

Moretown Development Review Board

Minutes of DRB Hearing Held January 10, 2013 including Decision on Application #12-39

Members of the Board present: Erick Titrud; John Riley; Jim O'Neill; David Russo and Eric Howes (Alternate)

Application #12-39 - Jenna Rossbach for change of use from office to residence and cottage industry at 171 Pony Farm Road.

This is a continuation of the hearing begun December 20. The matter was continued to allow the Board to conduct a site visit and hear any further evidence. On Saturday, December 22, Board Members O'Neill, Russo and Howes visited the site. Separately, Erick Titrud and John Riley have visited the location since the December 20 hearing.

Present tonight is the applicant, Jenna Rossbach. Also present is Hoover Austin. Hoover is the brother of Marilyn Spaulding, and a beneficiary of the Estate of Helen Austin which owns adjoining property.

Ms. Rossbach submitted an email from Town Road foreman, Martin Cameron stating that a mirror, appropriately placed, could enhance safety relating to the blind spot.

In response to inquiries from Hoover Austin, Ms. Rossbach confirmed the anticipated retail hours would be 9 to 5 on Wednesday through Saturday during the months of May through September. Sales in other months would be by appointment and infrequent. No additional lighting is proposed at this time.

Hoover Austin stated he had previously operated an office in the structure and believes there are risks for vehicles exiting the Rossbach property, especially as the amount of traffic on Pony Farm Road has increased over the years, particularly in summer months.

The Board again reviewed the requirements for cottage industry under Section 3.7(E). S.3.7(E)(8) states that retail sales shall be limited to the sale of goods or products produced on premises and/or the sale of goods and products that are associated with and clearly incidental to the primary operation of the cottage industry. It was also noted this is the Ag-Res district which does not allow retail operations as either permitted or conditional uses. Thus, as a cottage industry Ms. Rossbach can have sales of goods and products produced on the premises, and other items "clearly incidental" to the primary operation. During the discussion Ms. Rossbach indicated a willingness to amend her

application to provide that any employee or customer parking (proposed five spaces) be in the field on the other side of the right of way, and behind the rock garden. This means that vehicles exiting will proceed nose first, and with a slightly greater sight distance in the southerly (Waitsfield) direction on Pony Farm Road. This amendment to the application was accepted by the Board. The Board also considered whether applicant could place a free standing sign consistent with ordinance requirements. The 30 foot setback under Section 4.12(C)(6) is measured from the center line of the road. Thus, based on the site plan, it does appear that a sign can be located in the area between the greenhouse and Pony Farm Road, so long as it meets the setback, and other applicable requirements under Section 4.12.

At approximately 6:30 PM the Board closed the evidence and entered deliberative session to consider and reach a decision on the application and issues before it.

Decision

The Board approves the application of the greenhouse and adjoining property for growing plants associated with Applicant's landscaping business, eventually with some retail sales, on the following conditions:

1. That the business be operated consistent with the application. Namely, that any retail operation be May to September on Wednesdays through Saturdays, from 9 to 5;
2. That the provision for parking for employees and customers consist of five parking spaces (to be established consistent with the ordinance sections applicable to parking in Section 4.9) and to be located across the right of way from the structure, and behind the rock garden;
3. That the Applicant's proposal of selling gardening supplies in addition to plants grown on site such as mulch, hand tools, compost and organic fertilizer be subordinate and incidental to the primary activity of greenhouse based selling of plants grown on site;
4. That the operation comply with Section 3.7(E) which requires that the business owner continue to reside on the lot, and that the portion of the principal dwelling and accessory greenhouse utilized in the business be less than 50% of the combined floor area of all structures on the lot. And the outdoor storage of materials be completely screened year round from the road and neighboring properties;
5. As per Section 3.7(E)(10) the permit is for a home based business accessory to the principal residential use. The cottage industry cannot be subdivided or sold as separate residential and business uses unless it would otherwise meet all current municipal and state regulations to do so.

January 23, 2013
Date

Erick Titrud
Erick Titrud

John Riley
John Riley

Jim O'Neill
Jim O'Neill

David Russo
David Russo

Eric Howes
Eric Howes

23 JAN 2013

Date

Erick Titrud

John Riley

Jim O'Neill



David Russo

Eric Howes