

Huntington Development Review Board  
4930 Main Road  
Huntington, Vermont

IN RE: Application of Duncan and Margaret Keir / Melissa and Bret Hamilton  
Application No. 2014-6

**FINDINGS OF FACT, CONCLUSIONS, AND DECISION**

FINAL HEARING FOR:  
Hamilton/Keir Site Plan & Conditional Use Review  
2855 Main Road, Huntington, VT 05462

Based upon the conditional use application of Duncan and Margaret Keir and Melissa and Bret Hamilton (hereinafter the "Applicant") and the testimony and exhibits presented prior to and at the October 14 and 28, 2014 hearing pursuant to the Site Plan & Conditional Use Review, which was held at the Huntington Town Office in Huntington, Vermont, and, after due deliberation at its October 28, 2014 meeting, the Huntington Development Review Board (hereinafter the "Board") makes the following Findings of Fact, Conclusions, and Decision of Approval and Conditions in accordance with the Town of Huntington Zoning Regulations, effective July 9, 2012 (hereinafter the "Regulations") which are applicable to this matter.

**INTRODUCTION**

The conditional use application at issue concerns the proposed operation of Stone Corral Brewery and eventually the operation of a restaurant on site. Under the Huntington Zoning Ordinance, this type of business requires a conditional use permit. The property and building is located at 2855 Main Road, which is in the Village District. Under Article 3.1(C), light industry and restaurants, among other listed uses, require conditional use permits. Conditional Use Permits are regulated under Article 4.2, which requires the Board to undertake a specific analysis to determine the impacts of such use on the Town and the neighborhood. Conditional Uses are not a use as of right, i.e. a permitted use, under the regulations, but rather are a type of use that is subject to a careful analysis of the use's potential adverse impacts. An important provision of Article 4.2 is found in Article 4.2.4, which confers on the Board the authority to impose additional conditions on a proposed conditional use, that the Board deems "necessary to protect the best interests of the surrounding property, the neighborhood, or the town as a whole."

This searching conditional use analysis is required irrespective of how much support a proposed use may have in Town, or how well-respected the applicants. As such, the Board performed a careful review of the conditional use criteria, with input of several Huntington residents, including some who reside in the immediate neighborhood. After this review the Board determined that it was appropriate to grant the conditional use permit with the imposition of certain conditions delineated herein, which the Board deemed reasonable.

## FINDINGS OF FACT

1. On November October 2, 2014, the Applicant filed an Application for Site Plan & Conditional Use Approval for a project on 2.13 acres described as an expanded commercial use to operate a brewery in an existing building, on Main Road.
2. The Applicant filed the following:
  - a. The completed required Application to the Development Review Board form filed October 2, 2014. (Exhibit A)
  - b. Change of Use detail for proposed Stone Corral Brewery operation at 2855 Main Road. (Exhibit B)
3. On October 14 and October 28, 2014, at the Site Plan & Conditional Use Review hearing, the Applicant appeared before the Board and presented evidence in support of the project.
4. In accordance with the Regulations and state law, notice of this hearing, dated October 3, 2014, was published in the newspaper, posted in the community and mailed to adjacent property owners (copy in file).
5. The project is located at 2855 Main Road, south of Huntington Lower Village, and is located in the zoning district named the Village District, which is zoned for one acre. The project is located on Town Tax Map # 05-021.100.
6. The Applicant seeks approval for a brewery in addition to an existing post and beam production business. The brewery is described as a light manufacturing business with tasting and bottle product for sale, potential expansion into food and liquor service at the site.
7. Existing drilled well is located on the property and is sufficient to meet the needs for the brewery manufacturing, which is estimated to be 5200 gallons weekly. Wastewater is estimated to be similar to a single house or two households of four people. Wash water will be an environmentally-friendly, buffered alkaline detergent.
8. Hours of operation including manufacturing (7 am to 7 pm seven days per week; tasting/food service 11:30 to 9 pm). The applicant later consented to food service be restricted to six days/week.
9. Traffic: deliveries 7 am to 6 pm, Monday-Friday; customer traffic will be a combination of local, passing (hikers going to Camels Hump, skiers to the Mad River Valley and local cross-country centers) and new traffic. At this point, there is an estimated increase of 2% to 5%; CCMPO traffic counts show 2000 vehicle trips per day on the northern side of the Lower Village.

10. Signage will be similar in size and placement to Liberty Head Post and Beam.
11. Parking is available on one level acre; it is estimated that the property can support 50 parked vehicles.
12. A survey of the property is recorded in the Huntington Land Records, Map Slide 29B: Mary Lou Kenfield Trust, revised 1-15-97, Ronald L. LaRose, RLS.
13. Other documentation received for this project:
  - a. The project received six letters of support prior to the continuation of the hearing on October 28, 2014. These letters are in the file.

The Development Review Board members present during the hearing on October 14 and October 28, 2014 referred to above were Joe Perella (chair), John Altermatt, Mark Smith and Jeanine Carr (constituting a quorum); and the members present during deliberations on October 28, 2014 were Joe Perella (chair), John Altermatt, Mark Smith and Jeanine Carr (constituting a quorum); Britt Cummings abstained.

### **CONCLUSIONS**

After deliberations on October 28, 2014, the Board has concluded the Applicant has provided materials in the application and up to and during the hearing on October 14 and 28, 2014 (referred to as Exhibits A-B above) that satisfies the requirements of Section 4.2 of the Regulations (subject to the conditions set forth below). In addition, the Board has considered the materials referred to above in the light of the requirements of Section 4.2 of the Regulations and conclude that the requirements of Section 4.2 are satisfied subject to the conditions set forth below. The Board's conclusions with regard to each subparagraph of Section 4.2 are set forth (by subparagraph number) as follows:

- 4.2.1 The proposed conditional use with the addition of mitigating conditions discussed below shall not adversely affect:
  - (1) The capacity of existing or planned community facilities as it is located on the Main Road and will not impact the schools.
  - (2) The character of the area affected, and the essential character of the neighborhood or district in which the property is located as the Applicant is working with the neighbors.
  - (3) Traffic on the roads and highways in the vicinity due to the Main Road location.
  - (4) The project is located in the Village Neighborhood District is an allowable use with a Conditional Use hearing and so meets the standards of the Town Plan and Regulations in effect.
  - (5) Utilization of renewable energy resources has been presented by the Applicant to be a priority for this business.
  - (6) The adjacent properties are single family residences, so this subparagraph is not applicable.
  - (7) The public welfare in any other manner has been addressed by the

Applicant in Exhibit B, under Answers to Questions 5 and 6.

### **DECISION OF APPROVAL AND CONDITIONS**

Following deliberation on December 16, 2013, Final Conditional Use Approval was granted on October 28, 2014 by a vote of the Huntington Development Review Board (4-0, with one abstention) with the following conditions:

1. The Applicants shall allow representatives of the Town access to the project, at reasonable times and with prior notice, for the purpose of ascertaining compliance with the Regulations and the conditions of this permit.
2. All conditions specified in this "Decision of Approval and Conditions" shall be satisfied prior to the issuance of a Certificate of Occupancy pertaining to the project (See Section 4.1.3 of the Zoning Regulations last amended July 9, 2012), and no structure may be used or occupied until all of the conditions specified in this "Decision of Approval and Conditions" shall be satisfied.
3. The project shall be completed, operated and maintained in accordance with: (a) these Findings of Fact, Conclusions, and Decision of Approval and Conditions; (b) the plans and exhibits on file with the Board; and (c) the conditions of this permit.
4. Applicants shall obtain all necessary local, state and federal permits.
5. Applicant shall abide by and comply with all terms and conditions thereof and any amendments thereto for all Wastewater System and Potable Water Supply Permits pertaining to this project.
6. Construction plans and construction of the proposed project shall comply in all respects with the Zoning Regulations.
7. Conditional use review of commercial or industrial development has incorporated site plan review standards as evidenced by the conditions discussed herein.
8. The Conditional Use Permit shall expire if not "substantially commenced" one year from this date as set forth in Article 6.6.
9. Certain other conditions are also necessary to protect the best interests of the surrounding property, the neighborhood, and/or the Town as a whole pursuant to Article 4.2.4. These conditions are:
  - (1) The location of vehicular access points to the property is limited to the north side of the building on the existing access.
  - (2) Parking is not allowed on the Main Road or shoulder of same, except directly in front of the building, which is currently existing.
  - (3) Signage will follow the regulations in effect.

- (4) Landscape screening will be implemented by the applicant at the rear of the property adjacent to the residential property of Britt and Michele Cummings to reduce noise and glare and to maintain the property character in keeping with the surrounding area. The Applicant and Britt and Michele Cummings will consult on a mutually agreeable solution.
- (5) No direct lighting will shine on neighboring properties and reasonable efforts will be undertaken to minimize adverse lighting impacts on neighbors, such as motion sensor exterior lighting after operating hours.
- (6) Hours of operation of the brewery are 7 am to 7 pm daily. Hours of operation for food and beverage service are 11 a.m. to 9 p.m., six days per week.
- (8) The number of employees on the site at any one time is limited to twenty-five.
- (9) If the operation of Stone Corral Brewery creates significant adverse impacts on the neighborhood, or the Town as a whole, an additional conditional use hearing will be held to determine whether additional mitigating conditions are warranted.

#### DECISION OF APPROVAL AND CONDITIONS

Following deliberation on October 28, 2014, Final Subdivision Approval was granted on October 28, 2014 by a vote of the Huntington Development Review Board (4-0, with one abstention), subject to the conditions described herein.



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Joe Perella, Chair  
Huntington Development Review Board

Dated this 17<sup>th</sup> day of December 2014.