

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

Will Dodson
Permit Application No. ZP23-01

Conditional Use Hearing:
ZP23-01

For Parcel 01-0040, 5518 VT RTE 12 in the Town of Barnard, VT. The proposed project is described as follows: Change of use for the living quarters in the house and barn from residential, to residential and inn, in the Barnard Village district.

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Will Dodson under the Town of Barnard Zoning Regulations on file at the Barnard Town Hall offices.
2. The application was received by and deemed complete on January 9, 2023 by Town of Barnard Administrative Officer Rob Ramrath. A copy of the application is available at the Barnard Town Hall offices.
3. On January 26, 2023, notice of a public hearing was published in the Vermont Standard. The warning was posted on the town website and physically posted at the Barnard Town Hall offices, inside & outside and at the Barnard General Store on January 18, 2023.
4. On January 18, 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 January 18, 2023 to the following owners of properties in the vicinity the property subject to the application:

JAMES & JILL PAVLOVICH
PO BOX 257
BARNARD, VT 05031

TWIGG-SMITH THURSTON JR
TWIGG-SMITH ANDREA
PO BOX 65
BARNARD, VT 05031-0065

VAUGHN W RANDAL VAUGHN
EILEEN J
PO BOX 1156
BARNARD, VT 05031-1156

Additionally :

The Zoning Administrator received an email from Lucy Godshall on February 19, 2023, stating that she and her husband Ryan Onorato owned parcel 01-0037.3. The change of ownership of the parcel, which was not yet reflected on the town tax maps, was confirmed by the town Assessor. The Zoning Administrator had a phone conversation on February 20, 2023 with Lucy. She was aware of the hearing and stated she intended to attend. The Zoning Administrator then immediately emailed the abutter letter to:

Lucy Godshall & Ryan Onorato
808 Creek Rd, Bethel, VT 05032

Subsequently, the Zoning Administrator amended the certified abutter list and redistributed it to the DRB and applicant.

5. The application was considered by the Development Review Board at a public hearing on February 28, 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. Teo Zagar
 - b. Edythe Wright
 - c. 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 is indicated below. All persons on the list were present and actively participated in the hearing.

<u>NAME (FIRST/LAST)</u>	<u>MAILING ADDRESS</u>	<u>BARNARD PROPERTY ADDRESS</u>
Andrea & Thurston Twigg-Smith	PO Box 65 Barnard, VT 05031	26 Bennett Rd.
Randal Vaughn	PO Box 1156 Barnard, VT 05031	5960 VT RTE 12.
Ryan Onorato & Lucy Godshall	PO Box 97 36 Happy Valley Rd. Taftsville, VT 05073	00 VT RTE 12.
Applicant: Will Dodson	PO Box 244 Barnard, VT 05031	5518 VT RTE 12.

8. During the hearing the following exhibits were submitted to the Development Review Board and applicant:
 - 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.
 - vii. Letter from Terry Shearer, VT Agency of Natural Resources.

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 change of use for the living quarters in the house and barn from residential, to residential and inn, in the Barnard Village district. The subject property is a 10-acre parcel located at 5518 VT RTE 12 in the Town of Barnard (tax map parcel no. 01-0040).
2. The property is located in the Barnard Village (BV) District as described on the Town of Barnard Zoning Map on record at the Town of Barnard municipal office and section 2.2.4 of the Barnard Zoning Regulations.
3. The applicant satisfactorily addressed questions by the DRB regarding use, future intentions, and details of property.
4. The property's existing wastewater system is adequate for the change of use and the state authority has confirmed.
5. The applicant has worked with the state Deputy Fire Marshall and is performing necessary property modifications to be compliant with state requirements.
6. The described use meets the definition of Inn in the Barnard Zoning Regulations.
7. The proposed change of use conforms with all relevant Barnard Zoning Regulations.
8. The previous permitted use of residence, restaurant/tavern and event space is maintained.
9. Site parking, structure footprint and lighting is unchanged with the proposed use.
10. The proposed use will not create an undue adverse effect on any of the elements enumerated in Barnard Zoning Regulations Section 4.11.

During the Deliberative Session a motion was made by Teo Zagar, with a second by Edythe Wright to approve the application as presented with without condition. A vote in the affirmative was unanimous.


DECISION AND CONDITIONS

Based upon these findings, the Development Review Board approves the application for change of use for the living quarters in the house and barn from residential, to residential and inn in the BV district, ZP23-01.

This document authored by Rob Ramrath, Clerk, Barnard Development Review Board. Dated at Barnard, Vermont, this 1st day of March, 2023.



Development Review Board Approval, Dated at Barnard, Vermont, this 6th day of March, 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.