

**TOWN OF SOUTH HERO, VERMONT
DEVELOPMENT REVIEW BOARD
DECISION DATED May 22, 2024**

APPLICANT

Name: Zeberiah Snow/Hero Haulers
Address: 25 Martin Rd., South Hero, VT 05486

LANDOWNER

Name: Alan Kinney Trust

APPLICATION

Type: Conditional Use and Site Plan review for an Added Use – Trash and Recycling

Number: 24-66-SS189

PROPERTY

Location: 189 South St.

Hearing Date: May 8, 2024

Zeberiah Snow, owner of Hero Haulers, submitted an application on April 3, 2024 requesting a conditional use and site plan review to relocate his business to the Kinney Farm at 189 South St. Per Section 805 of the 2021 amended South Hero Development Regulations, a warning for the public hearing appeared in the April 18, 2024 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 was held on May 8, 2024. 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 January 1, 2024.
- Applicant Narrative, dated April 1, 2024; rec'd April 2, 2024.
- Google Earth map of Abutting landowners to SS189, prepared April 2024.
- Site Plan from Google Earth aerial, prepared April 2024.

- Photo 1 – location of exterior area for recycling containers.
- Photo 2 – location area for trailer parking.
- Warning Ad, Abutters' Notice, and Hearing Letter for May 8, 2024 DRB hearing.
- Staff report by Zoning Administrator for May 8, 2024 hearing.

Based on the application, supporting documents, and testimony of Zeberiah Snow and Kim Kinney, **the Development Review Board makes the following Findings and enters the following decision:**

Findings:

1. Zeberiah Snow is the owner of Hero Haulers, a local residential garbage, recycling, and compost collection company. The business picks up material from customers' homes in company trucks and transfers it to larger trailers that are then transported off the Islands each day.
2. He operates the business from his home at 25 Martin Rd. Mr. Snow wants to move the trash and recycling business to the Kinney Farm at 189 South St. The property is on the east side of South St. ¼ mile from the South St./Whipple Rd. intersection and is in the Rural Residential Zoning District.
3. The compost business will remain at Martin Rd.
4. The business will use the existing driveway.
5. The business has 3 employees – the owner and two others. There may be an additional employee this summer if the business continues to grow.
6. The business has three 16-ft. dual axle dump trailers. The total length of a truck and trailer is 24 feet.
7. The trailers will be parked in a 40'x40' area in a corner of the barnyard, behind the south wing of the barn. The location will be protected from north and west winds and will be screened from the road by the structure.
8. Four and a half truckloads fill one trailer. Two trucks run routes on the Islands with 8 possible trips per day to the South St. site. Trailer hauling is usually 1 or 2 loads in the morning. During peak season (summer) there may be 1 to 2 loads in the afternoon.
9. The trailers are tarped and strapped while transporting and will be covered at night if not empty.
10. The Applicant agreed to 5AM to 5PM for hauling trailers from the site.
11. There will be no public access or drop-off. All pick-ups are from the customers' locations only.
12. There will be no need for water and only for minimal electricity. There will be a small office in the adjacent garage for occasional use of a laptop and printer. Other business materials (barrels and cases of liners and compost bags) will also be stored there.

13. Power is from a pole adjacent to the barn. There is also a light on this pole. The Applicant state that he plans to install cameras at the site.
14. Only the trailers will remain at the site at night. The trucks are transportation for the employees. No additional employee parking space is needed.
15. The trailers will be in a 40'x40' area in a corner behind the south wing of the barn. The location will be protected from north and west winds and will be screened from the road by the barn.
16. The area is mostly gravel or grass. The Applicant will add more gravel in the trailer parking area.
17. The proposal will be an auxiliary use to the farm, requiring conditional use and site plan review by the Development Review Board.

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), auxiliary uses 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 primary agricultural use of the property will continue.
- 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 the Kinney Farm. The proposed location is screened from the road. There are no residences close enough to be impacted by the proposal.
- D. The application meets the requirements of Table 3.2 (Final Site Plan Requirements) and Sec. 302.D (Final Site Plan Review).

On May 22, 2024, J. Brightwell 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; L. Kilcoyne, M. Welch, Tim Mullen, E. Reid, 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. There will be a maximum of five 16-ft. dual axle dump trailers on the property overnight. No other trailers, dumpsters, or other containers may be placed on the property for the purposes of storing or collecting refuse or recycling.
4. There will be no storage of refuse or recycling material on the property except in the trailers. Large bulky items may be stored temporarily in the barn.
5. There will be no storage or collection of compost material on the property.
6. No public drop off of refuse or recycling is allowed.
7. Entrance and egress to the property for the purpose of hauling refuse shall be restricted to the hours of 5AM to 5PM.
8. Compactor trucks will not be allowed on the property.
9. It will be the Applicants' responsibility to obtain all required State permits and submit copies to the Zoning Administrator.
10. 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 22, 2024



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.