



# Town of Barnard, Vermont

Chartered July 17, 1761

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## **DRB MINUTES DECEMBER 5, 2022**

### **SITE VISIT**

#### **3:30 PM ZP22-23, 71 GARNET HILL**

**Present:** Doreen Hurley, Teo Zagar, Ellen Miles, Greg Boulbol, Kurt Lessard

**Also Present:** Rob Ramrath, Richard Lancaster, Doug VanDalinda, Heather Lawler, Jay Caruso

The proposed fence line particularly in the area of the pond and intake pipe, was walked by the group. Jay Caruso described the plan.

#### **4:00 PM ZP22-24, MEET AT 441 ROYALTON TPKE FOR 61 COURTYARD RD SUBJECT PROPERTY**

**Present:** Doreen Hurley, Teo Zagar, Ellen Miles, Greg Boulbol, Kurt Lessard

**Also Present:** Rob Ramrath, Michael Beardsley, Marc Desmet, Richard Lancaster, Abby Dery  
Michael Beardsley and Marc Desmet walked the group around the exterior of the building and described the project.

### **MEETING/HEARINGS**

#### **4:30 PM BARNARD TOWN HALL UPSTAIRS, FRONT ENTRANCE**

**1. Call to order**

The meeting was called to order at 4:30 PM.

**2. Review Agenda :05**

Teo reviewed the agenda. There were no changes to the agenda. Rob Ramrath mentioned that a clipboard was circulating for roll call and that filling in the information was critical to be granted interested person status. Teo reviewed the attendees and granted interested person status as described below for each hearing.

**3. Public Hearing: ZP22-23 & Setback Waiver Request, 71 Garnet Hill, Jay & Linda Caruso, A sound reducing stockade fence 9 FT +/- tall, 400 FT +/- long, Conditional Use :45**

The hearing was opened at 4:35 PM. Teo read the warning. DRB members did not declare any conflicts of interest or ex parte communications. Interested Person status was granted to: Heather Lawler, and Doug VanDalinda. Richard Lancaster was also in attendance.

Teo swore in Jay & Linda Caruso as well as the applicant representation for the ZP22-24 hearing including Michael Beardsley, Abby Dery & Marc Desmet.

Teo invited testimony from the applicants. Jay described the project and also indicated he was seeking a setback waiver for the fence. He said the purpose of the fence was for sound mitigation due to barking dogs of his neighbor's further up the driveway, as well as to provide a clear definition of the property boundary. Linda shared that presently Jay and Casey Caruso (their daughter), were being sued by their neighbors. She said they wanted the fence to define the boundary. Linda said the litigation accused spying and stalking. Linda said they had lived on the hill for 46 years and never had a problem with any other neighbor. Ellen asked how high the fence was going to be. Jay had mentioned at various points that it is to be a 10 foot fence. The application said it is to be an 8 foot fence with one foot spacing from the ground.

Doug asked to be heard. He said that there had been a dispute with the applicants over the building of a shed and its legality from a zoning perspective. He said there had been name calling and friction over the issue. He said that their home was so high above the applicant's home that the sound would not be mitigated from the fence, nor would the fence offer the visibility privacy they were seeking. He said it was a spite fence. Heather asked to be heard and said it was a punishment fence and there seemed to be ambiguity around the setback. She said she was concerned that wetlands may be implicated in the project. She said the easement deed involved more than consideration of \$1.00 and included a tractor and \$640 consideration. She also said there was a grievance letter in the land record from the owner receiving the easement deed. Heather continued that a setback waiver of the fence along the driveway would lead to dangerous issues including visibility and difficulty with proper snow removal. Heather said an 8 to 10 foot fence would be disruptive to the tranquility of her property. She concluded that her opinion was the waiver should not be granted.

Greg asked why a waiver was necessary. Jay responded that it was due to the barking dog noise, the spying and the stalking issues. Greg asked why setback requirements could not be followed. Jay said by installing the fence along the property boundary, he could gain more height of the fence between the two houses due to the contours of the land. Jay mentioned as well that he did not know exactly where the fence would end up being installed if he was granted the waiver. He said the fence location would have to account for issues with soft ground and ledge. He said he didn't want to be constrained to the setback because it would not be ideal for his purposes. He reiterated that the fence will make their property boundary clear. He said the easement was for the consideration of \$1 and the \$640 was for legal fees and the tractor was for mowing and had nothing to do with consideration for the easement. Linda commented that Jay had a wetlands inspector from the state review the project and found no issues. Greg commented that aesthetics are a concern of his. Jay retorted that it is nicer than a chain link fence and that a chain link fence won't address the barking or privacy issues. Jay commented that the stockade fence is made of natural wood. Linda added that the dogs may bark less with the fence because the dogs would be unable to hear and see activity on their property. Ellen asked about the exact location of the fence and Jay shared that the mechanics

and engineering of the installation would establish where it would actually be located. There were general questions about the exact requirements of the setback to be conforming with Barnard zoning regulations. Rob shared a sketch and reviewed the setback requirements to the property boundary, the easement around the pond, and the shared portion of the driveway. At this point in the hearing Teo asked the board and the audience whether there were any further questions. There were none and Kurt made a motion to close the hearing with Ellen as a second. The board voted unanimously to close the hearing at 5:08 PM.

**4. Public Hearing: ZP22-24 61 Courtyard Road, John Graham of Twin Farms LLC, A +/- 1328 SF kitchen addition to the Main House building on site, Conditional Use :45**

The hearing was opened at 5:09 PM. Teo read the warning. DRB members did not declare any conflicts of interest or ex parte communications. Interested Person status was granted to: Richard Lancaster and Jeri & Josh Berlin. Michael Beardsley, Abby Dery & Marc Desmet were present, representing the applicant.

Michael gave a project overview. Josh asked if the work was to be east facing. Michael indicated it was. Michael stated that the work would not be seen from the road. Michael stated the addition would be starting in the spring of 2023 or 2024 and would be approximately nine months in duration. Doreen inquired of egress from the kitchen. Marc stated that it would be fully compliant with building code requirements. Marc stated that the addition triggered requirements for inclusion of a new sprinkler system due to the additional size of the building.

Josh articulated concerns about light pollution and asked whether the design considered that. Marc said all lighting is night sky compliant and that exterior lights were either eave lights or shrouded downlights. Teo asked whether the board or the audience had any additional questions. None were asked. Kurt made a motion to close the hearing and was given a second by Ellen. The vote was unanimous, and the hearing was closed at 5:20 PM.

**5. DRB Organizational Meeting – Appoint Chair, Vice Chair, Clerk :10**

With a motion by Kurt and 2<sup>nd</sup> by Ellen, Teo was unanimously elected Chair. With a motion Kurt and a 2<sup>nd</sup> by Doreen, Ellen was unanimously elected Vice Chair. With a motion by Ellen and 2<sup>nd</sup> by Teo, Rob was unanimously elected Clerk.

**6. Deliberative Session**

At 5:30 PM, the board went into Deliberative Session.

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