

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

**Susan Harsch**  
**Permit Application No. ZP22-09**

**Conditional Use Hearing:**  
ZP22-09

For Parcel 06-0276.3, 9774 VT RTE 12 in the Town of Barnard, VT. The proposed project is described as follows: Non-substantial improvement that increases the footprint; a deck addition.

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review of an application for conditional use submitted by Susan Harsch 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 19, 2022. A copy of the application is available at the Barnard Town Hall offices.
3. On June 16, 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 June 13, 2022.
4. On June 14, 2022, 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 June 13, 2022 to the following owners of properties adjoining the property subject to the application:
  - a. BOOTH JULIE 9845 VT RT 12 BETHEL, VT 05032
  - b. CHESNUT WILLIAM LEE JR VERKAIK FRANK PO BOX 896 BARNARD, VT 05031-0896
  - c. DAUGHTRY HOWARD S DAUGHTRY DEBORAH J 7211 CLIFTON RD CLIFTON, VA 20124
  - d. DECOFF MICHAEL A DECOFF DAWN 9855 VT RT 12 BETHEL, VT 05032
  - e. HAMBSCH VT RESIDENTIAL TR NIVER EVA MARIE 49 MARION RD WESTPORT, CT 06880
  - f. JOHNSON STEPHEN G JOHNSON MEGAN B PO BOX 299 BARNARD, VT 05031
  - g. KELLER THERESA J 45 JACQUELINE LN PLYMOUTH, MA 02360-4678

- h. QUILLIA GARTH MARTIN LYNNE PO BOX 288 BARNARD, VT 05031-0288
  - i. WITHINGTON EDWARD E WITHINGTON MARSHA E 9515 VT RT 12 BETHEL, VT 05032-9225
5. The application was considered by the Development Review Board at a public hearing on July 19, 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. Sonja Doppelhofer-Withington
  - b. Greg Boulbol
  - 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. 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. None.
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. ANR Opinion Letter.
    - ix. Applicable excerpts from the Barnard Zoning Regulations.
  - b. A site survey was presented by Engineer Jon Harrington.

## **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 Non-substantial improvement that increases the footprint; a deck addition as defined in section 3.7.3(a) and the Definitions section of the Barnard Zoning Regulations. The subject property is a 42.94 acre parcel located at 9774 VT RTE 12 in the Town of Barnard (tax map parcel no. 06-0276.3).

2. The property is located in the Rural, Forest, and Farmlands (RFF) District as described on the Town of Barnard Zoning Map on record at the Town of Barnard municipal office and section 2.2.3 of the Barnard Zoning Regulations.
3. The applicant satisfactorily addressed questions by the DRB regarding use, future intentions, and details of property.
4. The pending LOMA for the property is not required for approval of this application.
5. The deck is estimated to be 9.5' higher than the BFE defined in the existing LOMA for the structure (house).
6. The opinion letter dated June 30, 2022 from John Broker-Campbell, Vermont Regional Floodplain Manager, indicates the project is conforming to Barnard Zoning Regulations.
7. As the deck is well above BFE, no flood-proofing construction conditions will be specified.
8. The proposed development will not create an undue adverse effect on any of the elements enumerated in Barnard Zoning Regulations Section 4.11
9. The proposed development conforms with relevant Barnard Zoning Regulations including sections 3.7, 4.1(f), and 5.1.

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

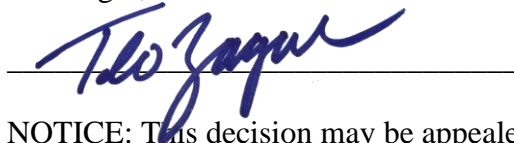
## **DECISION**

Based upon these findings the Development Review Board grants the application for a Non-substantial improvement that increases the footprint; a deck addition, ZP-22-09.

This document authored by Rob Ramrath, Clerk, Barnard Development Review Board. Dated at Barnard, Vermont, this 25<sup>th</sup> day of July, 2022.



Development Review Board Approval, Dated at Barnard, Vermont, this 25<sup>th</sup> day of July, 2022.  
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.