



Town of Barnard, Vermont

Chartered July 17, 1761

P.O. Box 274
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DRB MINUTES OCTOBER 30, 2023

SITE VISIT

6:00 PM ZP23-31, 10024 VT RTE 12

Present: Kurt Lessard, Teo Zagar, Ellen Miles, Edythe Wright, Justin Park.

Also Present: Rob Ramrath (Clerk, Administrative Officer), Stephen Johnson.

The physical characteristics of the site were reviewed and observed.

SITE VISIT

6:30 PM ZP23-27, 141 GROVE ROAD

Present: Kurt Lessard, Teo Zagar, Ellen Miles, Edythe Wright, Justin Park.

Also Present: Rob Ramrath (Clerk, Administrative Officer), Gary Guzy, Sherry Sprague, Tom Hasson, Peter Stoddard.

The physical characteristics of the site were reviewed and observed.

MEETING/HEARINGS

7:00 PM TOWN HALL – (FRONT ENTRANCE)

Present: Kurt Lessard, Teo Zagar (Chair), Ellen Miles, Edythe Wright, Justin Park.

Also Present: Rob Ramrath (Clerk, Administrative Officer), Gary Guzy, Sherry Sprague, Tom Hasson, Peter Stoddard, Stephen Johnson, Paul Pinsent, Frank Verkaik, Susan Harsch.

1. Call to order

The meeting was called to order at 7:00 PM.

2. Review Agenda :05

There were no changes to the agenda.

3. Public Hearing: ZP23-27 Gary S. Guzy & Sharon A. Sprague, Zone A Flood Hazard Area Non-Substantial Improvement That increases the Footprint; A Deck Addition, Conditional Use, & Lakeshore Setback Waiver :30

Teo Zagar read the warning. Teo asked DRB members to disclose any conflicts of interest. There were none. Teo asked DRB members to disclose any ex parte communications. There were none. Teo acknowledged as interested parties as: Peter Stoddard, Sherry Sprague (applicant), Gary Guzy (applicant).

Rob Ramrath offered a foundational overview of the application as it related to the non-substantial improvement in the Zone A Flood Hazard Area and the waiver for the lakeshore setback.

Gary Guzy described that the site is constrained regarding outdoor access to the living level of the dwelling. He mentioned the opinion letter from engineer Jon Harrington stating that the footing for the newly constructed deck would be 2.7 feet above base flood elevation. He stated that he had worked with state lakeshore authorities and that the project was within state regulations. He stated that engineer Jon Harrington rendered an opinion that there were no negative aspects of the project regarding flood protection. Gary pointed out that there was no further encroachment towards the lakeshore as the design maintained the same distance to the lakeshore as the present dwelling. He mentioned the positive opinion obtained by the Administrative Officer from the Vermont Department of Environmental Conservation. Sherry Sprague stated that all plantings will be native and modest. A letter of support from neighbor Jen Cardello was presented.

Kurt Lessard asked if the present three-quarter inch gravel that was in the location of the project was to be maintained; Gary answered in the affirmative. Peter Stoddard of the Silver Lake Association voiced his support saying there was no negative impact on the lake, and he was in favor of the project. He stated that Gary and Sherry were great stewards of the lake, and he was happy to have them as neighbors.

After asking if anyone had any further questions or comments, the hearing was closed by Teo Zagar at 7:14 PM.

4. Public Hearing: ZP23-31 Stephen G. Johnson, Home Business 2, a Contractor's Yard, Conditional Use :45

The hearing was opened at 7:15 PM. Teo Zagar read the warning. Teo asked DRB members to disclose any conflicts of interest. There were none. Teo asked DRB members to disclose any ex parte communications. There were none. Teo acknowledged as interested parties as: Stephen Johnson (applicant), Paul Pinsent, Susan Harsch, Frank Verkaik.

Rob Ramrath offered a foundational overview of the application as a Home Business 2, a Contractor's Yard, Conditional Use.

Stephen Johnson described the project. He mentioned that the footprint of the present Current Use would be maintained. He described that the use would be consistent with the definition of a Contractor's Yard where equipment would be stored and maintained. Susan Harsch asked if the applicant would be living there. Stephen said that his intention was to move into the location in the spring of 2024. At first, he would use temporary housing of a double wide or single wide trailer while he was building a new dwelling. The present

dwelling on the site would be torn down. Susan asked if there would be any wood chipping at the location. Stephen said that wood chipping takes place at the logging site; that logs were not transported and then chipped. Ellen Miles asked again about the living situation and Stephen reiterated that he would be building a house, but would live in a single wide or double wide trailer until the house was constructed. Stephen mentioned that the present house has already been used for fire department training and would be used again in the spring and then torn down. Stephen said the new house would be constructed on the opposite side of the driveway from the present house. Frank Verkaik voiced objections to the amount of equipment and that the applicant would not immediately be living on the property. Rob Ramrath took several minutes to describe the definition of a Contractor's Yard. Susan Harsch mentioned that everybody in the area helps one another, and she thanked the whole community for that help. She asked the applicant if he would behave in the same manner, acting as a helpful neighbor. Stephen stated that he believes he has demonstrated that he does his part in the community and cited examples of recovery from tropical storm Irene and the recent July 9, 2023, flood. Paul Pinsent stated he had lived there for 39 peaceful years, and he was afraid of the noise. Rob Ramrath and others on the Development Review Board pointed out that existing regulations for noise are present in the Barnard Zoning and Subdivision Regulations. Susan Harsch stated she wanted noise controls. It was reiterated that present regulations already control this issue. She asked how noise could be measured. Frank also asked about this. Rob discussed how qualified professionals would have to take measurements according to the standards. He said such professionals could be engaged either by a private party or by the Selectboard depending on the circumstances. Susan asked what would happen if noise controls were violated. Rob described the process of a zoning violation and the potential fines that could be imposed by the Selectboard. Stephen mentioned that all his trucks and equipment had proper sound mufflers with no straight pipes. Teo Zagar inquired if the sounds of the Contractor's Yard would be associated with the comings and goings of the equipment, along with loading equipment and activities associated with maintenance and repair. Stephen confirmed that this was the case. Kurt Lessard mentioned that any logging on the new property could be confused by observers with activities associated with the Contractor's Yard, yet they were distinct activities and regulated very differently. Kurt judged that this confusion led to neighbor concerns with Stephen's other property on VT RTE12. Teo inquired about the timing of moving into the temporary living situation, and Stephen stated he would be living on the site by June of 2024. Susan asked Stephen what he would do if he did not get the permit. Stephen said he would make other plans. Rob described the applicant's right of appeal. Rob also described the DRB's responsibility in determining the conformance of the application and any reasonable conditions; he stated that considerations of whether the DRB or the interested parties liked or disliked the proposed use could not be considered. Frank Verkaik asked about the unmet conditions on Stephen's previously permitted Contractor's Yard on VT RTE 12. Rob described that he had contacted Stephen, and that the permit was to be voided. Frank asked if Rob gave Stephen advice. Rob stated that his role is

to give zoning regulation advice both to applicants and to the DRB with the objective of mutual success. Paul Pinsent said his issues were all about worries of noise and that he had no worries with regards to his view of the contractor yard.

After asking if anyone had any further questions or comments, the hearing was closed by Teo Zagar at 8:10 PM.

5. Deliberative Session

The DRB entered the Deliberative Session at 8:11 PM.

Minutes prepared by Rob Ramrath, Administrative Officer, Clerk to the DRB.