



**Town of Whitingham
Zoning Board of Adjustment**

MINUTES OF JUNE 9, 2022 PUBLIC HEARING

Attendees:

ZBA members: Marshall Dix, Chair; Troy Felisko, and Lyman Tefft

Planning Commission members: Brad Lackey, Chair; and Keith Thompson. Peter Barus attended remotely.

Zoning Administrator/ZBA Clerk: Gig Zboray

Applicant: Chris Roberts

Others: Wayne Corse, Kristine Sweeter, Amy McNeil, James Weber, Ruth LaPointe, Angela Koehler, Adam Buursma, Jessica Gibb-Buursma, Travis Wheeler

Call to Order. Additions or Changes to Agenda:

Marshall Dix called the hearing to order at 7pm. There were no additions or changes to the agenda. Mr. Dix read the Public Hearing Notice.

Hearing of visitors (for concerns not on the agenda)

None

Make introductions of all in attendance

Introductions were made around the room.

Disclose any potential Conflicts of Interest

None

Hearing to address whether to approve Zoning Application W-15-22:

Parcel ID 06-J012 at 2977 VT Route 100 in Jacksonville is a large building on .89 acres (GIS). It has most recently been used as Briggs Automotive, an auto repair shop. In the past it held a restaurant, library, gas station, car dealer ship.

This hearing is to determine whether the ZBA will allow change of use to include multi-use, general store with tasting room and outdoor seating, existing garage space, and other potential retail in future.

The Planning Commission will review the site plan.

Hear from all concerned

Mr. Roberts purchased the property to turn it into the Jacksonville General Store after an unsuccessful attempt to purchase the original general store property. He plans to have general store products including groceries, a deli, prepared foods, and pizza. He anticipates an ice cream shop, and a tasting room with beer on tap and wine. He will be applying for a Class 1 liquor license; he already has the Class 2. He plans free delivery to seniors and veterans in the immediate area. There will be indoor seating along the front windows for approximately 10 people. He anticipates the creation of 12 jobs, 4 full-time. The building is large enough that he can offer space to community members for parties at no charge. Store hours are planned to be 6am-7pm Monday through Saturday and 6am-5pm on Sundays.

Mr Felisko asked if the outdoor deck will be wood. Yes, the deck is needed because the ground is not level. The deck will be handicap accessible.

Auto exhaust was questioned with the repair shop in the same building as the general store. Mr. Roberts answered that a building inspector looked over everything, there won't be any excessive exhaust. An engineer did testing over and above what the Vermont Health Department requires. The water supply met state standards.

Ms. Gibb-Buursma is concerned about snow-mobile riders coming off the trail behind the property, they have crossed onto her property in the past. Mr. Roberts is open to what the community wants. The store is meant to be a community place. Ms. Gibb-Buursma would like signage and fencing, she indicated that VAST would help.

Floor contamination was questioned. The flooring was sealed, and new flooring installed over it and also sealed. The kitchen area floors were ground down.

Mr. Corse questioned lighting – no immediate plans to change the exterior lighting.

Mr. Corse noted that the planters are decaying and are in the state's right of way, he wished for them to be removed, noting that snow build up on the planters can hamper site distance for exiting the property.

The proposed tap room was questioned. It will be a separate area serving beer on tap, bottled beer, and wine for consumption on site. They need a special state license to open a bottle and pour it into a glass. They plan to sell hard liquor also, but not immediately. Mr. Dix questioned if the tap room will have different hours than the general store. Mr. Roberts hasn't determined that yet, anticipates closing at 9pm.

All prepared foods will be made on the premises. They will have a smoker for smoked meats in the summer months.

In an effort to benefit the community, Mr. Roberts plans to have a discount program for locals, such as every 7th sandwich free; to offer discounts to guests staying in local BnBs. The store will carry baked goods from the local bakery.

Mr. Tefft asked if the store would provide food and drink to the Fire Department if needed, yes.

Site Plan Review

The Planning Commission conducted site plan review in accordance with Section 3.6.1 and 6.8 of the Zoning Regulations.

Traffic Safety was discussed. Mr. Roberts indicated the spacing between the planter and the deck is about 25-30' (it was later measured to be 55'). He plans to install a railing around the deck and install concrete or boulders to protect the deck from vehicles.

Loading – trucks will deliver to large garage bay at the rear.

Parking – most of the lot is dirt, no lines will be painted. They will likely install signs indicating to park diagonally.

Mr. Felisko questioned if there would be handicap parking. Mr. Roberts said that was not a bad idea and will likely designate the 1st spot on either side for handicap parking.

Landscaping – Mr. Roberts feels he has enough landscaping and space to not encroach on neighbors. He is willing to install a fence between his property and the Buursma's, they will discuss that together.

Protection of Renewable Energy Resources – Mr. Lackey thinks using an existing building fits this criteria.

Exterior Lighting – Mr. Roberts indicated plans to use existing exterior lights. The Planning Commission said if it become apparent that more exterior lighting is needed Mr. Roberts must apply for site plan review.

Signage – the business signs already have an approved permit. Directional traffic signs are allowed with no permit.

Noise – Mr. Roberts doesn't anticipate any noise disturbances. A security system is on the property already and another will be installed but it will not have a siren, interior lights will come on.

Vibration – the only vibration anticipated might be from the industrial dough mixer

Air Pollution – the venting system is all up to code. The smokers don't create more than a BBQ grill.

Temperature – no

Electric – no (Mr. Roberts said there will be no TVs on the deck)

Waste – grease trap system newly installed. Triple T will take their waste. Dumpster will go where it has always been in the back corner of the building. Mr. Roberts indicated it will be locked. Neighbors mentioned a bear in the area.

Hazards – none

Erosion – N/A - existing parking lot

Storm water – N/A – existing

Mr. Corse again noted the visibility issue with the planter boxes. He also said a large tractor trailer making a delivery might hit the deck.

It was noted that should Mr. Roberts decide to remove the planter boxes, no local permit would be required.

Mr. Barus questioned if Mr. Roberts planned to have live music. No, he has not entertained that thought, however, he anticipates that if they did have music, it would likely be in the daytime, it would not be an ongoing special and would be within business hours.

Close hearing

After all questioned were answered Mr. Dix closed the public hearing in order to enter into deliberative session.

Decision

After much discussion and a site visit, **a motion was made by Lyman Tefft to approve the change of use at 2977 VT Route 100, Jacksonville with the following conditions:**

- **All businesses in the building must be closed by 10pm.**
- **The traffic pattern through the parking lot must enter at north end of lot and exit at south.**
- **Parking – diagonal parking along the planter box adjacent to the road, the first two spaces will be designated handicap spaces measured to state standards, parallel parking against the interior planter box, overflow parking will be parallel on the far side of the interior planter box. *See revised plan attached.***
- **The outdoor dining area must be fenced and protected from vehicles with boulders or other appropriate means.**
- **The dumpster must be fenced.**
- **Any exterior lighting changes must have site plan review.**
- **Any retail space changes must have site plan review.**

Seconded by Troy Felisko, all in favor.

Adjourn

Meeting adjourned at 9:28pm.

Respectfully submitted,

Gig Zboray,
ZBA Clerk