

BRANDON DEVELOPMENT REVIEW BOARD HEARING
MAY 9, 2018
ACT 250
APPLICANT: NESHOBIE RIVER COMPANY, LLC
LANDOWNER: ROBERT A. AND RHONDA J. FOLEY #5936

Board members present: Tom Bohler, Bob Clark, Amber Lovely-Lee,

Others present: Robert Foley, Rhonda Foley, Patty Noonan, Patrick Noonan, Dave Atherton, Hillary Knapp, Clerk

The hearing was opened at 7:04

Bob Clark disclosed that he had spoken with Patty Noonan about the Act 250 permit but it would not have any effect on his decision on this permit.

Interested party status: Patty and Patrick Noonan

Robert and Rhonda Foley, Dave Atherton, Patty Noonan were sworn in.

The warning was read and found to be in order.

Bob Foley: They were required by the State to amend the original permit, their production has grown and the waste water configuration was changed to a better system.

There will be no impact on the three criteria section. There are no changes to the impact of the Act 250 permit, they are required to update the permit.

Bob Clark: What was the degree to the increased production?

Bob Foley: We are taking advantage of updated processes, more automated processes which have increased production of the beer. Normally would take a week to process a batch of beer, with the automated process it takes 2-3 days for full production. The automation process saves on people and resources as well.

Automation has allowed the beer to be processed and packaged more quickly there is no change to the building.

They did not realize that they had to amend the Act 250 permit with these changes in production.

Bob Clark: Has there been a change in the amount of people visiting the tasting room?

Bob Foley: The tasting room is run by the winery, there is no separate tasting room for the beer. There are more people going to the tasting room. There is no production at the

brewery on Saturday's as it is closed. The traffic is going to the winery to purchase the wine/beer.

Bob Clark: How many more customers?

Bob Foley: The peak days are more about the parking than the traffic. October is the most challenging for the parking. On average on the busy days, we average 5 cars per hour. They can handle the parking and have adequate parking for the people coming into the tasting room. They had parking approved by the town to accommodate 16 parking spots.

Tom Bohler: Talking about the waste water...how much has it increased compared to before and how is it disposed of differently?

Bob Foley: 1000 gallons every two weeks is taken out in 1000 gallon containers, Doudon plumbing comes and takes the waste and disposes the waste to Barre or West Rutland. Before 250 gallon tanks were being taken to manure pits, two or three times a week. This is a much cleaner process than before.

Dave Atherton: We do not need to look at waste water, this has been dealt with. The hearing is looking into how it is going to impact the municipality.

The Town was sent information on the Act 250 permits on the burden of the ability for the municipality and they do not see any issues with any of the three of the criteria.

We did receive the signed questionnaires at the Town Office. There was nothing in the questionnaires or Town Plan that would impact the municipality.

Patty Noonan:

There is another whole side to the Act250 permit, we would not like any expansion of any kind. We would disagree with the little amount of traffic that has been increased. The things we have had to deal with when the people are coming to the winery/brewery have impacted our way of life.

Everything was great when the brewery first came along, however we are paying for it constantly. Over the years we have approached the Foley's, when they were expanding with the food, the hours and they were having issues with people parking in our field and the amount of traffic that would be going down the road.

We were told that no one was going to be parking on the field and took the Foley's on their word due to this being our septic system.

People are starting to pull into our yard and turn around on our lawn or park on our lawn when they are going to the brewery/winery. We have now had to put no parking and no trespassing signs in our yard.

There is no capacity for the increase in cars or production at the brewery.

Bob Foley: We do not tell people to park on Stone Mill Dam Road, this was part of the criteria in the original permit that said no parking on the road. There is signage that tells people that they need to go up the drive way to the tasting room.

There is a privacy fence that has gone up for the parking purposes. There was a rope that was put up for the employees to park near the Noonan's property and no other customers are parking there.

There is enough parking for 35 cars on the brewery/winery property. We would not want to handle 35 cars an hour, they would not be able to handle 35 cars per hour with only one employee.

10% of the beer they sell is through the tasting room there rest is sold else where.

Bob Clark: The issue is production and not the parking situation.

Bob Foley: We are not expanding anything we are building into what was given in the original permit.

Dave: With the original permit, there was no one that could have given the weight requirements of the bridge. There is nothing to enforce in regards to parking because there is no, no parking permit on Stone Mill Dam Road. The select board would need to be the ones to issue the no parking permit.

Bob Foley: Would be willing to put up no parking signs if that would help.

Bob Foley: There is no expansion to the permits, they are working within the approved permits and are actual smaller than the original permits. No more services that will be required to be approved.

Being no further testimony, the hearing closed at 7:49 PM.

Respectfully submitted

Hillary Knapp