

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

Jon Tokarski of Pinewood Consulting
Permit Application No. ZP24-05

Conditional Use Hearing:
ZP24-05

For Parcel 01-0208, 6216 Stage Road in the Town of Barnard, VT. The proposed project is described as follows: Replace an existing 16x24 seasonal accessory dwelling and build a new 30x40 dwelling in the LAK district.

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Jon Tokarski of Pinewood Consulting 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 March 20, 2024. The application was considered complete by the Administrative Officer on March 20, 2024. The application was referred by the Administrative Officer to the DRB for Conditional Use on March 20, 2024. A copy of the application is available at the Barnard Town Hall offices.
3. On April 1, 2024, the notice of public hearing was physically posted at the Barnard Town Hall offices, and inside & outside and at the Barnard General Store. On April 2, 2024, the notice of public hearing was published in The Valley News. On April 2, 2024, the notice of public hearing was placed on the town website.
4. On April 1, 2024, a copy of the notice of public hearing was emailed to the applicant. The notice of public hearing was sent via U.S. Post on April 1, 2024, to the following owners of properties adjacent to the property subject to the application:

ALLEN DAVID ALLEN MARGARET
3804 SUMMERTON ST
MT PLEASANT, SC 29466

CREECH DAVID DECKELBAUM WILLIAM
PO BOX 132
BARNARD, VT 05031

MAYNES REVOCABLE LIVING TRUST
MAYNES PHILIP W TRUSTEE
PO BOX 14
BARNARD, VT 05031-0014

REA WILLIAM G JR
PO BOX 1149
BARNARD, VT 05031-1149

REA WILLIAM G JR
PO BOX 1149
BARNARD, VT 05031-1149

LISS-RIORDAN FAMILY TR SHANNON
729 BOYLSTON ST STE 2000
BOSTON, MA 02116

VERMONT STATE OF DEPT OF PARKS
& RECREATION

MONTPELIER, VT

5. The application was considered by the Development Review Board at a public hearing on April 29, 2024, following a site visit. The Development Review Board reviewed the application under the Town of Barnard Zoning Regulations, as adopted Nov. 6, 2012.
6. Present at the hearing were the following members of the Development Review Board:
 - a. Teo Zagar
 - b. Doreen Hurley
 - c. Ellen Miles
 - d. Edythe Wright
 - e. Kurt Lessard
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. Interested persons present were David Creech, William Deckelbaum, Philip Maynes, Judy Maynes, and Ian MacKenzie. Applicant Jon Tokarski was present.
8. During the hearing the following exhibits were submitted to the Development Review Board:
 - a. A letter from Philip & Judy Maynes and a letter from David & Margaret Allen.
 - b. Board Review Package including:
 - i. Hearing Agenda.
 - ii. Logistical Checklist.
 - iii. Property Card
 - iv. Zoning Permit Application.
 - v. Certified Abutter's List.
 - vi. Abutter and Public Warning.
 - vii. Applicable excerpts from the Barnard Zoning Regulations.

9. The Development Review Board voted unanimously to adjourn the hearing until final designs were produced and the shoreland and wastewater permits received.
10. On September 10, 2024, the hearing was reopened. At the outset of the hearing the Development Review Board confirmed that all previous interested parties were notified. Interested persons present were Philip Maynes, Judy Maynes, and Ian MacKenzie.
11. During the hearing the following exhibits were submitted to the Development Review Board:
 - a. A letter from Philip Maynes, Judy Maynes, David Allen, and Margaret Allen.
 - b. Shoreland Protection Individual Permit.
 - c. Wastewater System and Potable Water Supply Permit
 - d. Architectural plans for the new dwelling and the replacement seasonal accessory dwelling.

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: Replacement of an existing seasonal accessory dwelling and building a new 30x40 dwelling in the LAK district. The subject property is a .5 acre parcel located at 6216 Stage Road in the Town of Barnard (tax map parcel no. 01-0208).
2. The property is 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 applicant has satisfied state permitting requirements.
5. The proposed project lies within a Flood Hazard Overlay and meets the requirements of Sections 3.7 and 5.1 of the Barnard Unified Zoning and Subdivision Regulations, in addition to the General Conditional Use Standards of Section 4.11. The proposed development plan conforms with the relevant Barnard Zoning Regulations.

During the Deliberative Session a motion was made to approve the application with the following conditions:


1. Submit an updated boundary retracement.
2. Confirm, in writing, that the height of the replacement seasonal accessory dwelling is under 30 feet.
3. Confirm, in writing, that per the Wastewater System and Potable Water Supply Permit:
 - a. No bedroom, kitchen, or kitchen-type facilities will be in the replacement seasonal accessory dwelling.
 - b. The use of the bathroom facilities in the seasonal accessory dwelling will be solely for landowners.

A vote in the affirmative was unanimous.

DECISION AND CONDITIONS


Based upon these findings, the Development Review Board grants the application for Replacement of an existing seasonal accessory dwelling and building a new 30x40 dwelling in the LAK district with conditions.

This document was authored by Kassie Hull, Clerk, Barnard Development Review Board. Dated at Barnard, Vermont, this 27th day of September 2024.



Development Review Board Approval, Dated at Barnard, Vermont, this 27th day of September 2024.

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.