

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

Stephen Johnson
Permit Application No. ZP22-08

Conditional Use Hearing:
ZP22-08

For Parcel 06-0284, 9273 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 May 17, 2022. A copy of the application is available at the Barnard Town Hall offices.
3. On June 2, 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 May 25, 2022.
4. On May 25, 2022, a copy of the notice of a public hearing was mailed to the applicant and to the following owners of properties adjoining the properties subject to the application :
 - a. QUILLIA GARTH MARTIN LYNNE PO BOX 288 BARNARD, VT 05031
 - b. BOOTH JULIE 9845 VT RT 12 BETHEL, VT 05032
 - c. DRISCOLL MATTHEW M DRISCOLL LINDLEY G PO BOX 147
BARNARD, VT 05031
 - d. CHESNUT WILLIAM LEE JR VERKAIK FRANK PO BOX 896 BARNARD,
VT 05031
 - e. MACKAY THOMAS ROSS ALEXANDER 1001 FISKE ST PACIFIC
PALISADES, CA 90272
 - f. DAUGHTRY HOWARD S DAUGHTRY DEBORAH J 7211 CLIFTON RD
CLIFTON, VA 20124
 - g. NEW TWIN BROOK FARM LLC 8839 VT RT 12 BETHEL, VT 05032

- h. WITHINGTON EDWARD E WITHINGTON MARSHA E 9515 VT RT 12
BETHEL, VT 05032
 - i. KELLY A. BURGESS 9393 VT RTE 12 BETHEL, VT 05032
- 5. The application was considered by the Development Review Board at a public hearing on July 5, 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. Doreen Hurley
 - 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. 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. QUILLIA GARTH MARTIN LYNNE PO BOX 288 BARNARD, VT 05031 - Abutters, active discussion participants.
 - b. CHESNUT WILLIAM LEE JR VERKAIK FRANK PO BOX 896 BARNARD, VT 05031 - Abutters, active discussion participants.
 - c. DAUGHTRY DEBORAH J 7211 CLIFTON RD CLIFTON, VA 20124 - Abutter, active discussion participant.
 - d. WITHINGTON EDWARD E WITHINGTON MARSHA E 9515 VT RT 12
BETHEL, VT 05032 - Abutters, active discussion participants.
 - e. KELLY A. BURGESS 9393 VT RTE 12 BETHEL, VT 05032 - Abutter, active discussion participant.
 - f. 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 85 acre parcel located at 9273 VT RTE 12 in the Town of Barnard (tax map parcel no. 06-0284).
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, future intentions, and details of property screening from abutters and the road.
4. The applicant is not required to occupy the dwelling to apply for and be awarded a Zoning Permit.
5. Barnard Home Business Zoning Regulations require residency; active use of the Contractor's Yard without residency in place would be a violation.
6. The property is presently being used for forestry practices with associated equipment on the property, neither of which require a Zoning Permit according to the Barnard Zoning Regulations.
7. Applicant will occupy the dwelling by spring 2023 at the latest.
8. Applicant presently has two employees.
9. Applicant has been working with state wetlands authorities to assure wetlands are being managed properly.
10. Only down-lighting will be used on the property.
11. The applicant will not be placing any roadside signage.
12. In accordance with Barnard Zoning Regulations, no more than three trucks, only one of which may be larger than 26,000 GVWR, are used in a Home Business 1 or 2.
13. The proposed development will not create an undue adverse effect on any of the elements enumerated in Barnard Zoning Regulations Section 4.11
14. 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 conditions. 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, ZP-22-08.

Conditions:

- a) All lighting shall be down-lighting.
- b) The yard shall be screened, allowing the existing accesses with a 3-5 foot berm along and approximately level with VT RTE 12 with 4-6 foot tall white pines, spaced 12 feet apart, resulting in an unscreened distance of approximately 60 feet. The applicant will work out

plantings on the border with Parcel 06-0399 with the owner of that parcel. Screening to be in place prior to active use of Home Business 2 Contractor's Yard.

This document authored by Rob Ramrath, Clerk, Barnard Development Review Board. Dated at Barnard, Vermont, this 19th day of July, 2022.



Development Review Board Approval, Dated at Barnard, Vermont, this 19th day of July, 2022.
Teo Zagur, 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.