

**TOWN OF SOUTH HERO, VERMONT
DEVELOPMENT REVIEW BOARD
DECISION DATED May 25, 2022**

APPLICANT

Name: Tonya Poutry

Address: PO Box 225, South Hero, VT 05486

LANDOWNER

Name: Ribbit Ribbit LLC

APPLICATION

Type: Conditional Use and Site Plan Review to amend DRB decision 21-53-FR007

Number: 22-61-FR007

PROPERTY

Location: 7 Ferry Rd.

Hearing Date: May 11, 2021

Tonya Poutry submitted an application on April 13, 2022 requesting an amendment to DRB decision 21-53-FR007, dated April 14, 2021. The conditional use and site plan review approved an added use -- a food truck -- to operate from 3 to 8PM on Wednesdays and Thursdays at 7 Ferry Rd. Per Section 805 of the South Hero Development Regulations, a warning for the public hearing appeared in the April 20, 2022 issue of the Islander and was posted in the Town Office, the Post Office, and the Town Library, and abutters to the property were notified. A hearing was held on May 11, 2022. A list of those present and participating in the hearing is included in the minutes of the hearing.

During the course of the hearing, the following exhibits were submitted:

- Town of South Hero Development Regulations, effective March 30, 2020
- Conditional Use and Site Plan Review Application, dated and received April 14, 2022.
- Site Plan for decision #21-53-FR007; dated March, 2021
- Decision #21-53-FR007, dated April 14, 2022.
- Warning ad, Abutters' Notice, and Hearing Letter for May 11, 2022 DRB Review.
- Staff report for May 11, 2022 DRB hearing.
- Draft minutes from May 11, 2022 DRB hearing.

Based on the applications, supporting documents, and testimony of Tonya Poutry, **the Development Review Board makes the following Findings and enters the following decision:**

Findings:

1. 7 Ferry Rd. is a 0.95-acre commercial lot in the Keeler Bay Village Zoning District.
2. The Applicant proposes to expand the days of operation to 7 days per week, year-round, and expand the hours to 9AM to 8PM.
3. The number of parking spaces has been expanded from 7 to 10. The Applicant proposes to reserve the western-most parking spot for the mobile vendor when operating.
4. The previous approval was for a pick-up site for Catering By Dale only. This application expands the model to vendors who may be cooking on-site. No more than one vendor will operate at a time.
5. Power, water, and lighting will be provided by the Applicant.
6. A porta-john will be placed behind the building.
7. A trash tote is provided.
8. The Applicant proposes to place picnic tables on the grass adjacent to the vendor.

9. The vendor location shall be located on the west side of the parking such that the serving area does not impact a parking space.

Conclusions of Law

- A. Per Table 2.1, the proposed accessory use is permitted in the Keeler Bay Village Zoning District with Conditional Use and Site Plan approval.
- B. The Board finds no Undue Adverse Effect is being created.
- C. Per Table 3.2, the application site plan does not meet the requirements of Table 3.2 (Final Site Plan Requirements).

On May 25, 2022, J. Brightwell moved to approve the application, with the findings of fact listed and with the following Conditions; D. Patterson second. Whereas, Final Approval was granted to the application with Conditions, with the following people voting in the affirmative: T. Maxham, D. Patterson; N. Hayward; M. Welch, E. Reid; and J. Brightwell.

Conditions:

1. Applicant shall comply with all evidence as presented at the hearing or as amended by this decision. The conditions of DRB decision #21-53-FR007 that are not amended by this decision remain in effect.
2. The vendor unit shall be placed onto the grass on the west side of the parking area, with a physical barrier between the parking lot and the vendor unit.
3. The site plan shall be amended to include the locations of the new vendor unit location, trash tote, porta-john, picnic tables, power and water outlets, and lighting.
4. Hours of operation shall be 9am to 8pm, 7 days per week.
5. There shall be only one vendor operating at a time.
6. All vendors shall meet the requirements of the Town's 2021 Mobile Vendors Ordinance.

7. The Town of South Hero's responsibilities are limited to ensuring compliance with the approvals and permits issued by the Town of South Hero. The Town accepts no responsibility for compliance with the conditions of any permits or approvals issued by any other entity. The Town of South Hero will not be liable for the failure of the applicants to carry out their duties and responsibilities.

Dated: May 25, 2022


For the Development Review Board

APPEAL RIGHTS

Any appeal of this decision must be filed with the Superior Court, Environmental Division (located at 2418 Airport Road, Suite 1, Barre, VT 05641-8701) within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. §1431 and the 5% surcharge required by 32 V.S.A. §1434a(a), which is \$262.50 as of January 2011. A copy of this appeal must be filed with the Zoning Administrator or the Town Clerk within thirty (30) days from the date of issuance.