

**TOWN OF SOUTH HERO, VERMONT
DEVELOPMENT REVIEW BOARD
DECISION DATED September 13, 2023**

APPLICANT

Name: Allenholm Farm
Address: PO Box 300, South Hero, VT 05486

LANDOWNER

Name: same

APPLICATION

Type: Conditional Use and Site Plan review for Seasonal Indoor and Outdoor Storage

Number: 24-08-SS110

PROPERTY

Location: 110 and 111 South St.

Hearing Date: August 23, 2023.

Ray C. Allen, acting as legal guardian for Ray W. Allen, submitted an application on July 27, 2023 requesting a conditional use and site plan review for seasonal indoor and outdoor storage of motor vehicles and boats at Allenholm Farm at 110 and 111 South St. Per Section 805 of the 2021 amended South Hero Development Regulations, a warning for the public hearing appeared in the August 2, 2023 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. The hearing began on August 23, 2023. A list of those attending and participating in the hearings is included in the minutes.

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

- Town of South Hero Development Regulations, effective September 13, 2020
- Conditional Use/Site Plan Review Application, dated July 24, 2023 and rec'd July 27, 2023.
- Narrative by Ray C. Allen, dated July 24, 2023; rec'd July 27, 2023.

- Site plan utilizing Google Earth photo showing proposed locations for indoor and outdoor storage areas, by Applicant; rec'd July 27, 2023.
- Google Earth map showing abutters' to Allenholm; rec'd July 27, 2023.
- Warning ad, Abutters' Notice, and Hearing Letter for the August 23, 2023 DRB Review.
- Staff report for the August 23, 2023 DRB hearing.
- Minutes from the August 23, 2023 hearing.

Based on the application, supporting documents, and testimony of Ray C. Allen and Andy Allen, **the Development Review Board makes the following Findings and enters the following decision:**

Findings:

1. Allenholm Farm is a seven-generation, 257-acre farm, orchard, and business straddling South St. Of these, 225.4 acres are on the west side of South St. Other than the farm structures and family homes, the orchards and open land are in the South Hero Land Trust. The 14.3 acres on the east side of South St. include the farm store, a petting zoo, a small take-out (The Hive), and customer parking. The property on the east side is not in the Land Trust. The entire parcel is in the Rural Residential Zoning District.
2. Allenholm is a seasonal business (summer/fall). Ray C. Allen is requesting a conditional use and site plan review for seasonal (October to May) indoor and outdoor storage as additional land use and needed cash flow during the farm's off-season. The storage will be for boats, cars, campers, and possibly heavier rigs, and subject to a monthly rental fee.
3. Andy Allen stated that the off-season storage is for additional needed income to prevent having to sell property that is not in the Land Trust.
4. The proposed indoor location is the northern-most of the storage barns. The Applicant anticipates approximately 18 vehicles will be stored here. An overhead door will be added to the north end for access. This will be for seasonal storage of cars and motorcycles.
5. There are 2 outdoor locations proposed – one on the west side of South St., between the barns and the Champlain Islands Parent Child Center, and the other on the east side of the road in the field to the south of the farm store.
6. The proposed west side outdoor parking area is gravel. The firmer ground here is appropriate for heavier vehicles. The east side field can tend to be softer, so will be restricted to lighter-weight campers and boats. Boards will be placed on the ground there to prevent tires from sinking in if the conditions become wet.
7. The proposed east side area is 300'x160'. The long side is parallel to South St. and sits back 120 feet from the road. It is in the southeast corner of the field with natural screening on the south and east sides.
8. The soil in this field is poor for agricultural use and primarily used as parking for the farm store, you-pick season, and bicyclists (though an agreement with Local Motion).

- There are 3 existing accesses to the field from South St. There will be chains across these for security and to prevent unauthorized entry.
9. There is an existing streetlight on South St. in front of the Parent/Child Center.
 10. The number of vehicles in the east field will be limited by the dimensions of the proposed location and the size of the vehicles. Allenholm will park these, using their own equipment, to save room and prevent damage to other vehicles.
 11. Only the indoor storage will have lights.
 12. All areas will be monitored daily in person or by video.
 13. An increase in traffic will only be during short times in the spring and fall as vehicles arrive and leave.
 14. Due to deed restrictions for the property in trust, there are limited alternative locations that are out of sight from South St.
 15. Neighbors stated that trees on the south end of the east parking field are not adequate to screen the area from homes to the south.
 16. Ray Allen stated that he does not want to add screening or fencing along the road as that will reduce the security of the stored vehicles. The field lot will be checked and driven around on a regular basis.
 17. The DRB waived the requirements to show the full boundaries of the 257-acre Allenholm property, a designated parking layout in the east field, and contours on the site plan.

The site plan was deemed complete, and Vice-Chair D. Patterson closed the hearing on September 28, 2022.

Conclusions of Law:

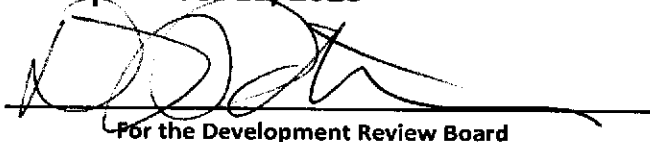
- A. Per Table 2.1 (Allowed Uses), storage facilities in the Rural Residential Zoning District require conditional use and site plan review.
- B. Per Sec. 302.D.2, the proposal, as related to the purpose of the Rural Residential Zoning District (Sec. 203), will have minor impact on the character of the neighborhood area. The seasonal storage use is proposed to help maintain the primary agricultural use of the property by preventing the possible necessary sale and further undetermined development of the farm property not in the Land Trust.
- C. Per Figure 3.2, no Undue Adverse Effect will be created on the resource in question. The project does not have an unfavorable impact on Allenholm Farm. The proposed outdoor parking located in the east side of South St. Sits back 120 feet from the road. A line of trees screens the location from the south and no homes are directly across the road from the location.
- D. The application meets the requirements of Table 3.2 (Final Site Plan Requirements) and Sec. 302.D (Final Site Plan Review). Per 303.D.1, the DRB may grant waivers on a site plan for materials not applicable to the project and not required to determine compliance with the Regulations.

On September 13, 2022, N. Hayward moved to approve the application, with the findings of fact listed and with the following Conditions; M. Welch second. Whereas Final Approval was granted to the application with Conditions, with the following people voting in the affirmative: D. Patterson; N. Hayward; L. Kilcoyne, M. Welch, and James Brightwell.

Conditions:

1. Applicants shall comply with all evidence as presented at the hearing or as amended by this decision.
2. This conditional use is granted only to the applicant, and not to any successors in title.
3. Seasonal outdoor storage on the west side of South St. is not approved.
4. It will be the Applicants' responsibility to obtain all required State permits and submit copies to the Zoning Administrator.
5. 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: September 13, 2023



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.