 2022.
Teo Zagan, Chair



NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the 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.