



# Town of Barnard, Vermont

Chartered July 17, 1761

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## **DRB MINUTES JULY 5, 2022**

### **SITE VISITS**

#### **6:00 PM 9273 VT RTE 12 ZP22-08 STEPHEN JOHNSON**

**Present:** Doreen Hurley, Teo Zagar, Kurt Lessard, Justin Park, Ellen Miles.

**Also Present:** Rob Ramrath, Debbie Daughtry, Lynne Martin, Garth Quillia, Steve Johnson Frank Verkaik, Lee Chesnut.

Steve Johnson briefly described the physical aspects and intentions for his Home Business 2 Contractor's Yard. Clarifying questions for fact determination were asked and answered.

#### **6:30 PM 6791 VT RTE 12 ZP22-07 BRODIE WEBSTER**

**Present:** Doreen Hurley, Teo Zagar, Kurt Lessard, Justin Park, Ellen Miles.

**Also Present:** Rob Ramrath, Rich Abraham

Brodie Webster briefly described the physical aspects and intentions for his Home Business 2 Contractor's Yard. Clarifying questions for fact determination were asked and answered.

### **1. Call to order**

The meeting was called to order at 7:00 PM. Rob described that Chair Teo Zagar had requested him to facilitate the meeting, while Teo remained as the authoritative Chair.

### **2. Review Agenda :05**

Rob Reviewed the Agenda. There were no changes.

### **3. Public Hearing: ZP22-08 Stephen Johnson, Home Business 2, a Contractor's Yard, Conditional Use :45**

The hearing was opened at 7:05 PM. The warning was read. DRB members did not declare any conflicts of interest or ex parte communications.

Rob performed a roll call. People with an asterisk symbol identified themselves as an Interested Party: Steve Johnson (Applicant), Susan Harsch\*, Kelly Burgess\*, Lee Chesnut\*, Frank Verkaik\*, Richard Abraham, Rock Webster, Garth Quillia\*, Lynne Martin\*, Debbie Daughtry\*, Ed Withington\*, Marsha Withington\*.

The applicant was sworn.

Ed Withington inquired how people get notified of such hearings. Rob described the statutory process including U.S. Post mailings to abutters. Ed said he did not receive the mailing. The certified mailing list was reviewed and the Withington's were on the list. Marsha Withington said they may not have noticed the letter. Rob provided background information on Barnard Zoning Regulations

regarding Home Business 2 and definitional exceptions to a Contractor's Yard which allow conditional approval by the DRB. Steve Johnson was invited to give an overview of his application. He summarized that he wished to move his Contractor's Yard on Mt. Hunger Rd to his new subject property. Steve stated he would either convert the present barn or build a new one in the same spot, with the same footprint to accommodate his shop needs. Steve said two employees would meet there to head out to job sites; that he did not make his money by staying at the Contractor's Yard. The public was invited to provide comments & questions. Frank questioned how a Home Business 2 permit could be approved prior to Steve moving into the house on the property. Steve stated he will occupy the home by spring 2023 at the latest. Rob commented that it would be reasonable to take this approach as an applicant should not be expected to rebuild a home and occupy it on the hope of a future award of the permit. It was reviewed that Barnard Home Business Zoning Regulations require residency; assuming award of the permit, active use of the Contractor's Yard without residency in place would be a violation. Ed asked about the current activities on the property and there was some concern that the property was already playing the role of a Contractor's Yard. It was discussed that to date, logging operations were being performed on the property and logging does not require a Zoning Permit in Barnard. Ed asked about implications to the wetlands on the property. Steve reported he has worked with the state to assure the wetlands were being managed properly. Frank asked how the permit in question would constrain a shift in the future to a very different use. Rob stated that the permit defined a specific use of Contractor's Yard associated with the Home Business 2 permit, and a change to a different use would require a new permit. Lynne offered several comments on the application regarding the impact to the quality of life and bucolic nature of Barnard, stating that a Contractor's Yard was an "eye sore" and "ugly". There were several other similar sentiments related (or visually agreed to) by essentially all the interested parties. There was gathering energy in the room in opposition to a Contractor's Yard. Rob shared with the group that if a Conditional Use Zoning Permit application is compliant with Barnard Zoning Regulations, the DRB is compelled to approve it; their only latitude is to require "Reasonable Conditions" to help accommodate concerns of the community. Lynne stated she was concerned that her inputs would not make a difference to the process. Kurt and Justin shared they were caring of the Barnard Community and cared about public input. Rob suggested that public input and conversation be redirected towards reasonable conditions that could address community concerns as much as possible. Rob also shared that the town was embarking on an update to the 2016 Town Plan and invited people to participate in that process with the Planning Commission as the Town Plan sets the stage for Zoning Regulations. There was discussion on the Barnard Zoning Regulation Home Business 2 requirement to adequately screen the Contractor's Yard area from adjacent properties and public roads. Steve described his intent to build a 3-5 foot berm along VT RTE 12 and plant 4-6 foot white pines, spaced 12-15 feet apart. Steve said he'd work out plantings on the border with Parcel 06-0399 with the owner. Ellen solicited community members for their inputs. Frank offered concerns regarding a potentially unnatural look of the berm. There was some discussion of fencing, but there was little support. Doreen asked if all equipment could be parked behind the barn; Steve said that would not be practical for his business needs due to lack of space. Kelly inquired how the community would be notified of the decision of the board. Rob described that minutes and decisions are published on the Barnard website and a 'Big Red P' poster would

have to be posted on the property for 15 days upon issuance of the permit. Kurt inquired about lighting. Steve reported only down-lights would be used on the barn and no new lighting would be added. Steve said he didn't intend to have a roadside sign.

At 8:09 PM Kurt made a motion to close the hearing with a second from Teo. The vote was unanimous to close the Public Hearing on ZP22-08.

*Administrative Note: In addition to the general public notifications described during the meeting, participants at the hearing will be sent copies of the decision via U.S. Post.*

#### **4. Public Hearing: ZP22-07 Brodie Webster, Home Business 2, a Contractor's Yard, Conditional Use :45**

The hearing was opened at 8:12 PM. The warning was read. DRB members did not declare any conflicts of interest or ex parte communications.

Rob performed a roll call. People with an asterisk symbol identified themselves as an Interested Party: Brodie Webster (Applicant), Steve Johnson, Rock Webster\*, Richard Abraham\*.

The applicant was sworn.

Brodie offered an overview of his application, saying he would be continuing operations of the yard. Rock added the yard had been operating since 1969. Brodie said the yard hasn't been compliant and he wished to make it compliant through the permitting process. He said he may build a larger shop in the future. Rob added that any new structure would need a future Zoning Permit. Brodie reported he intends to clean up the property of scrap metal, burn piles and rotten debris that has accumulated over the years. Rich asked about the separate lots associated with Brodie's home and shop area. It was described that the two parcels are contiguous, under Brodie's common ownership and therefore compliant with the definition of a Home Business in the Barnard Zoning Regulations. Kurt asked about lighting and signage. Brodie said only down-lighting would be used and there would be no roadside sign. There was much discussion about how Brodie might visually screen the property. Brodie and Rock asserted that the state would require significant setback of any screening due to the state's right-of-way. Additionally, Rock asserted the state had made it clear that they wish the cleared area of the yard to be accessible for turn-around purposes. Rob made a printout of the lot and a sketch was made showing a continuation of the present tree-line from the south, and a new tree-line from the north for screening purposes. The result would be an opening of approximately 100 feet for access to the yard. The board agreed a mix of native species be used to blend with the existing foliage.

At 9:00 PM Kurt made a motion to close the hearing with a second from Doreen. The vote was unanimous to close the Public Hearing on ZP22-07.

#### **5. Deliberative Session**

The board went into Deliberative Session upon the closure of the preceding hearing.

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