

Conditional Use and Variance Hearing
Jennifer Ranz
July 19, 2016

To consider a conditional use application by Jennifer Ranz for a Home Business at 491 Country Club Road and a variance request for a sign located within the 50 foot setback from the center of the road.

The application requires a review under the following sections of the Greensboro Zoning By Law 2.5 Rural Lands District; 4.5 Home Business; 5.4 Conditional Uses; 5.5 Variances

Warnings were posted on June 27, 2016 at the Greensboro Town Hall, the Greensboro Post Office, the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the applicant and the following abutters and neighboring property owners: Andrew & Matthew Kehler; Tom Anastasio & Virginia Jenkins; Allan, Charles & Robert Wilson and Margaret Bellak; Jane Sprenger; and Warren & Irene Hill on June 27, 2016. It was also published in the Hardwick Gazette on Wednesday, June 29, 2016.

Development Review Board members present: Nat Smith, Sean Thomson, Janet Travers, Jane Woodruff, Wayne Young, Lee Wright (alternate) and BJ Gray (alternate),

Development Review Board members absent: MacNeil

Others present: Jennifer Ranz, applicant; and Linda Romans, interim Zoning Administrator; for others see the sign-in sheet.

Correspondence from interested persons:

Email letters from: Diane Irish, neighbor; Bronwyn and Conrad Masse (original & revised 7-19-16), neighbors; Tom Anastasio and Virginia Jenkins, abutters and a letter from Jane Sprenger, abutter.

During the course of the hearing the following exhibits were submitted:

- #1 email letter from Diane Irish
- #2 email letter from Tom Anastasio & Virginia Jenkins
- #3 Original email letter from Bronwyn Masse
- #4 Revised letter from Bronwyn and Conrad Masse
- #5 Letter from Jane Sprenger
- #6 Ms. Ranz' testimony in written form

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:05 PM. She noted the hearing was quasi-judicial, explained the procedure for the hearing, and asked the clerk to swear in all those who wished to speak at the hearing. Ms. Woodruff then asked Ms. Ranz to explain what she wants to do on her property at 491 Country Club Road. Ms. Ranz read her testimony from a prepared statement (exhibit #6). Her barn was built in 1880 and is on the registry for historic buildings. She has owned the building since 1990 and has been renovating it ever since. Her house is located in an ell attached to the barn. Ms. Ranz uses the barn as a studio and for the last three years it has served as a venue for her daughter's annual party, her nieces' weddings and receptions, for a concert and picnic sponsored by the Greensboro Association, and she has had other inquiries to use this space. She wants to use the barn for different events and hopes to use the proceeds to support the expense of saving and maintaining it. Ms. Ranz went on to say that Tom Angell, the Vermont Fire Marshal, visited the barn on July 12 and recommended exit signs and upgrading the fire extinguishers, which she is doing.

Questions from the board brought out some other facts:

Ms. Ranz was unclear about how many events there might be, but thought that there might be 5 to 8 per summer. Since the space is not insulated or heated, Ms. Ranz thought that events would be held from Memorial Day to maybe October, but does not want to limit the available time for events; thus making it a year-round event venue. When she has an open studio, she thought about 50 people might visit for open studio, but only one or two cars at a time and they could use the drive for off-street parking.

Parking for events would be off street, on the flat field on the North side of the barn. She estimated that the largest event thus far included about 112 people. There is also a room in the barn that may be rented as a small vacation place. Music at one of the two previous wedding receptions was bluegrass, the other one had a DJ. Her intention is to have no amplified music outside the barn itself.

Ms. Ranz would not be the event planner. She would only provide the venue for these events. To impose restrictions on event planners, Ms. Ranz has formulated a contract and suggests local people for catering, tents, flowers, and port-a-potties, etc. A tent was set up at one event at the request of the organizer. In the contract it states that the caterer would be responsible for removing all garbage. The only deliveries would be for materials required for an event such as: tables and chairs, dishes, tents, port-a-potties, flowers, etc. There will be no deliveries on a regular basis. The current contract requires all music to end at 11:00 PM, but Ms. Ranz indicated that she planned to reduce that to 10:45 PM in future contracts. Ms. Ranz is not planning any modifications to the building, but wants to continue to repair and renovate it. She has not talked to the Hardwick police about traffic patrols for events.

Ms. Ranz has not thought about erecting another sign for this business. She plans to use the sign already in existence, but asked for a variance for a sign in case she decides to change the sign in the future. Any sign erected would be no more than 6 square feet in area, no closer than 25 feet from the center of the road, and would not be internally lit.

Ms. Woodruff then opened the hearing for comments from the people attending the hearing. Abutters and neighbors, Tom Anastasio, Diane Irish, Penny Bretschneider, Gina Jenkins, Bronwyn Masse, Conrad Masse, and Jane Sprenger gave testimony, as did community members, Janet Long and Pat Sullivan. They were concerned about several aspects of this request. Some felt that this proposed event venue doesn't qualify as a Home Business as defined in the Greensboro By-laws since it would be located in the large barn which is not subordinate to the residence and an event venue would significantly change the residential character of the area. The application makes no mention of the existing use of the barn as a studio with retail space or of the room rental. "Event" is not adequately defined in the application. What kind of events might take place there? One person felt that having port-a-potties and/or a tent outside violates the criteria for a home business since these were not *within* the building. Noise and traffic were a concern of many of the neighbors. It was pointed out that both the new theater and the yoga retreat were required by the DRB to have no outside amplified music. Since the by-laws state that a home business is run by the resident, it was suggested that one adult member of the family should be on the premises during the entire event.

There was a concern shared by many that people unfamiliar with the area driving, often fast, on the narrow dirt road, perhaps in the dark were a danger to others on the road. It was also pointed out that both entrances to Country Club Road are difficult during mud season and parts of the road get very muddy and could not take a lot of traffic before breaking down entirely. It was pointed out that this road has always been a quiet area of residences and the reason many moved to that part of town. An event venue would make the road busy with traffic, create undue noise in an otherwise quiet area, and would change the character of the area. One neighbor mentioned that at one event, some of the participants spilled over onto her property which was a concern.

Ms. Woodruff read the letters from Diane Irish (exhibit #1) and Jane Sprenger (exhibit #5) aloud as they requested.

Ms. Ranz addressed these concerns, by saying that only a part of the barn, at the back, would be used for events. Her studio and retail space are in the front. The barn is approximately 140' x 45 feet and the event space would be about 45 x 45 feet. She also stated that she requires that if alcohol is served, they must have a licensed bartender. She also felt that most of the traffic would be coming and leaving by the Breezy Ave. entrance to the road and would be confined to the beginning and end of the event. She does not see a problem with the width of the road nor the amount of traffic on the road and reiterated that it would be only a few times a year. Ms. Ranz also stated that she has tried to be considerate about the noise by requiring any music to stop at 10:45 PM.

Mr. Anastasio suggested Ms. Ranz withdraw the application and meet with the neighbors to tighten up her application so the words reflect what she intends.

The hearing ended at 8:14. The Board went into deliberative session at 8:17. Ms. Woodruff invited Ms. Romans, interim zoning administrator, to attend the deliberative session. At 8:32, Ms. Travers left the deliberative session because of illness. At 9:35 PM the Board recessed the deliberative session until July 26 at 6:30 in the Zoning Administrator's office.

Signed: Nat Smith, vice chair
Nat Smith
date July 23, 2016

Janet Travers, clerk
Janet Travers
date 7-23-16

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (in person or in writing) before the Development Review Board. Such appeal must be made 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.

Exp. Set #1
7/19/2016

To Greensboro Development Review Board
Greensboro Town Clerk's Office
P.O. Box 119
Greensboro, VT 05841

Concerning Use Application at 491 Country Club Road

I have concerns about the proposed use expansion of the Ranz barn. At this time the use of the splendid barn as a commercial shop is contained within its walls, with reasonable coming and going of customers and with no noise pollution. It is a good use for a magnificent building. It has been a positive addition to the road with little impact on the surrounding neighborhood.

The proposal for use year round for events is not clearly defined and is of concern. Does this mean weddings, parties, conclaves of other sorts, group shops, conferences, performances involving music? The character of this sector of town and its environs are currently under assault because of a wide range of new uses and construction. There are noise levels never dreamed of 10 or 15 years ago with little or no consideration for neighbors. For almost a year from my farm one hears on weekdays the thunder of trucks and the beeping of vehicles as they are backing up to enable the construction of the arts complex. The amplification of sound from weddings held in recent years at Lakeview Inn was an invasion of my and others' tranquility. At least we knew that there was an end in sight with summer's end.

The sight of port-a-potties outside the barn and a field loaded with cars would be acceptable for an occasional family wedding, but a commercial business (and year round at that) suggests regularity and the possibility of intrusive noise, visual pollution and traffic not suited to a dirt back road. All of these factors shows a lack of sensitivity to those of use who chose Greensboro to live for its tranquility, distance from traffic woes and rural beauty.

At the very least perhaps another site in town, possibly the Highland Lodge could be chosen for a multi-use venue. We need to spread the wealth of "so-called" progress. The Lakeview Inn, the huge arts complex, the Circus, all contribute to the aesthetic deterioration of our area. Please assure the neighbors that whatever events take place in and about the Ranz barn do not preclude others' rights to serenity. Also take into consideration for neighbors the diminished property values caused by year round commercialism.

Current signage appears adequate for finding ones way and is certain more in keeping with the spirit of Act 250 and local restrictions on signage.

Sincerely,



Diane Irish

819 Country Club Road, Greensboro, VT 05841

Exhibit # 2
7/19/2016

Thomas Anastasio
Virginia Jenkins
314 Country Club Road
Greensboro, VT 05841
July 8, 2016

To: Greensboro Development Review Board
Greensboro Town Clerk Office
P.O. Box 119
Greensboro, VT 05841

Re: Conditional Use Application at 491 Country Club Road

We have many concerns with the proposal to use 491 Country Club Road as a Home Business, namely an all-year event venue. We also do not think a variance for placement of a sign within 50 feet setback from the road is appropriate.

First, concerning the sign variance. The purpose of a sign is to guide visitors to a facility when it is otherwise not visible or readily identifiable from the road. Jennifer's beautiful red barn is readily identifiable, in fact it's a landmark used to guide visitors to other places along Country Club Road. We doubt that a person driving on Country Club Road in search of a huge red barn will miss it for lack of a sign within the 50-foot setback. Jennifer already has signs at both ends of Country Club Road (at Breezy Avenue and at Hardwick Street). No additional signs are necessary at the road outside the facility. A sign that meets the Zoning ByLaw requirements without a variance should serve the purpose. The sign variance should be denied.

Now, use of the barn for a year-round event venue as a "Home Business."

The Zoning ByLaw defines a Home Business as

"A use or occupation that is customary in residential areas and is carried out in a minor portion of a dwelling or a building accessory thereto, provided such use is clearly incidental and subordinate to the use of the premises as a residence and does not change the residential character of the area."

A year-round event venue at the Ranz residence/barn certainly fails to satisfy this definition in many ways (*viz.* it's not a minor portion, it's not incidental and subordinate to use as a residence, and it changes the residential character of the area). It should not be approved as a Home Business.

There is already a significant level of business being done at the barn. There is an art studio, an art/ceramics display area, and a retail shop. The home contains an Air-BNB apartment which has frequent guests. The "event venue" is evidently to be in addition to this existing activity. The barn is now mostly used for business, not for residential purposes; with the addition of an event venue, the entire barn would be so used. This is not a "minor portion," nor is the use "incidental and subordinate." How could the character of a quiet rural residential area not be significantly changed by dropping an event venue down on it?

Importantly, the application does not define "event." One might like to think of a small tea party event, but since there is no definition of allowable events, we must also consider the likelihood of wedding

receptions with amplified sound and alcoholic drinks, motorcycle, ATV, and snowmobile rallies, gun-dealer exhibits and demonstrations, and rock concerts. There seems to be no reason to think such uses would be precluded. For this application to receive serious consideration by the DRB, the meaning of, and limits on, "event" must be clarified and controlled.

We had experience with two events at the Ranz property this June, evidently done without having conditional use approval of any kind. A two-day wedding reception was held mid-June and another event a week or so later. The wedding reception, each day, brought in 40-50 cars which were parked in the field adjacent to the barn. A large tent was erected behind the barn to accommodate guests. A row of porta-potties was set up along the outside wall of the barn, these evidently being the only sanitary facilities available to guests.

Since the Zoning ByLaw requires that "The Home Business shall be carried out *within* the principal dwelling or an accessory structure" (Section 4.5B), tents erected outside the barn for use by guests or by caterers, indicate that business is being carried out *outside* the dwelling or accessory structure, a clear violation of the ByLaw. Likewise, the use of porta-potties indicates that there are not adequate sanitary facilities within the home/barn for the business and placement of them outside the dwelling/barn also violates the ByLaw.

The forty-to-fifty cars are a substantial increase in traffic on Country Club Road. While most of the drivers were careful, we experienced some discourteous driving from people attending the venue; cars sped by close to us as we walked on the road, even though we had our dog with us and were clearly trying to hold her to the side of the road. Alcohol-impaired drivers will cause serious traffic problems on Country Club Road.

All-year events presumably include events in winter and in "mud season." Mud season on Country Club Road is a difficult time for residents. Passenger cars find it sometimes impossible to enter the road from Hardwick Street and always difficult from Breezy Avenue. Adding traffic to the mix will make road conditions even worse. An event venue on Country Club Road during icy winter conditions and during mud season will seriously degrade residents' ability to safely reach home. It will also require additional work by the Town to keep the road open and passable.

Our past experience with the event venue at the Lakeview Inn when we lived on Breezy Avenue was less than pleasant due to noise from the event, loud obnoxious (sometimes obscene) behavior on the part of clients, and serious traffic problems due to speeding. The Lakeview venue was a large tent behind the Inn and involved very loud amplified sound well into the night.

Amplified sound must be rigorously controlled at the proposed event venue. The conditional approval for the Mirror Theater as well as for the Canfield/Paulwan facility (the "yoga" place) placed restrictions on sound. The Theater is not allowed to use amplified sound outside of the structure. Use of amplified sound is simply prohibited at the yoga place. There is no reason to not control sound at any event venue in Greensboro.

If approved, and we hope it will not be, very strict limits will be necessary on amplified sound at the proposed event venue. Under no circumstances should amplified sound be permitted, at any sound level, outside the dwelling or barn. When amplified sound is in use, all doors and windows on the dwelling/barn must be closed. The goal should be to fully contain amplified sound to the event venue site; it should not be audible at any level anywhere outside the site.

Since the Zoning ByLaw description for a Home Business requires that the business “shall be conducted by residents of the dwelling” (Section 4.5A), the residents must take full responsibility for noise and for the behavior of persons using the facility. The resident-owner of the event facility should not be able to transfer responsibility to the clients. After all, it's not the clients who are “conducting the business,” it's the resident-owner of the facility. The resident-owner must be required to be present for the entirety of each event held at the facility.

If the DRB approves the facility, which we hope it will not, such approval should include the following provisos:

- 1) No amplified sound allowed outside the dwelling/barn. All doors/windows must be closed. Sound should not be audible at any level off the site. The present character of the neighborhood is quiet and peaceful, to allow noise to be generated would “change the residential character of the area.”
- 2) No amplified sound after 10 pm under any circumstances.
- 3) At least one adult resident of the dwelling must be present during the entirety of all events to take responsibility for control of noise and for any misbehavior on the part of guests.
- 4) All activities must be contained within the residence/barn. No outside tents or other temporary structures will be used for guests or for service personnel.
- 5) All sanitary facilities must be contained within the residence/barn. No outside portable toilets are permitted.
- 6) The nature of permitted “events” must be carefully defined. This could be done by stating limits on permissible events, citing the nature of the events, and their size, duration, and frequency. For example, the definition could be that events will be limited to wedding receptions of no more than 50 people between the hours of 4:00pm and 10:00pm, no more often than once a month.

We believe you should deny the application for a Conditional Use as well as the sign variance.



Thomas Anastasio



Virginia Jenkins

exhibit #3
7/19/2016

Greensboro Development Review Board
P.O Box 119
Greensboro, VT 05841

July 12, 2016

RE: Application for Conditional Use Permit/Variance, #2016-25, Tax Map Number 12
Jennifer Ranz, applicant

Let me begin by saying that I find it hard to justify the use of Jennifer Ranz's barn for a year-round event venue or for the requested variance for a sign.

My feeling regarding the sign variance: Country Club Road is a short and narrow dirt road. Jennifer's barn is the only red barn on the road and right on the roadside, very identifiable – does not need a variance.

Regarding the proposed use for a year-round event venue: I'm probably the oldest (in length of time) resident on the road, having grown up on the road in my current home. I've seen the road change over the years from the quiet farms and residences where as a child we could enjoy sledding down the road in winter, to a road that is totally unsafe for such an activity due to increased traffic, frequently speeding down the road which is dangerous due to the narrowness of the road. In sections of the road there is barely enough room for two cars to meet in good weather times and not really that safe for the folks who enjoy walking along the road, often using it as a place to walk their dogs out of the way of main road traffic, or to jog, or just enjoy a good walk. When I look at the bottleneck created by event venues already in place, i.e., the Lakeview Inn, Circus Smirkus, the Country Club in summer, the soon to be operational Mirror Arts, and Jennifer Ranz's already substantial business, I am fearful of the effect of an even larger increase in traffic on Country Club Road. I feel this might also put greater pressure on the Town, perhaps, to manage care of the road, i.e., paving possibly for a ways, and possible need for traffic lights to better assist motorists at times of events.

Who would be controlling the traffic at events? When we attend concerts at the Trapp Family Lodge in Stowe, for instance, there are people directing traffic for coming in to park and leaving. How does she plan to manage this need for extra direction of traffic, and possible need for lighting of the parking area?

What size events might be planned? Jennifer's Barn sits on a very narrow, perhaps the narrowest stretch of the road at that point. What we saw of the events she hosted recently, the driveway of the home directly across the road is right in the line of traffic arriving and leaving. This certainly is an affront to neighbors directly across, having to deal with excessive noise, lights, etc. And the porta-potties. The porta-potties lining the outside wall indicates to me that a regular use of this kind of septic need is not available on her property. To have a year-round series of events, a strong septic service must be available, not porta-potties where people have to go outside the facility – and in the winter? Really?

With respect to noise levels, our area is very much subject to noise (including loud conversations even). We hear noise from Center Road, Hardwick Street, Caspian Lake occasionally, Circus Smirkus. (With regard to that area, the former owner used to hold parties which lasted pretty late into the nights, and the beat of the music being played carried over to our area even as far away as we live.

So, I do not support Jennifer's application. Her barn is a terrific and beautiful asset to the road and hopefully to her as well, but not as a "home business" with year-round events occurring. I don't see that what she is currently proposing in any way represents a "home business" per zoning by-law. There is, at least in my mind, a huge difference between a home business and a year-round events venue.

I just feel that Jennifer has not thought this plan through enough to satisfy any allowance of the application and I sincerely hope the DRB will not approve this application. Thank you for your consideration.



Bronwyn Massé
703 Country Club Road
P.O. Box 38
Greensboro, VT 05841

REVISED

Exhibit # 4
7/19/2016

JUL 18 2016

Bronwyn Massé
Conrad Massé
703 Country Club Road
P.O. Box 38
Greensboro, VT 05841

Greensboro Development Review Board
P.O. Box 119
Greensboro, VT 05841

Revised letter - July 18, 2016

RE: Application for Conditional Use Permit/Variance, #2016-25, Tax Map Number 12
Jennifer Ranz, applicant

Let me begin by saying that we find it hard to justify the use of Jennifer Ranz's barn for a year-round event venue or for the requested variance for a sign.

Our feelings regarding the sign variance: Country Club Road is a short and narrow dirt road. Jennifer's barn is the only red barn on the road and right on the roadside, very identifiable – does not need a variance.

Regarding the proposed use for a year-round event venue: I'm probably the oldest (in length of time) resident on the road, having grown up on the road in my current home. I've seen the road change over the years from the quiet farms and residences where as a child we could enjoy sledding down the road in winter, to a road that is totally unsafe for such an activity due to increased traffic, frequently speeding down the road which is dangerous due to the narrowness of the road. In sections of the road there is barely enough room for two cars to meet in good weather times and not really that safe for the folks who enjoy walking along the road, often using it as a place to walk their dogs out of the way of main road traffic, or to jog, or just enjoy a good walk. When I look at the bottleneck created by event venues already in place, i.e., the Lakeview Inn, Circus Smirkus, the Country Club in summer, the soon to be operational Mirror Arts, and Jennifer Ranz's already substantial business, I am fearful of the effect of an even larger increase in traffic on Country Club Road. I feel this might also put greater pressure on the Town, perhaps, to manage care of the road, i.e., paving possibly for a ways, and possible need for traffic lights to better assist motorists at times of events.

Who would be controlling the traffic at events? When we attend concerts at the Trapp Family Lodge in Stowe, for instance, there are people directing traffic for coming in to park and leaving. How does she plan to manage this need for extra direction of traffic, and possible need for lighting of the parking area?

What size events might be planned? Jennifer's Barn sits on a very narrow, perhaps the narrowest stretch of the road at that point. What we saw of the events she hosted recently, the driveway of the home directly across the road is right in the line of traffic arriving and leaving. This certainly is an affront to neighbors directly across, having to deal with excessive noise, lights, etc. And the

porta-potties. The porta-potties lining the outside wall indicates to me that a regular use of this kind of septic need is not available on her property. To have a year-round series of events, a strong septic service must be available, not porta-potties where people have to go outside the facility – and in the winter? Really?

With respect to noise levels, our area is very much subject to noise (including loud conversations even). We hear noise from Center Road, Hardwick Street, Caspian Lake occasionally, Circus Smirkus. (With regard to that area, the former owner used to hold parties which lasted pretty late into the nights, and the beat of the music being played carried over to our area even as far away as we live.

So, we do not support Jennifer’s application. Her barn is a terrific and beautiful asset to the road and hopefully to her as well, but not as a “home business” with year-round events occurring. I don’t see that what she is currently proposing in any way represents a “home business” per zoning by-law. There is, at least in my mind, a huge difference between a home business and a year-round events venue.

We would also like to add a comment in relation to noise levels at events that we heard at the site visit on Saturday, July 16 Jennifer suggested 10:45 p.m. to insist on stopping any loud music or noise, but for those of us seniors that is pretty late, particularly if there are 3 or so events every week as Jennifer thought she might be hosting.

We just feel that Jennifer has not thought this plan through enough to satisfy any allowance of the application and I sincerely hope the DRB will not approve this application. Thank you for your consideration.


Bronwyn Massé


Conrad Massé

Exhibit # 6
7/19/2016

7/17/16

Application for a Conditional Use Permit

Jennifer Ranz, Greensboro Barn, 491 Country Club Rd.

To the Development Review Board.

I have owned the Greensboro Barn since 1990 and have been renovating it into my home, studio and gallery over the past 26 years. The barn was built in 1880 and is on the registry for historic buildings in Vermont and many visitors and people passing by enjoy seeing this building every year. My daughter has hosted an annual party for Greensboro's younger generation for the past three years. The Greensboro Association hosted a concert and picnic and my two nieces have used the barn for their weddings receptions. I have had inquiries to use this space for other kinds of events including a wedding celebration held here over the June 24th weekend. I am applying for a conditional use permit in order to use this space for different events during the warm season and look forward to sharing this beautiful place with more people. My intention is also to generate enough revenue to support the expense of saving and maintaining this magnificent barn and prevent it from falling into disrepair like so many other barns around the state of Vermont. I have built new floors and stairs to accommodate people safely. Tim Angell, The Vermont Fire Marshal came last Tuesday July 12th to visit my barn and thought the barn was appropriate for assemblies and gave me a few recommendations for exit signs and upgrading fire extinguishers, which I am also carrying out. The Greensboro Barn is the historic site marked with a granite monument where in 1817 the first New England Sunday School Convention was held and next year I am hoping to have a bicentennial event to celebrate this assembly.

July 10, 2016

Note to Development Review Board,
Re: Jennifer Ranz request.

I am a resident of Country Club Road and an immediate neighbor of Jennifer Ranz. I am opposed to any commercial variance that potentially changes the atmosphere of this area. I would like our homes to continue and remain a quiet, rural residential area.

I chose to purchase my home on Country Club Rd. because of these factors. I am opposed to any proposal that would challenge these values.

Thank you -

Sincerely,

Jane Spranger

P.S. Such a change could open up the chance for ^{more} requests in the future.

Exhibit #5
7/19/2016