

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin

June 29, 2009

Board Members Present:

Scott Tobin, Chair
Matt Chapek
Peter Seybolt
Chuck Brooks
Stan Hamlet
Penny Miller

Also Present:

Kari Papelbon, Zoning Administrator
William Towle, Prospective DRB Member

6:00 PM: A site visit at the property, 23 Park Street, commenced. At the conclusion of the site visit, the Board traveled to the Underhill Town Hall to conduct the hearing.

6:15 PM: Chairperson Tobin called the Eisenberg conditional use/home occupation hearing to order.

Applicant Present:

Jamie Eisenberg
23 Park Street
Underhill, VT

Identifier: Contents:

ZA-1	Jamie Eisenberg's Home Occupation Permit Application (dated 6-3-09)
ZA-2	A copy of the site plan
ZA-3	A copy of the proposed sign design
ZA-4	A copy of the email to Jamie Eisenberg from ZA Papelbon (dated 6-8-09)
ZA-5	A copy of the State of Vermont Small Business Fact Sheet for Home Bakery, Food Prep or Catering Service
ZA-6	A copy of the Signs section of the zoning regulations
ZA-7	A copy of the parcel map for PA023
ZA-8	A copy of the hearing notice published in Seven Days (dated 6-10-09)

ZA-9
S-1

Staff report prepared by Zoning Administrator Kari Papelbon
Proposed Findings of Fact

- Chairperson Tobin began meeting by explaining the procedure for the conditional use hearing. He then swore in all interested parties and entered the above items into record. (S-1 was entered into record near the end of the hearing).
- Jamie Eisenberg, Applicant, explained that she and her partner wish to operate a small bakery making mostly pies. It would be a self-service retail operation similar to a farmstand. Primary sales would be during the weekends, however Ms. Eisenberg is requesting permission to operate seven days per week.
- Board Member Stan Hamlet asked if baked goods would be prepared in the house or at an outside location. Ms. Eisenberg responded that everything would be made in the house.
- Board Member Penny Miller asked if the operation would be seasonal. Ms. Eisenberg stated that “shed sales” would be seasonal, beginning around May and through Thanksgiving. Special orders will be taken during the holidays and wholesale accounts will be set up.
- Board Member Peter Seybolt asked if Ms. Eisenberg was still a chef, to which she replied she was.
- Board Member Chuck Brooks asked what the name “Poorhouse Pies” was in reference to. Ms. Eisenberg explained that after a recent layoff, she and her partner joked about being “in the poorhouse.”
- Chairperson Tobin asked if Ms. Eisenberg had a baking license to bake at the house. Ms. Eisenberg explained that she had an appointment for a site visit with the Vermont Department of Health this Wednesday. As a chef in Vermont she is also aware of the health code.
- Board Member Seybolt asked if Ms. Eisenberg would deliver to retail stores for wholesale accounts, to which Ms. Eisenberg replied she would. Board Member Seybolt asked if trucks would be used. Ms. Eisenberg replied that she and her partner would deliver the pies in their own vehicles.
- Chairperson Tobin asked about the anticipated volume of traffic and pie sales. Ms. Eisenberg stated that she and her partner are comfortable with baking about 30-35 pies for the weekend with possible supplemental pies throughout the week. Therefore no more than 30-35 car visits are

anticipated and most of the customers are expected to be pedestrians, bicyclists, joggers, etc.

- Board Member Miller asked if off-season sales would be wholesale sales, to which Ms. Eisenberg replied it would.
- Board Member Hamlet stated that parking could be, as Ms. Eisenberg stated, on the grass and asked where other parking could be. Ms. Eisenberg stated that her next door neighbor, who owns Gert's Hairstyles, is not open on Sundays and has limited hours on Saturdays. She has been speaking with Gertrude Hunt about potentially moving her car and her partner's car to Ms. Hunt's parking lot so that customers for pies could utilize the existing parking area on Ms. Eisenberg's property.
- Board Member Seybolt asked if there would be an indication that people could park on the grass. Ms. Eisenberg stated that she would follow the Board's recommendations for signage for parking.
- Chairperson Tobin stated that the expectation is for people to stop for about two minutes. Ms. Eisenberg confirmed such and stated that the maximum time she expects a customer to stay is 15 minutes if they decide to consume the baked goods onsite.
- Board Member Seybolt asked if the water from the ditch ever reached the shed. Ms. Eisenberg stated that no water has reached the house or shed for some time since Mr. Jacobs had conducted some work on Harvest Run.
- Chairperson Tobin asked if the pies would be in a refrigerator in the shed. Ms. Eisenberg explained that perishable pies would be in the refrigerator and all pies would be taken into the house for overnight storage.
- Board Member Miller asked if there was electricity in the shed. Ms. Eisenberg explained that the previous owners had an above-ground pool and left the cord and electrical outlet.
- ZA Papelbon spoke, stating that after measuring at the site visit it appeared that shed meets setbacks. She stated that she did not measure the distance from the centerline of Park Street to the sign, however. The regulations require all signs to be outside of rights-of-ways. Park Street was estimated to be a 3-rod road, so 25 feet from the centerline would mark the boundary of the right-of-way. A short discussion of this ensued. ZA Papelbon then asked Ms. Eisenberg about hours of operation. Ms. Eisenberg stated that she would like to amend her original request to 9:00 AM to dusk.

- Board Member Matt Chapek asked if there was lighting. Ms. Eisenberg stated that a motion-sensor light was installed on the shed.
- Chairperson Tobin asked Ms. Eisenberg if there would be any other employees besides she and her partner to which Ms. Eisenberg responded there would not.
- ZA Papelbon asked if the shed was built between 1994 and 1995. Ms. Eisenberg stated that she purchased the house in winter of 1993 and could not remember for certain if the shed was built in 1994 or 1995, but she was certain it was within the first 2 years.
- A brief discussion of the types of baked goods, sizes, and prices ensued.
- Chairperson Tobin asked if there were further questions.

6:34 PM: Chairperson Scott Tobin asked if the Board felt they had enough information to make a decision on conditional use application. The Board stated that they did. Chairperson Tobin asked for a motion. Board Member Stan Hamlet made a motion, seconded by Board Member Peter Seybolt, to approve the conditional use for a home bakery with the following conditions:

1. That the proposed sign meets all zoning requirements.
2. That the hours of operation will be 9:00 AM to dusk seven days per week seasonally.

ZA Papelbon asked for clarification on the motion for “seasonal” sales. After a brief discussion, it was agreed that the seasonal language would be removed. Board Member Penny Miller asked if a condition regarding health codes should be included. ZA Papelbon stated that those are State regulations that the Board does not have jurisdiction over. Board Member Peter Seybolt stated his concerns with limiting hours of operation to dusk since dusk can be in the early afternoon during the fall. He suggested 9:00 AM to 9:00 PM after a brief discussion. It was agreed by all that the new hours were acceptable.

ZA Papelbon then stated that the Board missed a step and that Ms. Eisenberg had prepared some Findings of Fact addressing the Conditional Use criteria. Ms. Eisenberg then read her Findings.

Board Member Chuck Brooks asked the Board if they should consider conditions for onsite consumption as it relates to trash and long-term parking. A short discussion ensued. The Board decided not to restrict onsite consumption as it was at a private residence. A sign designating a parking area was suggested.

ZA Papelbon asked Chairperson Tobin to formally enter the Findings of Fact into record. The Findings were entered.

A brief discussion of procedure on a motion ensued. Chairperson Tobin asked for the motion to be restated, with the revisions discussed, for the record.

6:44 PM: Board Member Stan Hamlet made a revised motion, seconded by Board Member Peter Seybolt, to approve of the home occupation application with the following conditions:

1. That the proposed sign meets all zoning requirements.
2. That the hours of operation will be 9:00 AM to 9:00 PM seven days per week.

The motion was passed by all Board Members present.

6:47 PM: Hearing concluded. The Board reviewed and approved minutes and a decision from the prior hearing.

6:52 PM: The Board conducted an interview with William Towle for an open Alternate position on the Board.

7:26 PM: Board Member Chuck Brooks made a motion, seconded by Board Member Stan Hamlet, to enter into an executive session to discuss the open Alternate position. The motion was passed by all Board Members present.

7:27 PM: Board Member Peter Seybolt made a motion, seconded by Board Member Penny Miller, to move out of executive session into open session. The motion was passed by all Board Members present. Chairperson Scott Tobin made a motion, seconded by Board Member Penny Miller, to recommend to the Selectboard the appointment of William Towle as an Alternate Member of the Development Review Board. The motion was passed by all Board Members present.

7:35 PM: Board Member Peter Seybolt made a motion, seconded by Board Member Stan Hamlet, to adjourn. The motion was passed by all Board Members present.

These minutes of the 6-29-09 meeting of the DRB were accepted

This _____ day of _____, 2009.

Chairperson Scott Tobin

These minutes are subject to correction by the Underhill Developmental Review Board. Changes, if any, will be recorded in the minutes of the meeting of the DRB.