

Conditional Use/Possible Variance Hearing

David Allen

June 13, 2016

To consider a conditional use/possible variance request by David Allen to add a commercial kitchen and upstairs apartment to his farmstand at 2747 Hardwick Street. He will also need a sign for his business.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.5 Rural Lands District; 3.10 Structures and Uses per lot; 4.14 Low Impact Agribusiness; 5.4 Conditional Uses and 5.5 Variances.

Warnings were posted on May 23, 2016 at the Greensboro Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the following abutters and neighboring property owners: Roger Allen; Linda Lussier and Thomas Allen; William & Martha Niemi; Patricia, Jeremy & Jennifer Mercier; Arthur & Julie Brochu; Mountain View Country Club; Dennis & Clair Michaud; and the Greensboro Performing Arts Center Trust c/o Andrew Brown on May 23, 2016. It was also published in the Hardwick Gazette on Wednesday, May 25, 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; Linda Romans

Others present: David Allen, land owner and applicant; Hannah Allen and Andras Hadik, owners/operators of Kis Kombucha; and Kristen Leahy, Zoning Administrator

Correspondence from interested persons: none

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:04 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 Mr. Allen to explain what he wants to do on his property at 2747 Hardwick Street. Mr. Allen stated that he would like to put a 20' x 32' addition on his present farmstand. It would be 2 stories high, about 29 feet to the ridgeline. The proposed addition would house a commercial kitchen for the production of the kombucha his daughter and son-in-law make and a two bedroom apartment for farm workers upstairs. Mr. Allen stated that he has been looking for a value added product to add to his farm production and his daughter and son-in-law had begun looking for a bigger place to make their kombucha. Combining the two operations seemed to make sense. Because kombucha is a food product, the kitchen must be inspected by the health department so they needed to build an addition. The exterior will be identical to the present farmstand and have windows and doors comparable to the present structure. There will be exterior stairs and a small 12' x 14' deck on the back of the building (the side away from Hardwick Street). There is a waste water permit for the farmstand and an upgrade for the additional water and personnel required for the additional business is all ready to begin. Both businesses are certified organic and will be able to share the present farmstand cooler and, since they distribute their products to many of the same places, they can share the trucking. They would also like to have a sign for each business near the driveway on Hardwick Street. The Hazendale Farmstand sign is preexisting and may be re-erected. The new sign for Kis Kombucha will be no bigger than 6 square feet. Both signs will be at least 25 feet from the center line of the road.

The hearing ended at 7:31. The Board went into deliberative session at 7:35 and came back into public session to announce their decision at 8:04.

Findings of Fact:

Based on the application and testimony, the Development Review Board makes the following findings:

2.5 Rural Lands District

The lot has 98⁺ acres. The previously approved farmstand with the proposed kitchen/apartment addition is 200' from the road, 900' from the left side, 150' from the right side and 1000' from the rear lot line, so it meets all setback requirements. Low Impact Agribusiness is a conditional use in the Rural Lands district.

3.10 Structures and Uses per lot

With 98⁺ acres, the lot has more than enough acreage to meet the density requirement (10 acres per structure). The farmstand with its proposed addition meets all setback and density requirements.

4.14 Low Impact Agribusiness

The farmstand for retail sale of vegetables and the proposed kitchen addition for Kombucha production fit the definition of a small, low impact business based on agriculture. The businesses integrate into the rural character of the neighborhood, will have minimal impact on the surrounding properties, and support the agricultural economy of the area. The apartment will house agricultural workers.

5.4 Conditional Uses

For the low impact agribusiness and structures and uses per lot.

B) General standards

The proposed conditional use will not have an adverse effect on:

- 1. the capacity of existing or planned community facilities.*
- 2. the character of the area.*
- 3. traffic in the vicinity.*
- 4. by-laws and ordinances presently in effect.*
- 5. the utilization of renewable energy resources.*

The proposed addition for a low impact agribusiness (production of kombucha) will not have an adverse effect on any of the above criteria.

C) Specific Standards:

- 1. The lot must meet the minimum size required for the district unless other standards are given for conditional use lot size in the district.*

The lot is more than sufficient for the farmstand with the addition.

- 2. Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.*

The farmstand with the proposed kitchen/apartment addition is 200' from the road, 900' from the left side, 150' from the right side and 1000' from the rear lot line. It meets all setback requirements.

- 3. Fencing/ landscaping may be required for commercial and industrial uses to provide screening if the Board deems it necessary to protect the character of the area.*

Fencing/landscaping is not necessary.

- 4. Exterior signs shall not be internally lit and must be compatible in size, materials and workmanship to the area in which they are located.*

The signs will not be internally lit and will be compatible with the character of the neighborhood. They will be located near the driveway, at least 25 feet from the center of the road.

- 5. The proposed structure is compatible with other structures in the area.*

The proposed structure will match the present farmstand's design and materials and is compatible with the area.

- 6. The proposed structure adheres to the uses allowed in the relevant district.*

The proposed addition, as well as the present farmstand, fit the definition of a small, low impact

business based on agriculture. The businesses integrate into the rural character of the neighborhood, will have minimal impact on the surrounding properties, and support the agricultural economy of the area. The apartment will house agricultural workers.

7. *The proposed structure will not affect the noise or air pollution in the area.*

The Board considered this and determined that the proposed structure will not affect the noise or air pollution in the area.

The Board voted unanimously (7 – 0) to approve the conditional uses for the addition of a commercial kitchen with an upstairs apartment and 12' x 14' deck in the back. (Both alternates voted in the absence of two members.) This plan supports the agricultural economy of Greensboro, maintains the rural character of the area and exemplifies good low impact agribusiness cooperation.

5.5 Variances

For the signs.

A) Variance Criteria

The first four criteria are not applicable.

5. *The variance represents the minimum that will afford relief and the least deviation possible from the bylaws and town plan.*

The signs will be no closer than 25 feet from the center line of the road. The criteria states that signs must be 50 feet from the centerline of the road. The Board determined that a sign placed 50 feet from the centerline of the road could not be seen easily and would adversely affect their businesses. The Hazendale Farmstand sign is pre-existing and the Kis Kombucha sign will be no larger than 6 square feet. Neither sign will be internally lit.

The Board voted unanimously (7 – 0) to approve a variance for the two signs. (Both alternates voted in the absence of two members.) Signs are necessary to denote a business and direct people to it. Being 25 feet instead of 50 feet from the centerline of the road enables the sign to be read more easily by their customers.

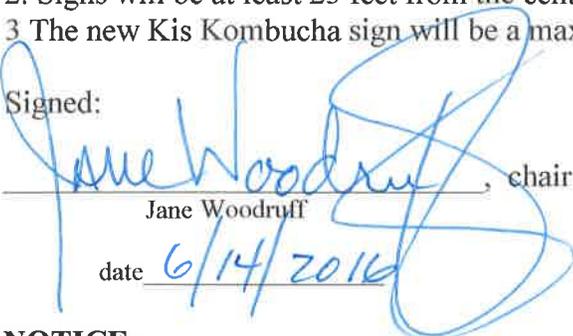
Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve both the Conditional Use and Variance requests. (Both alternates voted in the absence of two members.)

Conditions:

1. Any and all necessary state and federal permits must be in place before construction can begin.
2. Signs will be at least 25 feet from the centerline of the road.
- 3 The new Kis Kombucha sign will be a maximum of 6 square feet in area.

Signed:


_____, chair
Jane Woodruff

date 6/14/2016


_____, clerk
Janet Travers

date 6-14-16

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.