

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

Gary S. Guzy and Sharon A. Sprague
Permit Application No. ZP23-27

Conditional Use Hearing:
ZP23-27

For Parcel 01-0420, 141 Grove Road in the Town of Barnard, VT. The proposed project is described as follows: Zone A Flood Hazard Area Conditional Use Permit, a non-substantial improvement that increases the footprint; a deck addition & lakeshore setback waiver.

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Gary S. Guzy and Sharon A. Sprague 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 August 15, 2023. A copy of the application is available at the Barnard Town Hall offices.
3. On September 23, 2023, notice of a public hearing was published in The Valley News and physically posted at the Barnard Town Hall offices, inside & outside and at the Barnard General Store on September 21, 2023.
4. On September 22, 2023, a copy of the notice of a public hearing was emailed to the applicant. The notice of public hearing was sent via U.S. Post on September 22, 2023 to the following owners of properties adjoining the property subject to the application:

CARDELLO JENNIFER L PRENTISS NEIL 128 GOVERNORS AVE MEDFORD,
MA 02155

FARRELL DONALD T FARRELL MAUREEN 116 SCHOOL ST CHELMSFORD,
MA 01824

JUDGE SARA M 18 OAKLAND AVE ARLINGTON, MA 02476

MILORD-HULL FAMILY 288 OTTO MERRILL RD SOUTH ROYALTON, VT 05068

TREVOR DAGNEY C PO BOX 42 BARNARD, VT 05031-0042

VERMONT STATE OF DEPT OF PARKS & RECREATION, 1 NATIONAL LIFE
DRIVE, DAVIS 2, MONTPELIER, VT

5. The application was considered by the Development Review Board at a public hearing on October 30, 2023 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. Ellen Miles
 - b. Edythe Wright
 - c. Teo Zagar
 - d. Kurt Lessard
 - e. Justin Park
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. The applicants were present and considered interested persons. 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. Peter Stoddard, 321 Grove Road, Barnard, VT 05031. Residence in the area, 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. Letter of Map Amendment (LOMA) on existing house.
 - vii. Harrington Civil Engineering Analysis.
 - viii. Vermont DEC Shoreland Jurisdictional Determination Form
 - ix. Site layout
 - x. ANR Opinion Letter.
 - xi. Additional Information for WAIVER Form
 - xii. Applicable excerpts from the Barnard Zoning Regulations.

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 Zone A Flood Hazard Area Conditional Use Permit, a non-substantial improvement that increases the footprint; a deck addition & lakeshore setback waiver as defined in section 3.7.3(a), 3.3.2 and the Definitions section of the Barnard Zoning Regulations. The subject property is a .35 acre parcel located at 141 Grove Road in the Town of Barnard (tax map parcel no. 01-0420).
2. The property is located in the Lakeshore (LAK) District as described on the Town of Barnard Zoning Map on record at the Town of Barnard municipal office and section 2.2.8 of the Barnard Zoning Regulations.

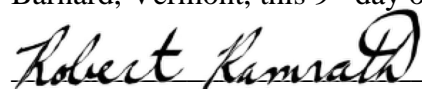
3. The applicant satisfactorily addressed questions by the DRB regarding use, future intentions, and details of property.
4. The deck is estimated to be 2.7' higher than the Base Flood Elevation (BFE) defined in the existing LOMA for the structure (house).
5. The proposed deck structure is no closer to the shoreline than the existing dwelling.
6. No abutters or residents in the area opposed the application. Via a letter and attendance, two residents in the area offered their support for the application.
7. The opinion letter dated October 6, 2023 from John Broker-Campbell, Vermont Regional Floodplain Manager stated, “The applicant provided letter from Harrington Civil Engineers dated September 11, 2023, provides sufficient evidence and justification to ensure that no rise in BFE will occur because of the deck construction and thereby meeting the requirements of Section 5.1.5(a) of the Barnard Zoning Regulations.”
8. The opinion letter dated October 6, 2023 from John Broker-Campbell, Vermont Regional Floodplain Manager stated, “For all development located within the FEMA mapped SFHA, the National Flood Insurance Program (NFIP) minimum regulations require that all new development be reasonably safe from flooding and be:
 - a. Designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood.
 - b. Constructed with materials resistant to flood damage such as pressure treated lumber.
 - c. Constructed by methods and practices which will minimize flood damage.”
9. The proposed development will not create an undue adverse effect on any of the elements enumerated in Barnard Zoning Regulations Section 4.11
10. The proposed development conforms with relevant Barnard Zoning Regulations including sections 3.7, 4.1(f), and 5.1.
11. In accordance with Barnard Zoning Regulations section 3.3.2 Waivers By DRB, the DRB finds that due to the de minimus nature of the proposed structure that:
 - a. The natural resources, rural character and aesthetics are unaffected.
 - b. Public safety is unaffected.
 - c. The ability of abutters to use their property is unaffected.

During the Deliberative Session a motion was made to approve the application as presented without conditions. A vote in the affirmative was unanimous.

DECISION

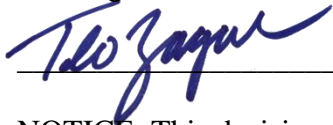
Based upon these findings the Development Review Board grants the application for a Zone A Flood Hazard Area Conditional Use Permit, a non-substantial improvement that increases the footprint; a deck addition & lakeshore setback waiver, ZP23-27.

This document authored by Rob Ramrath, Clerk, Barnard Development Review Board. Dated at Barnard, Vermont, this 9th day of November, 2023.



Development Review Board Approval, Dated at Barnard, Vermont, this 9th day of November, 2023.

Teo Zagar, 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.