

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

Monday, May 18, 2020

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

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

Board Members Absent: Tony Gabel

Staff Present: Cindy Deyak, Zoning Administrator

Others Present: Applicant, Don Vickers; applicant’s engineer, Nick Smith, from Lamoureux & Dickinson; interested persons Kyle Grenier, and Mary and Chip Chiappinelli.

Approved July 2, 2020

Meeting called to order at 7:18 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 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...”

Nick Smith further explained that 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, Mr. Vickers proposes to subdivide the property into two lots as the Town of Georgia Development Regulations allow only one principal use or structure on a lot. Proposed Lot 1, consisting of 3.1 acres, will contain the existing house, garage, accessory apartment, and barn. Proposed Lot 2, consisting of 63.5 acres, will be utilized for the outdoor event facility.

Nick further described the proposed agricultural/community event barn which will be constructed on Lot 2 together with the associated event parking area. Mr. Vickers proposes to expand the existing agricultural operations of the site; the intention of the farm expansion is to provide a wide array of agricultural uses that can be incorporated into the function of the farm and appeal to the community year-

round. Examples of future farming expansion include the addition of fruits to promote community picking events, expansion of the existing gardens to promote garden walks, planting Christmas trees to be sold onsite, providing opportunities for community gardening, along with the possibility of an outdoor farmers market. The proposed 3,200 square foot barn will initially be used primarily for day-to-day agricultural operations of the site. In addition to the daily agricultural operations, the barn would be used for an agricultural and community event space. Events would likely include community garden walks, apple/fruit picking events, 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 project will be limited by the State wastewater rules to 28 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, 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 will be provided to accommodate everyone on site.

Nick continued with a description of the proposed parking stating that access and parking for the existing dwelling and accessory apartment is provided by the existing paved driveway and garage located directly off Pattee Hill Road. There is an existing farm access apron located approximately 230 feet west of the paved driveway. This gravel apron provides access to the existing barn and farm meadow to the west/north. Mr. Vickers is proposing to provide parking for the new barn in the existing meadow area along Pattee Hill Road and the existing split rail fence line. The parking is located entirely on proposed Lot 2 and will be accessed by a new gravel driveway located in the same footprint as the existing farm access apron. There will be two gravel access aisles and three rows of grass parking. The gravel drive aisles will be designed to support town rescue and emergency vehicles. The Georgia Development Regulations require one space for every employee on the largest working shift, plus one for every two patrons for the design capacity. The proposal, therefore, requires 93 parking spaces (150 guests x 0.5 space per guest + 18 employees x 1 space per employee = 93 spaces). The parking and drive aisles are located within the front and side yard setbacks of proposed Lot 2 in order to reduce the disturbance and footprint on the farm meadow.

Nick next discussed landscaping and screening stating that the proposed community event barn will be located behind proposed Lot 1 in an area that is currently used for soil and manure storage. The barn will be oriented in a manner that will provide access to the existing meadow to the north/west and the gardens to the south. The location was chosen to minimize impacts to the existing farm land and agricultural operations on the site. The location provides good screening from the property to the east due to the existing wood line and a nearly 20' high ridge, in addition to minimizing its exposure to Pattee Hill Road by locating it behind the landscaped garden and tree line along Pattee Hill Road.

James Powell asked about the location of the port-o-lets placed on site during events. Nick stated that the port-o-lets would be placed near the newly proposed barn. There would be no line of site from the east and the garden area along Pattee Hill Road would obscure the view from the road.

James Powell asked Don if this was his primary residence. Don said that it was although he had a house in California as well. James asked Don if he would be running this. Don did not answer. Chip Chiapenelli asked Don if he was selling the property. Don stated that he may be selling the property.

Chip Chiapenelli asked what the hour limits were. Nick responded that the evening hours would be noon to 10:00 p.m. for weddings, etc., but that most events like apple picking, etc., would be held during the day. Private events held in the proposed barn would most likely be May through October with four events per month. Chip Chiapenelli asked what constituted an "event". Nick stated that the 28 events per year will

encompass both agricultural use and public private events but that no specific details regarding days and hours of operation have been proposed.

Kyle Anderson asked which of the proposed events were not allowed to be regulated by the town as they fall under the jurisdiction of the agriculture department. If events are considered agricultural, are they also exempt from the maximum 28 events per year allowed by the wastewater exemption rules? Nick stated that yes, they were. Kyle followed up by asking exactly how many events per year would be agricultural and how many would not. Nick stated that that had not as yet been decided.

Gilles Rainville asked how far the proposed barn is from the nearest neighbor. Nick stated that it is approximately 600 feet from the Chiapenelli residence and there is a 20 foot ridge between the two. Any music played at events would be buffered by the distance and the ridge. James Powell stated that the proposal must comply with the performance standards of the regulations which requires no more than 70 decibels at the property line.

Chip Chiapenelli asked the distance from the barn to the wood line to the north. Nick stated that it was 500 – 600 feet. Chip stated that they sugar that area and have hiking trails in that area. Would the applicant be willing to install a proper fence along the property line to keep guests out? Nick stated that any events would be contained within an existing split rail fence area and that they would be willing to place signs as appropriate.

Chip Chiapenelli asked about traffic, stating that 92 cars is a lot of traffic on that dirt road. Nick stated that the estimated trip ends was 32-40 per hour during non-peak hours on the weekends. Nick further explained that the house driveway was at the peak of the hill and the farm drive is at the top of the hill.

Mary Chiapenelli asked whether the project would require a permit from the Vermont Division of Fire Safety. Nick said that it would. The project will also require an Act 250 permit as well.

Kyle Anderson asked whether an ability to serve letter had been received from the Fire Chief. Nick stated that they had not as yet requested this letter.

Gilles Rainville asked what they proposed for a lighting plan. Nick stated that they had not as yet designed a lighting plan for the proposal.

James Powell said that he understood that Don was putting permits in place to then sell the property. He further stated that having the potential buyer present to answer questions with more specificity would have been helpful. Don stated that that was true and that he had spent considerable time with the buyer and the application presented is what the buyer wants.

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

The board reviewed and discussed the minutes from the January 6, 2020, meeting. Motion to accept the minutes of the January 6, 2020, Zoning Board of Adjustment meeting, as presented, made by Gilles Rainville, seconded by Kyle Anderson. No further discussion. The ayes were unanimous; the motion carried.

Motion to enter deliberative session made at 8:30 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 Kyle Anderson. No further discussion. The ayes were unanimous; the motion carried.

Motion out of deliberative session to deny applicant's request for a conditional use for the project based on a lack of adequate information and specificity with regard to the required conditional use review standards made by Gilles Rainville, seconded by Kyle Anderson. No further discussion. The ayes were unanimous; the motion carried.

Motion made to close the meeting at 9:00 p.m., made by Kyle Anderson, seconded by Gilles Rainville. The ayes were unanimous, the motion carried.

POST SCRIPT: On Tuesday, May 19, 2020, applicant's engineer withdrew applicant's request for conditional for this project. The applicant will be submitting a new application for conditional use at a future time.

Respectfully submitted,
Cindy Deyak
Acting Secretary