

## Marshfield Development Review board minutes

May 13, 2021

**Present:** Jon Groveman, Les Snow, Jenny Warshow, Tim Belcher, Kate Hayes, Gary Leach, David Mangan, Henry Harris

Meeting Called to Order @ 7:15pm by Jon Groveman, Chair

### Mangan Hearing:

**Jon:** David Mangan is applying for a conditional use permit to convert an unused church into a bakery. David, tell us what you plan to do please and give us some background.

**David:** We currently operate Red Door Bakery out of a small building right on route 2 in the village. It is currently a wholesale bakery. We want to purchase the church which is a 45 x 45 building on 3.4 acres and move the bakery into it. The state has already checked the septic and water and cleared it for this use. This would give the bakery a better location with actual parking for the delivery van and for the tractor trailer that comes once a week. Currently, the tractor trailer sits partially in route 2. We would need to enlarge one end of the driveway to allow the tractor trailer room to make the corner. We would be adding a commercial exhaust fan and a compressor on the outside and we would use the same signage area that is currently being used.

**Jon:** is this a conditional use and a site plan review.

**Kate:** No, they are not changing the exterior footprint of the building.

**Jon:** Kate will make sure the sign meets the criteria and the hours of operation.

**David:** four times a week we have employees working from 4 am until 5 pm and one day a week from 8:00 am until 5:00 pm. The employees do not all arrive at the same time, but we only employ six people.

**Jon:** will there be noise that might impact the neighbors?

**David:** The only noise would be from vehicles arriving.

**Jon:** Are you using the same septic and water even though it will now be commercial?

**David:** The state has already said it meets the criteria for commercial use.

**Jon:** Do you have a problem with conditions of getting the water tested?

**David:** no

**Gary:** Do you need inspections?

**David:** Yes, the state inspector will come in at the beginning and probably again at 6 months.

**Gary:** There will be no retail sales: We might want to put in a condition to say no retail without another hearing.

**David:** That is not a problem.

**Gary:** You have six employees? How do the goods get shipped?

**David:** At about 7am we load our van, and the driver does deliveries. She usually finishes around 5:00.

**Gary:** So, 3-5 vehicle stops per day?

**David:** About 4 x per week

**Gary:** You are going to put an exhaust fan in the corner farthest from Beaver Meadow Road?

**David:** Yes, and not a noisy one, I have already spoken with the neighbors who all seemed supportive of the bakery going in there.

**Les:** If the exhaust fan and compressor are issues for the neighbors, how will you address that?

**David:** I have those now in the village and have had no issues, they are quiet, but we will make sure they are quiet.

**Gary:** Is it required to notify adjoining landowners?

**David:** I have done that already and had them all sign saying they were notified.

**Jenny:** Was the building built before zoning?

**Kate:** The building predates zoning by three years.

**Jenny:** So, you need to change the parking lot entrance so you will need a curb cut?

**Kate:** Yes, he will need to speak with the road department.

**Jon:** I think we have everything we need so we will let you know what the decision is once we deliberate. This hearing is done, and we will move on to the next one.

### **Henry Harris Hearing (Appeal)**

**Present:** Jon Groveman, Les Snow, Jenny Warshow, Tim Belcher, Kate Hayes, Gary Leach, David Mangan, Henry Harris

**Jon:** This is an appeal of a letter from the Zoning administrator saying that a permit is required for a summer camp. The Zoning administrator will present and then Mr. Belcher and Mr. Harris can present their case.

**Kate:** In the original decision Mr. Harris was granted a one-time permit with the clause that if he wished to do more events, he would need to re-apply. I was just reminding him to apply before the camp. I feel the zoning by laws this as his use of the property has changed.

**Jon:** Mr. Belcher and Henry need to present please.

**Tim/Henry:** the property was purchased three years ago. It is 173 acres with a farmhouse and two barns.

**Jon:** Before you bought it, was it a working farm: did the seller put conditions on the use of the land?

**Tim/Henry:** The Vermont Land Trust was involved with the purchase and they stipulated that no more dwellings could be put on the property and that the land must remain open and be used for agriculture. We have put in a large tree farm area as well as planting vegetables and herbs that we donate to people in need. We have built no permanent structures other than an outhouse. We also built a greenhouse without a permit. The regulations say we can do recreation and education and this camp fits the criteria.

The camp is educational since it teaches regenerative agriculture and protest skills as well as arts and crafts. It is a gathering of youth ages 13-19 and grant funded. We do invite donations, but this does not make it a commercial venture. There are 12-20 instructors for the camp, and it is 8 days long. The kids get dropped off, usually by their parents and we ask them not to leave. There might be a couple that have to leave for jobs periodically. We stagger the arrival times due to covid. There are probably a dozen cars, maybe 50-100 car trips over the span of the camp. We use Woodbelly pizza and the house kitchen to feed them. We rent a porta potty and we have outdoor showers in the heifer barn. We do the activities in the field and bard. We also clean up after so there is nothing left on public roads. There are no bright lights or loud music. We applied for a permit in 2019 because we were new in town and wanted to do things correctly. At that time, Gary said he did not think a permit was needed but we might as well go thru the process. In 2020 we applied for a permit and appealed the notice of violation. Someone told Henry about a select board meeting where he would be the topic of discussion. He went to the meeting and then did appeal. Henry did not get a response to the appeal or permit. We have not had any explanation of why he cannot meet with others on his own property. We have seen an email from a neighbor where the neighbor called henry and anarchist.

**Jon:** We are a land use board. We do not have any interest in personal uses. We are simply looking at Change of Use. We are charged with interpretation of the zoning by laws. We do not have an opinion of Mr. Harris personally.

**Tim:** Section 420 of the by laws shows that the camp qualifies as a school/education, so I do not know why we are here.

**Jon:** There is no prejudice, we are only here to look at eh bylaws.

**Henry:** I do not think the regulations support a change of use. Are we going to hear back on this tonight or in the future?

**Jon:** We are here tonight as there are legitimate questions as to where this use falls. Are the services you are providing a commercial use? We are here to define this event. Is this camp a school?

**Tim:** People are gathering on private property to discuss issues they have in common. This is no different than a birthday party or family reunion.

**Gary:** What I hear Jon saying is there are several of the activities that are not incidental, like reunions would be. What extent is that activity infringing on the neighbors and the neighborhood?

**Henry:** I see in reading the regulations that we do not need a permit to exercise these activities.

**Jon:** Our only purpose is to implement the bylaws not the nature of the activity. Is this a type of use that falls into a category of school or commercial? We are charged with interpretation of the bylaws.

**Henry:** I think the regulations allow what I am doing.

**Jon:** Conditional just means you need a permit.

**Henry:** accepting donations is not commercial

**Jenny:** Do you own the old Joe Lee farm and the house across the road?

**Henry:** yes

**Kate:** The email from Suzan Condon was before my time and I do not have any opinion on the email except to see that she was expressing a concern she had.

**Gary:** what would you categorize this as? A school? Recreation?

**Kate:** The definition says it is for 18 and under and a nonprofit.

**Jon:** Does anyone have anything further to add: We will deliberate and let you know if we need more info.

This hearing/meeting is done.

Adjourned 8:45pm