

**TOWN OF NORTHFIELD, VERMONT  
DEVELOPMENT REVIEW BOARD  
Minutes of August 26, 2021**

**7:00 pm at Brown Public Library Community Room  
(also available remotely via Town GoToMeeting Account)**

The meeting was called to order at 7:00 pm by Chair Bill Smith.

**Roll Call:** Present for the meeting were DRB members William Smith, Tim Donahue, Paul Brown and Steve Davis. Also present were ZA & DRB Clerk Mitch Osiecki along with residents Gordon Bock, Matt & Mandy White, John & Katina Lambert, RoseMary Wereley, Dana Wereley, Sally Davidson and Bethany Drum. Chris LaCroix attended remotely.

**Approval of Minutes:** Steve Davis moved to approve the minutes of July 22. Paul Brown seconded.  
**Vote to approve: 4-0.**

**Sign Permit for Ross & Bean:** Heidi Bennett had indicated she would, but is absent. Item tabled once again.

**Conditional Use Permit for Chris LaCroix:** Chris LaCroix has applied for conditional use approval to operate a commercial bakery in a portion of the building at 310 North Main Street. He has also asked for conditional use approval to operate a U-Haul rental business as an accessory use to the existing self-storage business. The U-Haul rental will occupy no more than six parking spaces behind the building.

Chair Smith noted that because the two conditional uses have separate issues to address, the DRB will bifurcate the application and address each conditional use separately.

Steve Davis: Noted his concern about the ability to safely get trucks and trailers in and out of what appears to be a fairly narrow driveway behind the building. Steve expressed concern that there is insufficient room for vehicles to turn around behind the building.

Chris LaCroix responded that, in his experience, truck rental facilities are often a "free-for-all" with respect to access.

Bill Smith asked who will be operating vehicles parked in the lot behind the building, customers or staff?

Chris responded that he may have customers drop vehicles off in a designated spot and move them later. Open to design layout modifications.

Paul Brown commented that the site is in a high-traffic location on Main Street, and he does not want to see a “free-for-all” type situation develop at this location.

Tim Donahue moved to deny. Paul Brown seconded. **Vote to deny: 4-0.**

Chair Smith moved on to the matter of the commercial bakery. Asked whether there are plans that anticipate a particular schedule or volume with respect to delivery of supplies and pick-up of finished products?

Chris LaCroix responded that he has no firm plans in place at this time.

Paul Brown commented that he’s not certain what the DRB is being asked to approve at this time. Stated that the proposal seems undeveloped.

Chris LaCroix responded that he feels sentiment of the DRB is not supportive of his business.

Bill Smith responded that he respectfully disagrees with any suggestion that the DRB has an anti-business bias. But they have a duty to understand factors that might be raised by a proposed business development.

Given applicant’s evident disappointment over denial of first conditional use request, chair Smith tabled action on the commercial bakery so that further details can be gathered.

**Home Occupation Permit for Dana Wereley and RoseMary Wereley:** Dana explained that she plans to offer gym classes and personal training session in a gym space in a garage at her residence. Group classes will be small – up to four attendees per class.

Paul Brown asked if the classes will follow a regular schedule.

Response: Yes, anticipates a schedule of perhaps six classes offered per week at on a regular schedule.

Bill Smith asked what times of the day the classes will be offered.

Response: Most likely during regular business hours.

Paul Brown: Any other employees?

Response: No.

No further questions from the DRB, and no comments from public.

Tim Donahue moved to approve. Steve Davis seconded. **Vote to approve: 4-0.**

### **Conditional Use Permit for John Lambert.**

Bill Smith recused himself, as he has represented Matt & Mandy White (current owners of the property) on other matters. Tim Donahue assumed duties and led this portion of the hearing.

John Lambert explained that he wished to relocate his existing home-based auto repair and sales business to this location. His main focus will be auto repair, and the business will operate under normal business hours.

Matt White noted that he has owned the property for several years and the current business operation sees several trucks per day in and out of the location. The proposed use of the property will be much less intensive than what is ongoing now. Noted also that the site includes an apartment building.

Sally Davidson commented that Matt & Mindy White have been excellent neighbors. While she does not know John Lambert, she is supportive of the proposed use.

Gordon Bock asked if the DRB has read comments submitted from resident Laura Hill-Eubanks.

Paul Brown responded that he has not yet read them in their entirety. They were submitted just in advance of tonight's meeting. He commented that it is unfortunate that Hill-Eubanks is not in attendance to expand on thoughts offered in written comments and respond to questions.

Gordon Bock: Proposed use appears to be less intensive use of the land than current business.

Matt White: Noted that he currently has some 19 employees working out of this location.

John Lambert: Will be the sole employee. He currently has one employee, who will be retiring shortly.

Tim Donahue: Has also only had a brief opportunity to read comments submitted by Laura Hill-Eubanks. Also noted that a consideration under conditional use criteria is whether a proposed use represents an increased or decreased impact on the land. Donahue also noted that while the property in question is in a district zoned as low density residential, this property has been continuously hosted a number of commercial businesses for the past several decades. In fact, another auto repair business once operated on this property.

No further questions from the DRB. No further questions of comments from other residents.

Steve Davis moved to approve. Paul Brown seconded. **Motion carried, 3-0 (Smith abstained).**

### **Other Business**

Andrea Melville of Art, Etc. addressed the DRB to discuss sign regulations. She read a lengthy statement, a copy of which is attached to these minutes.

Bill Smith thanked Andrea for bringing her concerns to the DRB. Smith stated that he hopes there is not a perception that Northfield, or the DRB in particular, is anti-business. He further wished to clarify that zoning regulations may not restrict the content of signs.

That said, it is not at all uncommon for complaints about various aspects of zoning regulations to be raised by neighbors policing neighbors. Regardless of the motivation behind a complaint, once an issue is brought to the attention of the Zoning Administrator, the town's zoning regulations must be enforced.

Paul Brown also thanked Andrea for bringing her concerns to the DRB. Noted that she has raised some concerns that deserve further consideration. Also wished to underscore support for the local business community.

He noted that public officials have a challenging job when required to interact with members of the public, especially when they are required to do the difficult work of enforcement of regulations. He stated that the zoning administrator has, in his view, performed a difficult job capably and respectfully.

Paul commented that he appreciates feedback from the public and hopes that town officials can continue to improve interaction with members of the community.

ZA Osiecki commented that Andrea Melville has forwarded a list of businesses in town, asking whether each has received sign permit approval. He noted that records were incomplete when he assumed the office in 2019, but he has been working on organizing records as time permits.

Hopes to have recent sign permits (those issued within past 15 years) cataloged by September DRB meeting. He will share that information with Andrea when it's complete.

Bill Smith: What actions might improve the situation?

Andrea Melville: When a new business comes into town, someone should reach out and provide information about permits that are needed. Also stated that she would like businesses established before hers to obtain sign permits before she is required to obtain one.

ZA commented that he doesn't have resources at his disposal to readily determine the order in which businesses have been established. As noted, when a zoning compliance issue is raised, the ZA is required to compel compliance with any zoning issue. When other potential zoning compliance issues are raised, those are also dealt with in the order they are brought to the ZA's attention.

**Next Meeting:** September 23, 2021 at 7:00 pm.

**Adjournment:** Paul Brown moved to adjourn; Steve Davis seconded. **Motion carried, 4-0.**

Meeting adjourned at 8:30 pm.

**Comments Re Lambert permit application for Auto Sales and Repair in the Medium Density Residential District**

Laura Hill-Eubanks

8/25/2021

Below are some comments and questions regarding the permit application for an Auto Repair and Sales Shop, to replace the current business, White's Heating, on Route 12A. I am currently the Chair of the Northfield Planning Commission, but these comments are my own and not those of the PC. I also live on Route 12A, but farther south and not in the immediate vicinity of the applicant parcel. I am attempting to figure out how the town's bylaws apply in this case, and the following is my understanding of how they go together and might be applied. I will also offer my perspective and opinion on how I might apply them. I would welcome clarification on any issues that I may have misunderstood or that the ZA and/or DRB are implementing differently than what I have here.

The parcel at issue is in the Medium Density Residential District. The proposed use for this parcel, an Auto Sales and Repair Shop, does not seem to conform with the standards of the Medium Density Residential District. The town bylaws do not list it as a Permitted Use or a Conditional Use in this land use area. The application for the permit requests approval for a Conditional Use. To obtain approval for a Conditional Use, the bylaws require that it "shall not result in an undue adverse effect on any of the following" relevant standards:

2. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
3. Traffic on roads and highways in the vicinity.
4. Bylaws and ordinances then in effect.

In addition, the current use, which appears to be a garage for storing fuel delivery trucks, seems to be a nonconforming use, and so the new Auto Shop would have to be approved as a new nonconforming use. One of the purposes of the nonconforming standards, as described in the bylaws, are "to phase out nonconforming structures and nonconforming uses over time as changes do occur; and to establish acceptable parameters for alterations of nonconforming structures and nonconforming uses." A new nonconforming use must be approved under the Conditional Use standard; and the Development Review Board may only grant approval if they find that the new nonconforming use "is of the same or a more restricted nature than the existing use with regard to the scale, intensity of operation and impact on adjacent properties."

As stated in the bylaws, the intent of the Medium Density Residential District is to "reinforce historic residential neighborhoods with an emphasis on single family dwellings." The allowed uses listed in the bylaws for this district generally fit with the nature and character of a residential area, in that they would have minimal impacts on the people and the homes in a residential neighborhood. Undesirable impacts could include noise, odor, pollution, traffic and diminished aesthetics.

The use proposed for the parcel on Route 12A is an Auto Sales and Repair Shop. This use is not an allowed use in the Medium Density Residential District, but Automobile Repair is an allowed use in the Industrial District, the intent of which is to “support mixed commercial and manufacturing uses in appropriate locations, including historic industrial sites and planned industrial parks, with consideration to impacts on adjacent properties.” The uses allowed in the Industrial District include several that would have a higher level of impact on surrounding properties. The Mixed Use District also allows Automobile Repair, and allows some higher impact uses as well.

A higher intensity commercial or industrial-type use, if allowed in a residential area, would likely have adverse effects on “the character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located;” could have adverse impacts on the “traffic on roads and highways in the vicinity;” and may adversely affect the current “bylaws and ordinances” through establishing precedent that does not meet with current standards of use for the district. [See CU standards 2-4].

As a nonconforming use, the DRB must find that the proposed use will be the same or more restrictive in nature than the existing use in regards to scale, intensity of operation and impact on adjacent properties. [Nonconforming Uses, section IV.06] An automobile repair and sales shop would seem to have the potential to be larger in scale, intensity of operation, and level of impacts on adjacent properties. It would not seem to be lesser in nature.

There are other nonconforming commercial uses that currently exist in the residential areas along Route 12A. One or more have been approved as a conditional use, and others I do not know the permitting status of. Some have not had obvious adverse impacts on the residential character of the area, and some have. If we continue to allow nonconforming, more intensive commercial uses into a residential district that would result in adversely impacting its character and nature (and its residents), and in fact do not try and phase out adverse nonconforming uses to some extent, the residential areas could become more and more like commercial areas, and less desirable places for people who seek to live in residential areas. It’s important to many of us that the residential districts be protected to the extent that they remain a place for enjoying the peace and quiet of homes in a primarily residential area, and that they do not suffer from the impacts of more intense commercial development. The parcel in question could be developed for other less intensive uses and with lesser impacts than the one proposed. The standards for this zoning district lists several that could be more appropriate to the area and that would be more in conformance with the bylaws.

Lastly, parts of the parcel seem to be in the Floodway and Flood Hazard Area (including part of the building and parking lot), which might be of some concern. It’s unclear whether the applicant intends to make changes to the parcel. If so, they would potentially need to conform with the development standards for those types of areas in river corridor/floodplain areas, as outlined in the town’s bylaws.

Statement from Andrea Melville (Art, Etc.) re: Sign regulations.

**FINAL statement for DRB mtg 8/26/21, Community Room, 7pm**

Thanks for having me here tonight, I appreciate you taking the time in your meeting schedule to hear my thoughts and concerns and perhaps answer my questions. Back in April, when I was first prepared to bring my questions to this committee, I was asking for clarity on the necessity of a sign permit for my business **ART, etc.** Since then, I received various conflicting responses regarding business signage. What began as a discussion and application solely for my "sidewalk sign" as town authorities stated, I now understand it's inclusive for my vinyl window logo as well. This was not clearly stated in the discussions that I will cite.

I was prepared to speak to this committee on April 22; but the Chair mentioned he thought that Mitch never received my paperwork for that meeting, although it had been delivered to the Town Office on March 26, 2021. Twenty business days later I received an email from Mitch stating yes, he had received everything including my application, where I clearly stated: *I have a variety of questions I would like answered before I complete this process.* I found his response unprofessional and disrespectful to me and my business, especially since he didn't acknowledge the receipt of my documents in March nor at the time, the reasoning for the cancelation of the scheduled meeting.

I believe this issue is simply not just black and white – whether I do or don't have a sign permit. It's about the way this application process has been handled and how frustrating the lack of clarity from town authorities, and misinformation, also from the town, that I have received.

As a Northfield small business owner I hope that I and **ART, etc.** are treated equally and fairly, just like all businesses in town should be valued, and I trust that the DRB treats all businesses this same way.

**ART, etc.** has been on Depot Square for over two years and opened our doors in June 2019. Within the first few months of opening I purchased and continue to use a small "blackboard", A-frame style sign, 16 x 31", placed next to the curb, weather permitting, posting information about the store as well as occasional statements or quotes referring to the moment. I always try to write the citation for each quote.

In September 2020, Jeff Schultz came to the store and spoke to me about "concerns" that an unnamed business owner had about what was written on my sign. Jeff wasn't specific about which quote was upsetting to said person/persons, and did mention I have First Amendment rights. I agreed to be more thoughtful regarding what quotes I write on the board and have continued to do so. I did request on two occasions that this person/persons come to me directly so we could have a civil conversation about this issue, but that has never occurred.

On January 22, 2021, Linda Fernandez, a landlord representative, and later Jeff, on two separate occasions that same day, came to the store and spoke to me, again, about the sign. I was honestly a bit confused, saying I had agreed to be more thoughtful of what I wrote on the sign and felt I had continued to do that. They again couldn't be specific about what I had written. And again, I asked them to have this person speak to me directly, so I would have a better understanding what the issue was, but, no one appeared.

On January 25, Mitch came to the store and mentioned that a commercial sign permit was necessary for all Northfield businesses in order to have a **sidewalk sign**. I found this "curious" because after 20 months of being in business, I was never informed, by anyone, that a sign permit was a necessary requirement. And, interestingly, it wasn't until a "complaint" was filed against me and the store that a permit suddenly became an issue. I also found it curious that Jeff never mentioned the need for a sign permit when he first spoke to me in September 2020.

This visit, perhaps coincidentally, came just five days after I wrote four words and a date on my sign: "Finally, a new beginning, 1/20/2021". I'm guessing that those four simple words appeared to again "upset" the same person which led to another complaint and Linda and Jeff's visits.

So I wonder: was the original issue solely about me not having a sign permit or, in reality, because there was a "complaint" raised about what was written on my sign, even though since then, I have been told, it has been determined that statements on the sign are within my First Amendment rights.

As I stated in my email of April 25 to Mitch, I attached a sheet listing approximately 69 Northfield businesses who have some type of signage, sometimes more than one. I requested verification of each business regarding their permit status, whether they were up to date with a permit or if they were grandfathered. To date I have not received an answer.

I have come to this committee to explain the past confusion regarding the business sign process and I would like to be assured that ALL Northfield businesses are treated equally regarding sign permits - that all businesses who opened before June 2019 are up to date with their necessary applications.

Because of the way Northfield officials have handled this issue over the previous eight months, I found it necessary to ask these questions in person at your DRB meeting, so that hopefully you can better understand my position, the previous history, and perhaps where my confusion and requests originate.

### **CLOSING COMMENTS**

In closing, I believe this issue began after 20 months in business because of one person who didn't like what I wrote on my sign. Which, in my opinion, was solely politically motivated, not regulatory, and he attempted to violate my freedom of speech.

Mitch has admitted that the only reason why he first came to me on January 25 was because there was a complaint raised about the sidewalk sign. Never did he, nor Jeff, mention that my window logo & text also needed a combined permit. I'm happy to provide copies of their letters and correspondence regarding these issues.

Clearly, this is an example of inferior town business and regulatory practices.



Since September 2020 I have felt harassed about this issue, with three different people coming into my business during open hours, on three different occasions. I felt they were not respectful of my time or business hours. Never did they suggest an appointment date for a conversation as I had to on one occasion.

I have received inaccurate and incomplete information re: Northfield's signage policy from both Jeff Schultz and Mitch. Hence my on-going confusion and request to have these questions addressed.

I have been singled out because of what I feel stemmed from a political issue and, in reality, has nothing to do with the towns sign policy. Nowhere in the Northfield ordinance sections re: signs on pages 48-52 does it state what can/cannot be written on a sign, portable or permanent. Jeff Schultz bluntly said *everything on the sign must pertain to the business*, although that is not stated anywhere in the ordinance.

I feel I have been bullied and threatened regarding my 1<sup>st</sup> Amendment rights, regarding this sign issue as well as the ridiculous accusations about a painting that was in my window in April. The two issues are similar because the same people who had issues with my sidewalk sign also concocted the absurd illusions about the artwork to continue their harassing tactics.

I would like to clearly state that anything in the future regarding my freedom of speech or anything connected with ART, etc.: that I will not be bullied, hassled or accused of unwarranted issues. I do believe the original person who complained about my quotes does not represent the Northfield community as a whole. My front windows in April and May clearly showed an outpouring of support from the Northfield community and beyond.

Lastly, and I'm not sure who this question should be addressed to but something for this committee to ponder: how would a new business owner in Northfield know that a sign permit is necessary? My landlord never mentioned anything to me. When I went to the utility department in the town office to have the electric usage put in my name I specifically asked: **Is there anything else I need to do as a new business? The answer was no.**

While this is not the responsibility of the Utility personnel to convey information outside of their department, certainly this responsibility should come from a Town official and not the obligation of a business owner. It would have been the simplest way to inform me, and future businesses, about this necessary application process. Had that occurred, perhaps all of the confrontations that I have experienced with various people since January could have been avoided.

Thank you again, I welcome your questions or comments.