

CONDITIONAL USE
Modification of Conditional Use Permit
CU-005-25

Owner/Applicant: Lora’s Farm Georgia LLC Laura Handy 486 Orchard Drive Colchester, VT 05446-7065 PH: 802-373-9206 Email: laurapics@yahoo.com	Property Tax Parcel & Location: 144 Pattee Hill Road Parcel# 111580000 Zoning District: Residential (R)
Engineer: Nicholas Smith, P.E., Smith Site Engineering PH: 716-778-4353 Email: smithsiteengineering@gmail.com	

BACKGROUND

Laura Handy of Lora’s Farm Georgia LLC, hereafter referred to as Applicant, is requesting Conditional Use approval for modification to conditions placed on the current conditional use permit (CU-002-22) located at 114 Pattee Hill Road, within the Residential (R) zoning district. The parcel (111580000) is ±63.65 acres in size.

The farm is operating under a Conditional Use Permit (CU-002-22) from the Town of Georgia on October 5, 2022 with use of the barn for agricultural and public/private outdoor events. Applicant is requesting to modify or clarify the following conditions from CU-002-22:

Condition #1: *The term “events” includes, but is not limited to, celebratory events (weddings, graduations, etc.) and farmers' markets.*

Applicant Request: Farmer’s Market events under the current Accessory to On Farm Business (AOFB) do not constitute an event and fall under the regulation of Ag & Markets. Applicant requests that Farmer’s Market events be excluded from the term “event.”

Condition #4: *Applicant shall not hold more than 4 (four) events per month.*

Applicant Request: The Applicant requests that there be no restrictions on the number of events per month. There are months of the year that are more suitable for events, and the applicant would like the freedom to schedule more or fewer events as they see fit.

Condition #5: *“Events” shall be limited to Fridays, Saturdays, and Sundays.*

Applicant Request: The applicant would like to host events on any day of the week. This allows the applicant to be flexible in having community events that might involve the Town or School. It would also allow hosting events on a holiday that does not fall on a weekend.

Condition #6: *Celebratory “events” shall start no earlier than 11 am, music shall stop/end by 9 pm, and all guests shall have left by 10 pm.*

Applicant Request: Due to the nature of weddings and other events the Applicant would like to extend the hours of operations so that “music shall stop/end by 11 pm, and all guests shall have left by 12 am, except on weekend evenings (Friday – Sunday) where music shall stop/end by 12 am, and all guests shall have left by 1 am.” The applicant will still abide by noise emission limitations as noted in condition 7.

Condition #8: *Farmer's Market events shall start no earlier than 8 am and shall end at either 6 pm or dusk, whichever is first.*

Applicant Requests: Strike this Condition.

CONDITIONAL USE REVIEW GUIDELINES

Applicant answers to Conditional Use Amendment Application questions, using section 6.2 Conditional Use, Town of Georgia Development Regulations dated October 13, 2025.

1. **The proposed land development will not result in an undue adverse effect on 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 Town Plan.** The primary use of the building will be agricultural in nature and supplemented by community events and other small-scale public/ private outdoor events. Neighboring/adjacent properties are either agricultural in nature or consist of low and medium-density residential development. This property borders the Agricultural/Rural Residential District (AR) and provides as a good transition from higher residential density that occur to the east, and lower residential agricultural densities that occur to the west. The infrequency of these events is unlikely to have any negative impacts on adjacent residential units.
2. **The proposed land development shall not result in an undue adverse effect on traffic on roads and highways in the vicinity. The DRB may require the applicant to provide a traffic study to demonstrate compliance with this standard.** The existing ingress/egress to access the site provides 2-way traffic, meeting the Town Development Regulations, and will provide adequate sight distances. The previously estimated peak trip ends to range from 32-40 trips per hour and will likely occur on weekends. These trip ends will not be generated during weekdays peak AM or PM hours.
3. **The proposed land development shall not result in an undue adverse effect on bylaws and ordinances then in effect.** The proposed use is consistent with the Residential Zoning District in the GDRs, the Residential Hamlet future land use in the Town Plan. The Residential Hamlet specifically makes reference to higher density areas surrounding rural areas with some small-scale commercial uses. The project also meets or conforms to the Town Plan Goals and Policies:
 - a. A3, To encourage innovation in design and layout of development so that the visual impact can be minimized.
 - b. B1, Following the use of required agricultural practices and best management practice is essential to protect water resources. Accepted forestry practices and/or best management practices are encouraged as a way to protect water resources.

- c. B2, Impacts to prime agricultural soils due to land development shall be mitigated to ensure the future viability of agricultural uses in Georgia.
 - d. B4, As much as reasonably possible, streams, ponds, rivers, and wetlands should be maintained in a natural state and protected from pollutants so they can provide their natural functions. Buffer areas shall be encouraged so as to protect these natural functions.
 - e. B6, Development shall be prohibited on wetlands and hydric soils.
 - f. B9, Buffer areas shall be encouraged to prevent harmful effects of development from affecting these areas.
 - g. B14, Site planning should try to take into consideration the preservation of unique or sensitive site features such as old growth trees, historic stone walls, hedgerows, streams, viewsheds and similar elements to design with the land.
 - h. C1, To promote a diversified and stable economy by encouraging compatible industrial and commercial development and the continuation of existing industries, small businesses and home occupations.
 - i. H1, Encourage the preservation of land in an agricultural, wooded or open state, particularly in areas of the town which are important scenic viewsheds and not well connected to service systems.
 - j. H4, Review and revise land use regulations to reduce potential obstacles to the growth of local agricultural industries, and encourage supportive uses such as value-added agricultural products, ag-related services and industry diversification as well as the importance of locally grown food products.
 - k. H5, Support Vermont's "right-to-farm" statute.
 - l. H6, Support the preservation and protection of open land agricultural fields and forests through programs that encourage farming and forestry such as the current use tax program and land conservation easements.
 - m. I4, Review Georgia Development Regulations to ensure that the regulations address development and farming exempt from Required Agricultural Practices from the Vermont Agency of Agriculture.
4. **The proposed land development shall not result in an undue adverse effect on the utilization of existing renewable energy resources.** There is no impact to the utilization of renewable energy resources proposed by this project.

PLANNING & ZONING COMMENTS

1. **Development Regulations 6.2.2 (A)(1)** – The area where the private indoor/outdoor event facility is located is within a residential (R) zoning district. The purpose of the district is to enable, in areas where historic centers of the Town are located, residential development at a higher density than surrounding rural districts. In addition, small-scale commercial uses will be allowed.
2. **Development Regulations 6.2.2 (A)(2)** – The facility is located at the top of Pattee Hill Road from Plains Road. Pattee Hill Road is partially paved. This section of the road has impaired sight lines due to the hill.

3. **Development Regulations 6.2.2 (A)(3)** – The facility does fit within the bylaws as a small-scale commercial use.
4. **Development Regulations 6.2.3** –
 - A. The DRB may condition its conditional use approval in order to ensure that the standards of these Regulations will be met. These conditions may include, but are not limited to, the following:
 1. The DRB may limit the scale or dimensions of the proposal;
 2. The DRB may require increased setbacks, fencing or landscape screening for commercial, industrial, municipal, or outdoor recreation uses contiguous to residential districts, recreation, or natural areas districts and/or uses;
 3. The DRB may require limits on days and hours of operation of a business;
 4. The DRB may limit the outside storage of goods or materials and equipment;
 5. The DRB may require that storage of goods, parts, supplies, vehicles or machinery being worked on or finished or partially finished will be inside a building or behind screening;
 6. The DRB may attach conditions with regard to size and location of parking areas, landscaping, screening, lighting and signs;
 7. The DRB may require the submittal of a performance bond to ensure completion of any improvements deemed necessary to operation of the conditional use; and
 8. Other reasonable conditions necessary to meet the standards of these Regulations.
 9. The DRB cannot require a larger lot size, more parking spaces, limit the building size (including footprint/height), or limit the density below that allowed by the underlying bylaw for residential housing development as per 24 V.S.A. §4464(b)(7).
5. Vermont Wastewater Permit number WW-6-2334-1 allows for 28 events per year on a seasonal basis, provided that the events use alternative toilets and do not require on-site water service or sanitary service needs. Handwashing must be accommodated by alternative handwashing supplies.
6. **Condition 1 & 8** - Farmers' Markets fall under the rules for an Accessory On-Farm Business (AOFB) and, as such, have specific guidelines for municipalities:
 - a. Act 143 - The law created a statewide municipal land use category called accessory on-farm business (AOFB) and restricted how municipalities could

apply zoning regulations to AOFBs. Specifically, municipal land use regulation of AOFBs is limited to site plan review and the application of performance standards. In other words, a municipality cannot prohibit a farm from having an AOFB; however, municipalities may require AOFBs to meet municipal requirements in place for other businesses, such as operating hours, building setbacks, curb cuts, etc.

- b. An outdoor farmers market not utilizing the private indoor/outdoor event facility could fall under the AOFB as a non-event, but if the facility is used, it would count toward the 28 events per year listed under the wastewater permit.
- c. Under the AOFB, the Farmers Markets could be limited, for instance: one market per week from 3 pm – 6 pm.

7. Conditions 2, 5, & 6 – The current wastewater permit limits the applicant to 28 events per year. If the applicant adds increased capacity, the restriction would be eliminated. Restrictions on the number of events, days of the week, and times should fit within the zoning district and use as a small-scale commercial business.

Respectfully submitted,

Douglas Bergstrom
Zoning Administrator
Planning & DRB Coordinator