

TOWN OF BRADFORD
Planning Commission
Minutes and Testimony
Application for Site Plan Review

In re: Richard and Kathleen Franklin
Permit Application No. 17-20

A. INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involved review of an application for the Site Plan Review submitted by Richard and Kathleen Franklin under the Town of Bradford Zoning bylaws in a concurrent hearing with the Board of Adjustment for Conditional Use.
2. The application was received by Robert Wing, Zoning Administrator on 8/6/2017. A copy of the application is available at the Bradford Town Office.
3. On August 30, 2017 notice of a public hearing was published in the Journal Opinion.
4. On August 30, 2017, notice of a public hearing was posted at the following places:
 - a. The Bradford Town Office.
 - b. 3262 Goshen Road, property for which the application was made.
 - c. The public notice board at Community National Bank on Main Street.
 - d. The public notice board at the Bradford Post Office on Barton Street.
5. On August 30, 2017, a copy of the notice of a public hearing was mailed to the applicant. On August 30, 2017 a copy of the notice of public hearing was mailed to the owners of properties adjoining the property subject to the application (please refer to the attached abutter list).
6. The application was considered by the Planning Commission and the Board of Adjustment at a concurrent public hearing on September 19, 2017 at 7:00pm following a site visit at 6:30pm. The hearing was closed at 7:40 pm on September 19, 2017. The planning commission reviewed the application under the Town of Bradford Zoning Bylaws, as amended October 27, 2005 (Town of Bradford Zoning Bylaws).
7. Present at the hearing were the following members of the Bradford Planning Commission:
 - a. Marcey Carver, Chairman
 - b. Ted Unkles
 - c. Bryan Mitofsky
8. Also present at the hearing were the following members of the Board of Adjustment:
 - a. Bud Haas, Chairman
 - b. Shirley Beresford
 - c. Doug Miller
 - d. Christine Pratt

9. Also present at the hearing was Bob Wing, Zoning Administrator.
10. At the outset of the hearing, the Planning Commission afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. Sec 4465(b) to demonstrate that the criteria set forth in the subsection are met. The following persons were sworn in:
 - a. Richard Franklin
 - b. Kathleen Franklin
 - c. Al Gallant
 - d. Ramona Gallant

A record of the name and address of persons wishing status as an interested person is attached hereto.

11. During the course of the hearing the following exhibits were submitted to the planning commission:

None beyond the original application

These exhibits are available at the Bradford Town Office.

B. TESTIMONY

The hearing was opened at 7:00pm. Carver swore in Richard and Kathleen Franklin (applicants) and Al and Ramona Gallant (interested persons).

Haas made an opening statement. He stated that according to the Bradford Bylaw, this application required that there be a concurrent hearing because it is categorized as a Rural Small Enterprise. He also stated that the Board of Adjustment wanted to establish through testimony to obtain evidence which would determine the facts and from the facts it would be determined whether to grant the permit.

Carver stated that in this instance it is a two-step process. First the Planning Commission would make a determination as to whether to approve the Site Plan and then if the Planning Commission approved the criteria for Site Plan, the Board of Adjustment would make a determination as to whether to approve for the conditional use.

Carver described the details of the hearing as indicated in the Introduction and Procedural History.

Carver asked the applicants to explain their project and clarify if they are, in fact, applying under the Rural Small Enterprise bylaw.

K Franklin confirmed that they were applying under the Rural Small Enterprise section and that they did in fact not reside at the property. K Franklin indicated that she would be the sole person working at the establishment.

K Franklin indicated that they want to build a commercial kitchen. They will need state (health department) approval to meet certain standards but according to K Franklin, the Vermont Health

Department would not consider an application unless the local municipality had already approved the proposed project. She indicated that they want to sell to stores and that she understood that this would require a commercial kitchen.

Carver asked what the applicants' plans were for improving the exterior of the property. K Franklin indicated that they plan to improve the grading to establish a driveway and small parking area. She indicated that the pump house structure would be removed and the old dug well underneath the pump house would be filled in. Unkles suggested that assuming they were to fill in the existing dug well, the curb cut and driveway could be moved further east on the property. K Franklin acknowledged this suggest.

K Franklin stated that at this point they do not know where the septic system is and that as part of this project, they planned to have the septic located.

Carver asked how many parking spaces they planned to have. K Franklin indicated that they would probably have 4 though she did not know the dimensions. She said that she did not expect that there would be a lot of people coming to the property.

Carver asked K Franklin how many employees she was planning to have. K. Franklin responded that only she would be working at the business. K Franklin said that this is not expected to be a big scale operation. Initially she would just be selling at farmers markets but eventually she hoped to be selling at local stores.

Carver asked what the hours of operation would be. K Franklin responded that she would be there from 8-3. Carver attempted to get clarification as to what the hours would be for food processing and for retail sales. R Franklin commented that they would like the opportunity to occasionally put out a sandwich board sign on a Thursday that there would be bread for sale on Friday morning. R Franklin said he did not think it would be a regular time but "hit or miss".

Mitofsky commented that this was more on the marketing side. K Franklin said that if someone stopped by when her car was in the lot to ask if they had bread, she would sell them some bread. She stated that she did not want a full time store.

Haas asked about parking. K Franklin responded that if there would be any retail that the State had a parking requirement based on the square footage of the retail space. K Franklin said she wasn't sure as to the exact requirements for parking from the state.

Carver asked if they would be putting any lighting on the outside of the building. R Franklin stated that there would be an ordinary residential motion light that would come on if someone was approaching to unlock the door but that there would be no commercial lighting.

R Franklin indicated that they wanted to maintain the residential feel of the neighborhood. He stated there would not be any commercial doors or commercial signage. He stated that he would want people to drive by and not know that there was a commercial kitchen in the building, that it would rather look like a little house.

Unkles asked if they anticipated any kind of a sign. The Franklins commented that they anticipated having a small sign on the side of the house that would say something like "Kathy's Kitchen," something to identify it.

Haas commented that he thought signage was the responsibility of the Select Board.

Unkles asked for better clarification of what the Franklins meant by retail because retail has requirements for adequate parking, traffic, and lighting. K Franklin responded that they would conduct retail only on Thursday 3-6 and Saturday 8-noon. (Later she testified that retail would also be on Friday 3-6).

Mitofsky said that there should be clarification of what is meant by retail. Carver stated that she felt that the issue of retail fell largely to the Board of Adjustment. Unkles pointed out that retail does impact Site Plan as far as parking, traffic, and lighting. Carver read the section of the Bylaw that related to this matter. In part she read that the Board of Adjustment would take into account the amount of retail relative to offsite sales.(p 28 B 5)

Haas said that the applicants would need to give testimony to this issue around sales. Carver then asked how much in sales they were anticipating and, of that, how much would be retail. After discussion, the Franklins indicated that they anticipated retail sales at the site would be 15%, if that much.

Carver asked where they would store their refuse, if any of it would be external. K Franklin stated that there would be no external storage, that she would bring any refuse to her home each day.

Carver asked whether there would be delivery of goods or pickup of finished product at the site. K Franklin stated that she would be picking up all products and delivering all products herself. She anticipated if UPS type delivery occurred, it would most likely occur at her residence.

Carver asked if the Franklins had any plans for landscaping for screening or any other purposes. R Franklin said that they did not plan any landscaping changes.

Mitofsky asked about the current curb cut. R Franklin said that the current location of the curb cut has been there for a long time but he felt it was too close to the intersection and would plan to move it back a bit. Road foreman would determine where it would be placed.

Carver asked if there would be any change to the footprint of the building. She stated that she understood from the site visit that the front porch was going to be removed and the back section was going to be removed as well. R Franklin indicated that the front porch would be replaced with a smaller porch and a deck would be placed at the back with stairs. Carver asked what the purpose of the deck would be. K Franklin said that it would allow for steps down to grade level.

Carver asked where the exhaust would come out of the structure. R Franklin indicated it would come out the left side of the structure (when facing from the road). Carver asked if it could come out the back of the structure. R Franklin believed it could come out the back of the building. Mitofsky asked if they knew how many cubic feet they would be generating. The Franklins did not know.

Carver asked if the Gallants had any questions or comments. A Gallant stated that they did not have any objections to the proposed plan. They were mainly here to learn about the Franklins' plans.

Haas asked to clarify some aspects. He stated that he understood the applicants did not live on the property, that according to the bylaw, Rural Small Enterprise requires more than 1 acre. And the Franklins stated that the lot size was the issue that they were concerned about. Haas' comment

was that was why they had Board of Adjustment. Haas continued to read the criteria for a Rural Small Enterprise. He read that no more than seven employees and no more than 3000 square feet were permitted. Haas also stated that retail trade is determined by Board of Adjustment including hours of operation. He also read that no outdoor storage was permitted unless it was screened and that Rural Small Enterprise required that architectural standards of the neighborhoods be made. He stated that there were further restrictions related to exterior lighting.

Franklins then stated that they would operate Monday – Friday 8am – 5pm and open to public Thursday and Friday 3pm – 6pm and Saturday morning 8am-noon.

Haas then stated that he believed that there would be no negative odors and traffic would not be adversely affected.

Unkles summarized the process once the hearing was closed. The Planning Commission would make its decision, then Board of Adjustment would make its decision if the Planning Commission approved the Site Plan Review component of the permit. Then, there would be 15 days after each decision to appeal.

[Note that there is actually 30 days to appeal to the Environmental Court.]

As there were no more questions or comments, Carver then closed the hearing at 7:40pm.

Dated

Marcey Carver, Chair