

TOWN OF GEORGIA ZONING BOARD OF ADJUSTMENT
47 Town Common Road North
Georgia, VT 05478
Phone: 802-524-3524

Thursday, July 2, 2020

This meeting was held on a “Zoom Meeting” Virtual Internet Platform.

Board Members Present: James Powell, Krissy Jenkins, Gilles Rainville, Rich Hamlin, Tony Gabel, and Kyle Anderson.

Board Members Absent: None

Staff Present: Cindy Deyak, Zoning Administrator

Others Present: Applicant, Don Vickers; applicant’s engineers, Nick Smith and Andy Rowe, from Lamoureux & Dickinson; interested persons Kyle Grenier, Mary and Chip Chiappinelli, Kim Asch, Ed Shamy, and Karen Bresnahan.

Unapproved

Meeting called to order at 7:11 pm by James Powell, Chair.

James Powell swore in those providing testimony.

ZBA #001-20 Donald Vickers, Applicant/Owner. Request for Conditional Use.

Cindy Deyak read the Zoning Administrator’s report.

“On April 21, 2020, applicant submitted an application requesting Conditional Use in order to operate a private outdoor event facility to be located on a parcel of land located at 144 Pattee Hill Road. After hearing on May 18, 2020, applicant withdrew that application and, on May 26, 2020, submitted a new request for Conditional Use in order to operate a private outdoor event facility at the property. The new application provides more specificity and additional information. The subject property is located in both the AR1 and AR2 zoning districts. The 66.65 acre parcel is located on the northerly side of Pattee Hill Road and is benefitted by 1,194 feet of frontage on Pattee Hill Road.

The parcel is currently developed with a residential occupancy on the eastern portion of the property and farm use on the central/western portion with a substantial portion of undeveloped wooded area along the western and northern property lines. The developed residential area consists of an apple orchard along the eastern property line, an existing garden area to the west, and four structures located in between: the existing 4 bedroom home with detached garage, an existing accessory apartment and an existing barn. If a conditional use permit is issued for this project, applicant proposes to subdivide the property into two lots (subdivision and site plan approval must be obtained from the Planning Commission).

A proposed 3,200 square foot agricultural/community event barn will be constructed on Lot 2. The proposed barn will initially be used for agricultural purposes (hay storage, equipment storage, foods produced on the farm, etc.). Applicant first proposes to expand the existing agricultural operations of the site

in order to provide an array of agricultural uses that can be incorporated into the function of the farm and appeal to the community year-round. These activities, which include the addition of fruit trees to promote community picking events, expansion of the existing gardens to promote garden walks, and the planting of Christmas trees to be sold onsite, all qualify as an “accessory on farm business” and may not be prohibited by the town pursuant to 24 VSA Section 4412(11).

In addition to the daily agricultural operations, applicant intends to use the proposed barn for a community event space. Events would include seasonal farmers markets and other public/private outdoor recreational events such as weddings, reunions, fundraisers, etc. The barn would be sized to accommodate a maximum of 150 guests and a staff of up to 18 employees. The applicant will be limited by the State wastewater rules to 28 such events per year and would be required to meet all other conditions outlined in the current state wastewater rules in order to be eligible for permit exemptions (see attached Section 1-304(27)), including, but not limited to, no on-site food preparation or dishwashing, and no wastewater discharge to the ground surface. Further, adequate alternative toilets and alternative hand washing must be provided to accommodate everyone on site.

Applicant proposes the following event schedule and associated hours of operation for those activities seeking approval via this conditional use application:

Local Farmers Market: These events would be held during the day on weekends from 8:00 a.m. to 6:00 p.m. from May through October. Applicant proposes a total maximum of 6 events per year, no more than 1 event per month.

Celebratory Events ((public/private outdoor recreation): Weddings, reunions, and other similar celebratory events to be held on Fridays, Saturdays, or Sundays, during the months of May through October and totaling a maximum of 18 events per year, nor more than 3 events per month. The hours of these events would be limited to 11:00 a.m. to 10:00 p.m.

Total number of annual events proposed is 24, less than the 28 events allowed by the wastewater rules...”

Nick Smith further clarified applicant’s proposal stating that the proposed farmers markets would be held consistently on the same day and at the same time each month and would be limited to a maximum of four hours each. Nick also stated that celebratory events would be limited to a maximum of five hours which would include set up and tear down. Music for these events would be in the newly proposed barn and would start at dusk and end at 9:00 p.m. Celebratory events would end no later than 10:00 p.m. Applicant proposes to use a single catering company for all celebratory events. Nick also stated that toilets would be provided by a trailer toilet system rather than individual port-o-lets.

James Powell asked if the requested 28 events per year would include those activities considered an accessory on farm business. Nick stated that the total number of events per year, including accessory on farm activities would be limited to 28 per year.

James asked whether the number of events was dictated by the state septic rules. Nick stated that they were. James asked if there was a specific capacity associated with the number of events. Nick stated that there was not.

Gilles Rainville asked how the applicant intended to address people wandering off the property and onto other properties. Nick stated that the applicant was willing to work with abutting property owners and that potential fixes could include fencing and signage.

Ed Shamy asked how they expected to control traffic. Nick stated that they would be willing to employ traffic calming devices including signage and cones during events. These could be located at the beginning of the eastern property line for adequate warning.

Ed Shamy discussed the stop sign at the intersection of Pattee Hill Road and Plains Road stating that that is exactly where his driveway is. Ed stated that people already roll through that intersection and it is dangerous coming out of his driveway. Nick stated that he would be willing to speak with the road commissioner about installing a “stop sign ahead” sign.

Mary Chiappinelli stated that this proposal adding 93 parking spaces could easily add 75 cars to the intersection during an event and that this proposal really changes the flavor of this residential neighborhood.

Chip Chiappinelli stated that this proposal should not change the character of the neighborhood and, as proposed, it would certainly do that. An event every weekend of the summer dramatically changes the character of the area. In addition, there will be events that can not be prohibited by the town such as Christmas tree sales and apple picking.

Chip also asked how large the proposed new barn would be and whether it would have two stories. Nick stated that the new barn would be 3,200 square feet and two stories. Nick further stated that the existing barn on the property would house existing farm equipment, crops, etc.

Mary Chiappinelli stated that she appreciates these community events and the ideas proposed by the Don. She also stated that we must hope for the best but plan for the worst as these types of facilities tend to grow over time.

Nick stated that what the applicant is requesting is the most that the applicant can do absent an amendment granted by the ZBA.

Mary stated that 150 people and 93 parking spaces is a lot of impact. Don Vickers stated that he understood Mary’s concerns; however, in order for the farm to stay intact and to maintain the agricultural use and not be sold off to a housing development, he had to generate an income in some fashion.

James Powell asked how many farmers markets and how many celebratory events the applicant was requesting. Nick responded that they were requesting six farmers markets and eighteen celebratory events per year.

Mary Chiappinelli stated that she went to the Georgia school to count parking spaces in order to get a visual image of what the proposed parking would look like. There are 120 spaces in the front of the school building. Visually, that is a large parking area. Nick stated that he expected parking to be less than what is required by the town’s zoning regulations.

Chip Chiappinelli asked whether the parking area could be moved back from the roadway. Nick stated that the reason the parking was near the road was to preserve the agricultural land on the property. Chip stated that the required parking definitely changes the character of the neighborhood.

Nick stated that these parking issues would also be addressed during the planning commission's site plan review and through the Act 250 permit process. Nick stated that they may change the parking to run perpendicular to Pattee Hill Road in order to reduce meadow impact.

Mary Chiappinelli stated that if Don sold the property, the next owner may not be as thoughtful as he has been as a neighbor.

Kim Asch asked if the conditional use was granted and Don no longer owned the property, who would enforce the conditions of the permits if issued. Cindy Deyak explained the zoning enforcement process.

Chip Chiappinelli stated that he and Mary believe that this will drastically change the neighborhood and that the applicant doesn't meet this standard as required by the town's regulations. He further stated that he and Mary and Ed and Kim are all uncomfortable with the proposal and that once it is there, they will all have to live with it. Chip stated that they had been there for 40 years, living in an agricultural area. Once Don sells the property, Don will no longer have control.

Don stated that there is a proposed subdivision across that road that will also change the neighborhood. This proposal at least maintains the open land. The property is very expensive to maintain as is and additional revenue must be brought in in order to maintain the open agricultural nature of the property.

Kyle Grenier asked if the property is subdivided, can the new lot containing the proposed event barn be sold off separately. Nick answered that it could stated that the subdivision is required because the town's regulations prohibit more than one principal use on a parcel.

Mary Chiappinelli asked if there was a new owner, could the new owner change the conditional use? Nick stated that any change of an approval would require an amendment to be issued by the ZBA.

James Powell asked if the land could be subdivided into residential lots. Nick stated that a 60 acre parcel is the AR1 could potentially be subdivided into 12 lots of five acres each.

James Powell asked whether anyone had any further questions. No further questions. James asked if Don or Nick had anything further to add. They did not.

Motion to close the hearing at 8:10 p.m., made by Gilles Rainville, seconded by Krissy Jenkins. No further discussion. The ayes were unanimous; the motion carried.

The board reviewed and discussed the minutes from the May 18, 2020, meeting. Motion to accept the minutes of the May 18, 2020, Zoning Board of Adjustment meeting, as presented, made by Gilles Rainville, seconded by Tony Gabel. No further discussion. The ayes were unanimous; the motion carried.

Motion to enter deliberative session made at 8:20 p.m. by Krissy Jenkins, seconded by Gilles Rainville. No further discussion. The ayes were unanimous; the motion carried.

Motion to come out of deliberative session made at 8:50 p.m. by Gilles Rainville, seconded by Tony Gabel. No further discussion. The ayes were unanimous; the motion carried.

Motion out of deliberative session to approve applicant's request for conditional use with conditions as discussed made by Gilles Rainville, seconded by Tony Gabel. No further discussion. The ayes were unanimous; the motion carried.

Motion made to close the meeting at 9:05 p.m., made by Krissy Jenkins, seconded by Gilles Rainville. The ayes were unanimous, the motion carried.

Respectfully submitted,
Cindy Deyak
Acting Secretary