

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

Stephen Johnson
Permit Application No. ZP23-31

Conditional Use Hearing:
ZP23-31

For Parcel 06-0055.1, 10024 VT RTE 12 in the Town of Barnard, VT. The proposed project is described as follows: Home Business 2, a Contractor's Yard.

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Stephen Johnson 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 September 20, 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 and mailed via U.S. Post to the following owners of properties adjoining the properties subject to the application :

BARKER WALTER T III 10445 VT RT 12
BETHEL, VT 05032-9302

DECOFF DAWN 9855 VT RT 12
BETHEL, VT 05032

ENGEL MELINA ENGEL JOHN J
74 BADGER FARM RD WILTON, NH 03086

HARSCH SUSAN PO BOX 1155
BARNARD, VT 05031

HOFFMAN GAIL V RIEDED PAUL S 74 HEATHER CT, NASHUA, NH
03062

KELLER THERESA J 45 JACQUELINE LN
PLYMOUTH, MA 02360-4678

MILTNER RACHEL PARIHAR ABHIMANYU
8 MORETOWN MOUNTAIN RD MORETOWN, VT 05660

PINSENT PAUL PINSENT CORRINA PO BOX 241
BARNARD, VT 05031-0241

STEVENS MATTHEW CONTE NICOLE 10154 VT RT 12
BETHEL, VT 05032

W&K CAPITAL MANGEMENT, LL ATTN: KF PARTNERS, LLC 444 W.
LAKE STREET, SUITE 3450 CHICAGO, IL 60606

WENDORF BENJAMIN R WENDORF ANGELA D 31 BUCKLEY RD
WORCHESTER, MA 01602

WILSON GRETCHEN PO BOX 21
BARNARD, VT 05031-0021

WILLIAM LEE CHESTNUT, JR FRANK VERKAIK
P.O. BOX 896 BARNARD, VT 05031

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. Edythe Wright
 - b. Teo Zagar
 - c. Kurt Lessard
 - d. Justin Park
 - e. Ellen Miles
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 applicant was present and considered an interested person. 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. PINSENT PAUL PO BOX 241, BARNARD, VT 05031-0241- Residence in the area, active discussion participant.
 - b. VERKAIK FRANK PO BOX 896 BARNARD, VT 05031 - Residence in the area, active discussion participant.
 - c. SUSAN HARSCH PO BOX 1155, 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. 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 Home Business 2, a Contractor's Yard as defined in section 4.10 and the Definitions section of the Barnard Zoning Regulations. The subject property is an 65.26 acre parcel located at 10024 VT RTE 12 in the Town of Barnard (tax map parcel no. 06-0055.1).
2. The property is located in the Barnard Rural, Forest and Farmlands 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 and future intentions.
4. The applicant is not required to occupy the dwelling to apply for and be awarded a Zoning Permit.
5. The applicant reports he is selling his current Contractor's Yard.
6. Barnard Home Business Zoning Regulations require residency. The DRB wishes to be reasonable and flexible, recognizing that the applicant is moving his equipment from one contractor yard to the subject location, while also moving his residence.
7. The applicant reports he will be removing the current dwelling and will be building a replacement. The applicant reports he will initially take residence with a single or double-wide temporary dwelling.
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 4.10 of Barnard Zoning Regulations.

During the Deliberative Session a motion was made to approve the application as presented with the below condition. A vote in the affirmative was unanimous.

DECISION AND CONDITIONS

Based upon these findings, and subject to the condition(s) set forth below, the Development Review Board grants the application for a Home Business 2, A Contractor's Yard, ZP23-31. Conditions:

- a) The applicant must establish his residence at the subject property by June 30, 2024.

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

Robert Lamrath

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

Teo Zagar, Chair

Teo Zagar

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.