

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

**TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT
NOVEMBER 18, 2015**

DRAFT

MEMBERS PRESENT: Frank Tenney, Chair; Jonathan Fisher, Matt Zucker, Andrew Swayze. **ABSENT:** Stuart Bennett.

ADMINISTRATION: Britney Tenney, Zoning Clerk.

OTHERS PRESENT: Alexander LaRosa, Fritz Tegatz, Jenny Cole, Sue Smith, Mark Smith, Larry Hamilton, Janet Smith, Mark C Smith, Evan Metropoulas, Gregor Masefield, Martha Hunt, Tim Hunt, Lynne Jaunich, Scott Jaunich, Chris Berg, Karl Washburn, Jeannine McCrumb, Jacob Spell, Sam Ruggiano, Kevin Brown, Jeff Hill, Matthew LaFiandra, Suzanne Hinsdale, Dorothy Hill, Tom Cosinoko, Anne Kelton, Catherine Metropoulas, and others.

Minutes subject to correction by the Charlotte Zoning Board of Adjustment. Changes, if any, will be recorded in the minutes at the next meeting of the Board.

AGENDA:

7:00 PM: CONTINUATION: ZBA-15-06: Edgewater Center, LLC - Conditional Use Review for a proposed event barn under the adaptive reuse provision. The property is located at 1046 Ethan Allen Highway, and is owned by Edgewater Center, LLC.

CALL TO ORDER

Mr. Tenney, Chair, called the meeting to order at 7:00 p.m.

ZBA-15-06: CONDITIONAL USE REVIEW TO TURN AN EXISTING BARN INTO AN EVENT FACILITY UNDER SECTION 4.3 ADAPTIVE REUSE OF AN EXISTING HISTORIC STRUCTURE. THE PROPERTY IS LOCATED AT 1046 ETHAN ALLEN HIGHWAY, IS OWNED BY EDGEWATER CENTER, LLC, AND IS LOCATED IN THE ROUTE 7 SCENIC OVERLAY DISTRICT.

Tim Hunt and Martha Hunt, Edgewater Center, LLC, and Sam Ruggiano, architect, and Gregor Masefield, landscape architect, appeared on behalf of the application.

STAFF NOTES

Mr. Tenney reviewed staff notes. A ZBA letter with questions from the 10/14/2015 hearing had been sent to the applicant.

Sworn in:

Mark Smith, RSG; Karl Washburn, RSG; Jeannine McCrumb, Charlotte Zoning Administrator; and Kevin Brown, Langrock, Sperry and Wood, attorney for Edgewater Center, LLC.

APPLICANT COMMENTS

Mr. Brown addressed questions as noted in the ZBA letter, dated 11/10/2015 as follows:

- 48 • As outlined in a letter from Mr. Hunt to the Town, dated 11/18/2015, Edgewater
49 Center, LLC and Claussen’s would enter an agreement to grow vegetables, fruits,
50 herbs and flowers on 5+ acres. Catered events would be required to spend a
51 minimum of \$1,000 on farm grown products and whatever was not used would be
52 sent to local food shelves. Product would be grown on-site year round and that
53 would tie into the adaptive re-use related agriculture. Two or three people would
54 be hired seasonally to run the farm operation. There would be no greenhouses on
55 the site.
- 56 • The barn would be available for all types of events and would be catered.
- 57 • The caterers would work out of the on-site kitchen.
- 58 • Overflow parking would be provided at the Teddy Bear Factory as per an
59 agreement. Guests would be bussed from the parking lot to the event center and
60 dropped off. Staff would be hired to monitor the parking lots.
- 61 • On-site parking would be screened from the Route 7 view by dwarf apple trees,
62 low growing arborvitae on the north and south sides, and by landscaping on the
63 east side.
- 64 • The number of events proposed as: 45 on Friday’s ending by 10:00 p.m., 45 on
65 Saturdays ending at 10:00 p.m., and 45 events on Sundays ending by 10:00 p.m.
66 yearly, and up to 30 events during the week days Monday through Thursday, for a
67 total of 165 events annually, which was a reduction from a previous proposal.
- 68 • A noise study was conducted by a qualified engineer. The barn would be
69 insulated. It was unlikely that the two sets of primary vestibule doors on the east
70 side of the barn would be opened.
- 71 • The outside doors to the deck on the west side of the barn would be closed after
72 9:00 p.m.
- 73 • A landscaping plan included screening of the east side of the barn and on-site
74 parking lot.
- 75 • RSG had conducted a traffic study.

76
77 Mark Smith, RSG representative, explained that a traffic study was conducted. Issues
78 identified were safety issues and proposed driveway capacity. The study included Route
79 7 sight distances, stopping sight distances, corner sight distances, estimated peak traffic
80 and time of day for Friday, Saturday and Sunday afternoons. Most guests would be
81 bussed from an off site parking lot for minimizing ins and outs at events. For on site
82 parking, it was estimated that everyone would arrive one hour before and leave within
83 one hour after an event. There should be little delay for vehicles traveling on Route 7, and
84 little delay for cars leaving the property onto Route 7, which would be below standards
85 normally applied, said Mr. Smith.

86
87 **ZBA QUESTIONS/COMMENTS**

88 Mr. Tenney stated that the applicant’s information was just received and would require
89 further study.

90
91 Mr. Swayze noted that the traffic study identified that 4-5 percent car trips would be
92 added to the existing traffic. What was the key take away, asked Mr. Swayze. Mr. Smith
93 replied that the hourly traffic volume comparisons for entering or exiting events onto

94 Route 7, page 4, Table 2, worst case was that the highest number would occur on
95 Saturdays, from 3-5 p.m.

96
97 Mr. Swayze asked for clarification regarding trips back and forth on Route 7 for Fridays
98 after 6:00 p.m. Mr. Smith explained that there were 64 on-site parking spaces, of which
99 10 would be used for staff, leaving 54 parking spaces for guests. That would be a 5
100 percent increase for that time frame, said Mr. Smith. Mr. Tenney said that if 5:00 p.m. to
101 6:00 p.m. was a 100 percent peak hour, then car traffic would drop to 69 percent after
102 that. That would add 5 percent to after 6:00 p.m. theoretically, said Mr. Tenney.

103
104 Mr. Swayze asked for clarification of the reference phrase “design hourly volume”. Mr.
105 Smith replied that design hourly volume was what the ruling authorities have created as a
106 threshold of when to study traffic. Cars are counted year round and when these studies
107 are done it is assumed to be the 30th highest hour of the year. It is a design standard for
108 traffic control to the 30th highest hour, clarified Mr. Smith.

109
110 Mr. Fisher asked for clarification of an error noted on the VTrans map as submitted by
111 the applicant, which should be Church Hill Road, not Route 7.

112

113 PUBLIC COMMENTS

114 Ms. Jaunich, neighbor, said that she had two questions:

- 115 • The traffic study was done based on the number of cars to be parked on-site. Did
116 the study account for people dropping guests off at the event center and then
117 going to park at the Teddy Bear Factory.
- 118 • A passing lane on Route 7 at the top of the hill was dangerous for cars turning
119 into or out of the Varney Farm. Was that a part of the traffic study, asked Ms.
120 Jaunich.

121 Mr. Smith replied yes. The overflow parking was designated. A conservative number of
122 cars going and leaving the events was used. Drop offs wouldn't change the calculations.
123 There were no concerns regarding capacity of the driveway. Regarding the passing zone,
124 he did look at existing crash history of Route 7. In the last 5 years there were no crashes
125 in that zone. There was one crash 150' to the south and another further down from there,
126 said Mr. Smith.

127

128 Mr. Metropoulas, abutting neighbor, asked who would determined who parks in the on
129 site lot. Many of us have been stuck behind a farmer's tractor, which happens about once
130 a month. Regarding bussing, Charlotte Central School tries to keep school busses off
131 Route 7. He has had 32 years of experience regarding accidents there. The worse were
132 speeding vehicles coming up the hill from the south. Why suggest 5 percent. Friday,
133 Saturday and Sunday nights were the busiest travel times. Busses entering and leaving
134 would create a bottle neck and cause delays, said Mr. Metropoulas.

135

136 Mr. Smith explained that the traffic study data came from continuous counting. He
137 followed the standards for traffic studies, and had good data on crashes, said Mr. Smith.

138 Mr. Brown said that there would be security people to monitor the 54 on site parking

139 spaces. At the time of a booking the person could be told that an event of 150 people, or
140 more, would need to park at the overflow lot and bus in, said Mr. Brown.

141

142 Mr. Tenney asked if the overflow parking would increase the in and out trips. Mr. Hunt
143 explained that he would have an understanding built into the event agreement. Using
144 busses would limit the number of ins/outs. For example, 135 guests and 15 staff would
145 take three busses and very few cars, said Mr. Hunt.

146

147 Mr. LaRosa, Murphy, Sullivan and Kronk representative, said that the RSG traffic study
148 says that 75-90 percent of the cars would be coming from the north. That may not be true
149 since cars come from the south and from NY by ferry, for example, said Mr. LaRosa. Mr.
150 Smith replied that would not materially change the study. Mr. LaRosa suggested
151 modeling traffic from both the north and south. Mr. Smith said he would re-examine it
152 again.

153

154 Mr. LaRosa asked what the impact on Shelburne would be if the use of overflow parking
155 at the Teddy Bear Factory was lost. Mr. Brown stated that the applicant has permission to
156 use the Teddy Bear Lot. Mr. Tenney said the ZBA had no jurisdiction regarding off site
157 parking in Shelburne, - where it is, or how they do it.

158

159 Mr. LaRosa asked if there was no off site parking then could they tell people to park on
160 Ferry Road. You just can't just tell someone to park elsewhere, said Mr. LaRosa. Mr.
161 Brown reiterated that the applicant has an agreement with the Teddy Bear Factory, has 54
162 on-site parking spaces. It doesn't take many shuttle buses for 150 people. The applicant
163 has submitted a letter from Charlie Baker, Chittenden County Regional Planning
164 Commission Executive Director. Uniformed police officer(s) could be hired if the ZBA
165 would like to impose a condition at the event property, suggested Mr. Brown.

166

167 Ms. Hill, neighbor, expressed concern regarding vehicles traveling at a high rate of speed
168 north and south on Route 7. Stopping distances would be difficult and a two-lane passing
169 zone coming up the hill from the south merged into one lane around that area. Cars would
170 suddenly have people turning in front of them. There never has been a venue there and
171 you can't compare data, stated Ms. Hill. Mr. Ruggiano said the applicant has submitted a
172 letter of intent to VTrans for the ZBA records, and VTrans was fine with it.

173

174 Ms. McCrumb asked if events could be booked other than the 6:00 p.m. hour. Mr. Smith
175 replied on Friday after 6:00 p.m. and on Saturday afternoons.

176

177 Ms. McCrumb noted that a 6:00 p.m. peak hour time was used in the traffic study, and
178 asked what non-peak hours an event could start. For example, so that people don't show
179 up until 6:00 p.m. on a Friday, said Ms. McCrumb. Mr. Hunt said that someone might
180 want to have a daytime business meeting. Controls were put in agreements not to exceed
181 evening hours, which seemed to be the biggest concern, said Mr. Hunt. Ms. McCrumb
182 said that the point was that the traffic study was based on the peak hour and the Town
183 would hold him to this hour. If there was a wedding starting at 6:00 p.m. cars arriving
184 would run into the peak hour. A concern was that 100 percent would go up to 105

185 percent. VTrans doesn't conduct traffic analysis anymore and relies on an applicant to
186 provide the information now. The Town can't rely on the VTrans letter of intent.
187 Regarding crash data, how was the crash data logged. Her experience in the two years
188 working for Charlotte was that there have been two crashes in two years on that section
189 of Route 7. Is there a criteria level a crash has to be, asked Ms. McCrumb. Mr. Smith
190 explained that if an injury occurs that has to be logged in, or there has to be a minimal
191 amount of damage to be logged in. Crashes are logged by the State Police for calls, local
192 police calls, fire department calls, etc. There may be a certain number of altercations not
193 involving authorities that may not get logged in, said Mr. Smith.

194
195 Mr. Swayze asked if there was a professional bench mark - would adding 50 more cars
196 turning into or out of Route 7 make it not feasible. Mr. Smith said he would review the
197 number of crashes near the property, and at sight distances for a 'driver to react'. If there
198 were a lot of left turns into the property that may warrant creating a left turn lane.
199 Standards for delays were: 60 seconds for a non-signalized intersection, and 80 seconds
200 for a signalized intersection. There were more qualifications for a low volume driveway.
201 VTrans doesn't apply standards to low volume driveways. Capacity for VTrans means if
202 cars would continue to stack up to get out, clarified Mr. Smith.

203
204 Mr. Swayze asked if the numbers account for turning out of the property with cars
205 coming north and south on Route 7. Mr. Smith said that was 'intersection sight
206 distances.'

207
208 Mr. Hamilton asked if people would conduct a preparatory inspection of the facility for
209 events as noted in the 45 number, and if the study took into account an event that would
210 happen 'out of the blue'. Mr. Tenney clarified the question as: if there might be 1, 2 or 3
211 cars going to the property to inspect the barn. Mr. Smith said that the study looked at the
212 worst case scenario and gave peak hour comparisons. If 10 cars were leaving that was not
213 a concern, said Mr. Smith. Mr. Brown said that there was no way to control inspections
214 of the property, which would be negligible at most.

215
216 In response to a question regarding impaired drivers leaving an event, Mr. Brown said
217 that the study looked at averages over peak hours and compared that to the standards.
218 Regarding alcohol service, there are restaurants with the same issue. It was assumed that
219 a client would follow the law, said Mr. Brown.

220
221 Mr. Brown said that caterers have licenses. People can drink too much alcohol; it happens
222 at every restaurant and was not a part of the traffic study.

223
224 Mr. Fisher asked if VTrans considered the Church Hill Road/Route 7 the most dangerous
225 intersection. Mr. Smith replied no; and pointed to other intersections that VTrans
226 considered more dangerous in the area.

227
228 Mr. Metropoulos asked if the agricultural use allowed for the barn adaptive reuse. Mr.
229 Tenney explained zoning regulations regarding an adaptive reuse of an historic structure,

230 and criteria to allow other uses. An event barn was not listed in the criteria, but it was
231 comparable to the listed uses as per Section 4.3, Zoning bylaws.

232

233 Regarding parking at the Varney farm for access to the Charlotte Park and Wildlife
234 Refuge as per an easement agreement, Mr. Hunt said it was addressed during a site visit.
235 The entire site was walked and had offered restricted parking for eligible Town people to
236 Dean Bloch, Town Administrator. Parking to the Park would co-exist with his parking
237 lot. He had asked Dean to come up with what the Town would like. There was concern
238 regarding the topography. Dean would consult with him regarding an access path to the
239 Park. A concern was a path location. He would like to be notified if someone wanted to
240 park on the lot to access the Park to avoid conflicts with events, said Mr. Hunt.

241

242 Mr. Tenney asked if Mr. Hunt wanted Town's people to schedule a time to park for
243 access. Mr. Hunt replied that was part of the control. VLT and Mr. Bloch would consider
244 issuing a 'permit' to use the lot and would like to meet regarding what controls would be.
245 If the Town used his parking lot that he was paying to build, then it would be reasonable
246 to have a Town's person arrive well before a scheduled event. It was parking for free,
247 said Mr. Hunt. Mr. Tenney clarified that parking could happen 'when there were no
248 events.' Mr. Brown said yes; or what works best for the Town. There has to be controls,
249 said Mr. Brown.

250

251 Ms. Cole, Park Oversight Committee member, said it would be helpful to include the
252 Park Oversight Committee in the discussions regarding a parking and path easement.

253

254 Mr. Tenney asked if there had been a proposed parking area and access entry before this
255 plan. Ms. Cole explained that an easement was granted to the Town when the property
256 was sold for a number of uses: agricultural access, park maintenance, equestrian access,
257 emergency access, and handicap access. A proposed driveway access went straight out
258 with parking behind the Varney barn. When the Hunt's purchased the property he wanted
259 the easements moved in order to relocate the existing house. A concern was that we don't
260 lose the parking and path easements. A number of uses have already been lost, and the
261 Town might end up with limited public and Park use, said Ms. Cole.

262

263 Mr. Fisher asked if the parking lot use was taking into account horse trailers. Mr. Hunt
264 said regarding the letter from Dean Bloch busses were taken into account and a
265 turnaround. Horse trailers would have to go to a different parking lot. There was plenty of
266 land left if the Town wanted it for horse trailers. Horse trailers were not conducive to
267 parking there. Farmers have access around the barn to the fields. He told Dean that an
268 emergency access could go on an existing farm road off the south end of the parking lot
269 and west to the Park. He was paying to build the parking lot and was not obligated to
270 build parking for the Town, said Mr. Hunt.

271

272 Ms. Cole said that the Town has recognized some uses allowed in an earlier agreement
273 wouldn't remain. She would like to protect the uses that could happen, said Ms. Cole.

274

275 Ms. Hill read a section from a VLT letter dated in October that stated "...no parking
276 outside the complex.." There are a lot of encumbrances on this property, stated Ms. Hill.

277

278 Mr. Tegatz, Selectboard member, noted that he was not sworn in, and reviewed that the
279 Selectboard heard an application for the Varney property easement relocation, and a
280 presentation for moving the house. There was no mention for an event barn, which would
281 mean a whole new site visit, said Mr. Tegatz. Mr. Tenney responded that it was a
282 Selectboard issue regarding access and not a ZBA issue.

283

284 Mr. Ruggiano said that the State police and Shelburne Police were notified of the parking
285 plan. He sent a letter 2 months ago to the State Police and had received no reply. He
286 called Lt. Whitcomb, who said it was no problem, and would send out a letter today. He
287 has left several messages at the Shelburne Police Department, said Mr. Ruggiano.

288

289 Mr. Brown suggested that the ZBA could approve the application conditioned upon
290 receipt of a State Police letter.

291

292 Mr. Ruggiano noted that the VLT had sent the Town a letter, dated November 17, 2015,
293 regarding the Demeter Fund, which did not transfer the property to the VLT. Mr. Brown
294 clarified that the Demeter Fund no longer existed. The VLT was given a conservation
295 easement. The Varney Farm was private property and the ZBA has no jurisdiction. VLT
296 approved the uses of the barn, said Mr. Brown.

297

298 Mr. Zucker clarified that it gives a conditional approval under the terms of the agreement.
299 Under Rural Use, Section 3.7, was an event barn considered a rural use as the principal
300 use of the barn and farm, asked Mr. Zucker. Mr. Hunt replied yes. He would hire people
301 to manage the farm. The event barn is a secondary use. Hired staff would manage the
302 event barn. He would oversee the farm and event barn. He lives in the house on-site, said
303 Mr. Hunt.

304

305 Mr. Brown said the VLT is aware of the proposal for a working farm and maintaining the
306 structure. The farm would grow as much produce as possible, said Mr. Brown.

307

308 Mr. Swayze asked if the agricultural 'use' was beyond the ZBA's scope. Mr. Brown
309 replied yes. It was not a Zoning Board matter if the applicant was going beyond the use.
310 It is a civil court matter, and Mr. Hunt, as property owner, is fine with that use, said Mr.
311 Brown.

312

313 Mr. Hunt explained that the lower part of the barn was exclusively for agricultural use.
314 The agricultural function would require more time and energy than the events proposed,
315 said Mr. Hunt. Mr. Brown said the agricultural use would be on the lower barn level and
316 the event use on the upper level.

317

318 Ms. McCrumb agreed with the purview aspect as discussed it is civil issue. She would
319 suggest to the Selectboard that it was something they should look into. The Town is
320 aware of the issue, said Ms. McCrumb.

321

322 In response to a comment, Mr. Tenney said that the ZBA was not looking at the
323 agricultural aspect.

324

325 Ms. Hill stated that the area was currently zoned rural/agricultural. This is a commercial
326 use. The agricultural use and residential uses is under the ZBA review, said Ms. Hill.

327

328 Mr. LaRosa said that he agreed with Mr. Brown that the ZBA can't review specific
329 language of the agreement. As per the Zoning regulations a proposal can't have undue
330 adverse impacts. A first step is how the use fits into the neighborhood. There was no
331 other facility in the neighborhood. Security, uniformed officers, etc, points to a
332 commercial facility. An agricultural charge of \$1,000 to feed the event says this is not a
333 farm. The ZBA has to look at what this is, said Mr. LaRosa.

334

335 Mr. Brown said he agreed. The ZBA does have to look at how it fits. There are 33
336 permissible conditional uses and most are commercial uses. The applicant can do event
337 facility when tailored with appropriate conditions, said Mr. Brown.

338

339 Mr. LaRosa said that an event facility would have adverse impacts on the Park, which
340 closes at dusk and no alcohol was allowed.

341

342 Ms. Cole expressed concerns on how amplified sounds/music would affect the Park
343 during events on Friday, Saturday and Sundays year round. The Park trails are right
344 behind the Varney property. The Town has a significant investment in the Park, said Ms.
345 Cole.

346

347 There was discussion regarding the RSG sound study; what the dBa was at the Varney
348 Farm south border and to the west behind the barn where it abuts the Park. Mr. Washburn
349 explained sound levels at the property lines, page 11 of the report and page 10, that with
350 the barn doors closed the sound level was 45 dBa (yellow line), 39 dBa at the west
351 property line, and reduces the further west. Mr. Tenney repeated that sound could be up
352 to 45 dBa at the south boundary. A question was how that affects the Park, said Mr.
353 Tenney. Mr. Washburn replied that for example, in the traffic analysis, most hours of the
354 day car noise would be 40-45 dBa, and the sound would be the same.

355

356 Mr. Washburn explained that sound spreads out the further out it goes and gets lower as it
357 goes out. For example, 35 dBs would be like sitting in a quiet office, and 45 dBs would
358 be sitting in that office with some hub-bub going on, said Mr. Washburn.

359

360 Mr. LaRosa asked if it was an average. Mr. Washburn explained that maximum levels
361 inside the building would reach 100-105 dBa as reflected in the study report. This was
362 corrected from the original report that said it was 'averaged'. Appendix B, explained SIP
363 materials that would be used inside the barn for thermal insulation and strength. He had
364 estimated how much sound would get blocked with SIP's, said Mr. Washburn.

365

366 Mr. Washburn explained how data was entered for the roof materials in order to compute
367 sound loss through the roof. Other items were doors and windows that were accounted
368 for. Windows are proposed as double pane E glass. Open windows were not accounted
369 for; open doors were accounted for. Second addendum looked at both deck doors. He
370 didn't think that the windows were operational since they were not double hung
371 windows, said Mr. Washburn.

372

373 Mr. Masefield said that windows were awning style to look like a barn sash, and could
374 open 45 degrees.

375

376 Mr. Hill asked if the intention was to have music bands inside the barn.

377

378 Mr. Cosinoke, Sanctuary Ridge, stated that he was not sworn in, and suggested inviting
379 the Selectboard to hear a sound test equivalent to 100-105 dBs. Mr. Washburn said that
380 there were technical means to do so. He was not aware of any zoning hearings where this
381 was done however, said Mr. Washburn.

382

383 Mr. Metropoulos said that he would prefer no outside activities - 50-60 people outside in
384 a field would make a lot of noise.

385

386 Mr. Washburn said that Addendum 2, page 10, summary, assumed 50 voices to the 5
387 closest addresses. Amplified music in the barn with insulation would be 30 dBA. The 3rd
388 column - 50 people with raised voices on the west side where a tent had been proposed
389 goes up to 34 dBA, which was well below 70dBA allowed at the property line, said Mr.
390 Washburn.

391

392 Mr. Tegatz asked if the sound study considered the entire range. Mr. Washburn relied
393 yes.

394

395 Mr. Cosinoke said he could hear cars from Route 7 traveling 50-60 mph at 70dB. Mr.
396 Washburn explained Addendum 1, traffic noise. The study measured car noise that
397 peaked at 73 dBA at 50' away, page 2, placed sound in the far north-west parking spot of
398 a paved lot and calculated to the same 5 homes. It was quieter than music in the barn, at 1
399 dB less, said Mr. Washburn.

400

401 Mr. (Mark C) Smith, neighbor, said he could hear the Shelburne Museum concerts 2
402 miles away. Mr. Washburn replied that nature has interesting ways of carrying sound.

403

404 Mr. Cosinoke asked who paid for the traffic and sound studies. Mr. Washburn replied the
405 applicant.

406

407 Mr. Masefield, landscape architect, reviewed a landscaping plan for the parking lot to
408 include dwarf apple trees, and white cedars along the east barn structure. In the winter the
409 lot would be plowed and that would screen the parking lot from Route 7, said Mr.

410 Masefield. Mr. Brown said that low growing yews could be used to screen the parking lot

411 area from Route 7 if necessary. The apple trees would provide produce for event use,
412 pointed out Mr. Brown.

413

414 Mr. LaRosa expressed concern that more screening of the parking lot would block the
415 Route 7 view. Mr. Brown replied that was why he suggested low growing evergreens, at
416 the height of a car. That wouldn't materially block the view, stated Mr. Brown.

417

418 In response to a question on the removal of existing trees and replacing them with little
419 dwarf trees, Mr. Masefield explained that in order to create the parking lot the large trees
420 would need to come down.

421

422 Mr. Fisher asked if the VLT and Preservation Trust had commented on the view impacts
423 and tree heights. Mr. Hunt said that the Preservation Trust looked at the site plan and said
424 it met their interests. The existing trees in the original front yard were crab and apple
425 trees, said Mr. Hunt.

426

427 Ms. Jaunich asked if the busses would drop guests off and leave. Mr. Hunt replied
428 correct.

429

430 Mr. Swayze asked if the initial relocation of the house was a permitted use as a resident.
431 Mr. Brown replied yes; it was not a change of use.

432

433 Mr. Swayze asked if the applicant's hearing tonight was a review of a residential farm as
434 an adaptive reuse of a barn, or as a residential and potential re-adaptive use of a barn as
435 one application. Mr. Brown said if fell within the Conditional Use list and the ZBA
436 would review it entirely as site plan.

437

438 Mr. Fisher asked if the septic system was still proposed as off the lot. Mr. Ruggiano
439 replied no; it is a mound system at the west border below the ridge line.

440

441 Mr. Cosinoke said that the barn and house look beautiful. When the house was moved
442 was it placed higher off the ground then at the original site, asked Mr. Cosinoke. Mr.
443 Tenney said that was not what the ZBA was reviewing, which was an adaptive reuse of
444 the barn.

445

446 Ms. McCrumb explained that the house was reviewed by the Planning Commission under
447 subdivision review. She could look into the Planning Commission discussion notes.

448

449 Mr. Metropoulos said that the barn looks more exposed, higher then before. Mr. Tenney
450 reiterated that the structure went through review and the ZBA has no purview at all.

451

452 The ZBA accepted the following submittals:

453 **Exhibit C: Vermont Land Trust letter, dated 11/14/2015, to Tim Hunt.**

454 **Exhibit D: Preservation Trust letter to Tim Hunt, dated 5/26/2015.**

455 **Exhibit E: Letter to the ZBA from the Town Administrator, regarding the**
456 **easement, dated 10/13/2015.**

- 457 **Exhibit F: Staff Report regarding the easement.**
458 **Exhibit G: Letter from Douglas Webster, dated 10/19/2015.**
459 **Exhibit H: letter to the ZBA from Murphy, Sullivan and Kronk, attorneys, dated**
460 **11/12/2015.**
461 **Exhibit I: Letter from David Cray, dated 11/14/2015.**
462 **Exhibit J: Second Vermont Land Trust letter, dated 11/17/2015.**
463 **Exhibit K: RSG traffic study report, dated 11/18/2015.**
464 **Exhibit L: Response from Tim Hunt regarding ZBA questions, dated 11/18/2015.**
465 **Exhibit M: Letter from Clark Hinsdale III regarding a previous hearing, dated**
466 **11/20/2014.**
467 **Exhibit N: Addendums 1 and 2, dated 11/17/2015 and 11/16/2015.**

468
469 Ms. Jaunich asked if the Varney Farm neighbors could have copies of the new traffic and
470 sound studies for review and comment. Mr. Brown said that he would allow comments
471 submitted in writing.

472
473 Ms. McCrumb outlined options that the ZBA could continue the hearing with a deadline
474 to accept neighbor comments, or close the hearing pending receipt of comments by a date
475 certain.

476
477 Ms. Cole asked if the ZBA would ask for a sound test. Mr. Tenney replied the ZBA has
478 not discussed that.

479
480 There was further discussion to continue the hearing to December 16, 2015, continue the
481 hearing for the purpose of taking comments regarding the traffic and sound studies, and if
482 a sound test should be done within two weeks where area residents could participate, and
483 concerns that the barn was not yet insulated, and part of the barn was not yet built.

484
485 **MOTION by Mr. Swayze, seconded by Mr. Fisher, to continue the hearing**
486 **regarding ZBA-15-06, Edgewater Center, LLC, for a Conditional Use review for a**
487 **proposed event barn under the adaptive reuse provision, property located at 1046**
488 **Ethan Allen Highway owned by Edgewater Center, LLC., to December 16, 2015, at**
489 **7:00 p.m., and limited to testimony related to the RSG traffic and noise studies, tree**
490 **planting/landscaping plan(s), easement updates, and Selectboard actions.**

491 **VOTE: 4 ayes, 1 absent (Mr. Bennett); motion carried**

492

493 **DELIBERATIVE SESSION**

494 The ZBA entered Deliberative Session at 9:30 p.m.

495

496 **ADJOURNMENT**

497 The ZBA adjourned the meeting at p.m.

498

499 Minutes respectfully submitted, Kathlyn L. Furr, Recording Secretary.

500