

TOWN OF PEACHAM

Development Review Board Hearing Results for

Siner Zoning Permit Application 18-21, 94 Church Street

INTRODUCTION AND PROCEDURAL HISTORY

1. The hearing was to review an application for a change of use and to interpret zoning map boundaries.
2. The application was received at Town Office on November 1, 2021, and transmitted to the Zoning Administrator on November 3, 2021. The application was referred to Development Review Board on November 11, 2021. A copy of the application and site information was available at Peacham Town
3. On December 16, 2021, the notice of a public hearing was posted at the following places:
 - a. Peacham municipal clerk's office,
 - b. Peacham Library,
 - c. Peacham Elementary School,
 - d. Peacham town website.
4. Notice of a public hearing was published in the *Caledonian Record* on December 17, 2021.
5. A copy of the notice of a public hearing was mailed to the applicant, to the adjoining property owners, and other Peacham village residents on December 20, 2021.
6. The application was considered at a public hearing on January 7, 2022. The hearing was continued to February 11, 2022.
7. Present at the continued hearing were members of the Peacham Development Review Board (Marilyn Magnus, Morris McCain, Rick Scholes, and Rusty Barber), and Bob Hansen, the Peacham Zoning Administrator.

Others wishing to achieve status as an interested person were given the opportunity, under 24 V.S.A. § 4465(b), to demonstrate that they met the criteria set forth in the statute. Interested persons are listed on the attached ***TOWN OF PEACHAM INTERESTED PERSONS RECORD AND SERVICE LIST***.

FINDINGS

The Application was reviewed in accordance with provisions of the *Town of Peacham, Vermont Zoning and Flood Hazard Regulations*, adopted February 28, 2017.

1. The applicant seeks a permit to conduct certain activities on the property including “farmstand, community use for barn, retail, barn + pasture private and public events, educational classes in barn, agriculture.”

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2. The parcel is in Village District and according to the town Zoning Map an Agricultural Overlay district is superimposed on the parcel. It was determined that Agricultural Overlays districts should only be superimposed on properties in the Rural Districts. Therefore, the conflict between Village and Agricultural Overlay districts is an error and should be disregarded.

DECISION AND CONDITIONS

At the conclusion of the hearing, and based on the application, findings, testimony, and other evidence, Development Review Board grants specific portions of Application 18-21 with following Conditions. However, in all other respects, the application is denied, in part, because of a lack of specificity.

Section 303: Village District (VD)

Permitted Uses

1. **Home Business** as defined in *Section 404 Protection of Home Occupations* is allowed.
2. **Recreation, Outdoor**

While certain outdoor entertainment and educational activities may be considered recreational, the zoning regulations have not been updated to reflect the goals of the current town plan. Therefore, to accommodate outdoor activities such as wedding receptions, music performances, etc., the following conditions apply.

 - a. Each event must be approved and permitted by the Select Board.
 - b. Written authorization must be obtained from the church, town, or others for adequate parking.
 - c. No parking will be permitted in road rights-of-way.
 - d. Events must conclude by 9:30pm.
 - e. Electrically amplified sound must not cause undue imposition on the neighbors and must end by 9:30pm.
 - f. Clean up activities must end by 10:00pm.
 - g. Outside lighting, except that which is primarily for security purposes, must be extinguished by 10:00pm.

Conditional Use

1. **Farmstand** defined as “A structure for merchandising agricultural products, including farm markets and cooperatives. For purposes of this Zoning Regulations, “farmstand” also includes operations selling less than 50% of goods sold which are attributed to off-farm production. Farmstand is approved.

Decision Dated March 8, 2022
Peacham, Vermont
James (Rusty) Barber, Chair

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NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s). 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.

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Applicant Katherine Goldsmith Siner **Application No.** 18-21

Date of Hearing January 7, 2022, continued to February 11, 2022

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INTERESTED PERSONS RECORD AND SERVICE LIST

Under the 2004 revisions to Chapter 117, the DRB has certain administrative obligations with respect to interested persons. At any hearing, there must be an opportunity for each person wishing to achieve interested person status to demonstrate compliance with the applicable criteria. 24 V.S.A. § 4461(b). The DRB must keep a written record of the name, address and participation of each person who has sought interested person status. 24 V.S.A. § 4461(b). A copy of any decision rendered by the DRB must be mailed to every person or body appearing and having been heard by the DRB. 24 V.S.A. § 4464(b)(3). Upon receipt of notice of an appeal to the environmental court, the DRB must supply a list of interested persons to the appellant in five working days. 24 V.S.A. § 4471(c).

Name	Address	Participated in Hearing?	Evidence/Statement of Concern Offered
Nancy Louise Saidi	PO Box13, Peacham VT 05862	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Geoffrey Sewake	PO Box 33, Peacham VT 05862	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Oral comments
Gillian Sewake	PO Box 33, Peacham VT 05862	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Oral comments
Laurie Kozar	PO Box 53, Peacham VT 05862	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Oral comments
Ken Danielson	PO Box 35, Peacham VT 05862		Oral comment

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Name	Address	Participated in Hearing?	Evidence/Statement of Concern Offered
		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Jake Thomas	304 Greenbay Loop, Groton VT 05046	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Oral comments
Andrea Kane	PO Box 123, Peacham VT 05862	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Oral comment
Adam Kane	PO Box 123, Peacham VT 05862	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Oral comment
Matt Kempton	PO Box 254, Peacham VT 05862	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Rebecca Jensen	PO Box 127, Peacham VT 05862	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Oral comment
Charlie Byron	904 Greenbay Loop, Groton VT 05862	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Diana Senturia	PO Box 198, Peacham VT 05862	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Oral comment
Bob Hansen	PO Box 108, Peacham VT 05862		Oral comment