



*Note: In the case title, an asterisk (\*) indicates an appellant and a double asterisk (\*\*) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.*

**ENTRY ORDER**

JULY TERM, 2025

In re 181 Parker Hill Road Application } APPEALED FROM:  
(Anthony J. Vetrano\* & Kathleen Vetrano\*) }  
 }  
 } Superior Court, Environmental Division  
 }  
 } CASE NO. 23-ENV-00116  
 } Trial Judge: Thomas G. Walsh

In the above-entitled cause, the Clerk will enter:

Neighbors Anthony and Kathleen Vetrano appeal pro se from the Environmental Division's order granting applicant Michael Jasinski's request for conditional-use approval to operate a home business. We affirm.

Applicant owns property in Springfield, Vermont, on Parker Hill Road. He sought conditional-use approval to conduct cannabis cultivation as a home business in his garage. The Town of Springfield Development Review Board (DRB) approved the application and neighbors appealed. Following a hearing, the Environmental Division concluded that applicant's cannabis cultivation was a permissible home business that could occur within the property's garage.

The court made the following findings. Applicant owns and resides at 181 Parker Hill Road. The property is in the RA-5 zoning district. The garage is connected to applicant's home by a breezeway. The garage is two stories and approximately 660 square feet. The first floor is concrete with a single-car garage. The second floor is connected by an internal set of stairs and has a carpeted wood floor. Neighbors' property abuts applicant's property on three sides.

Applicant proposed to cultivate cannabis within the garage pursuant to a Tier 1 Cannabis Cultivation indoor license. The license was issued to Parker Hill Cannabis LLC and applicant is the LLC's sole member. Applicant plans to work at the home business between three to four hours a day. He is presently the LLC's only employee but there may be two additional employees during harvest times. Applicant did not propose any exterior modifications to the property beyond replacing existing lights and cameras for security purposes.

Applicant does not intend to advertise the business's location but he was required by state regulations to disclose the origin of the cannabis. This information is available on the business's

website. The town does not regulate advertisement of business operations through zoning. Applicant was cultivating cannabis on site and the town had not received any complaints regarding odors from the property.

Based on these and other findings, the court addressed the questions raised by neighbors in their appeal. The court concluded that under the town's zoning regulations, a home business could occur within the garage and that this project qualified as a home business. The court recognized that there was a conflict between the bylaw's definition of a "home business" and an "accessory building/structure." As a general matter, accessory structures could be used only for "parking, storage, or primarily building access." Town of Springfield Zoning Regulations § 30-6 [hereinafter Zoning Regulations]. Nonetheless, the more specific provisions of the regulations stated that a home business is a "business" that can occur within "an accessory structure to a dwelling /residence." Id. The court concluded that where, as here, there is a conflict in language, the more specific provision controls. The home business definition provided an exception to the general provision limiting the use of an accessory structure. See In re Pederzani Admin. Appeal, 2024 VT 82, ¶ 12. It identified a specific type of use that could occur within an accessory building or structure, and it specifically authorized such use.

The court also found the project consistent with the bylaw's definition of a "home business." Under the zoning regulations, a home business must meet certain requirements. See Zoning Regulations § 30-596. These include, among other things, that it be: "clearly secondary to the use of the building for dwelling purposes, and . . . operated by a resident of the dwelling;" "carried on wholly within the . . . accessory structures to the dwelling/residence, and . . . occupy no more than 1,100 square feet of floor space;" "employ no more than three on-premises employees who are not residents of the premises;" and produce no "[o]bjectionable circumstances such as noise, vibration, smoke, odors, or electrical disturbance." Id.

The court found these requirements satisfied. The project would require no variation from the existing residential nature of the property. There was no evidence that the project would produce noise, vibration, smoke, or electrical disturbances. To the extent neighbors challenged alleged odors from the project, the court found no evidence that such odors would occur from the project or would be in any way detectable outside of the property. The court explained that only Mrs. Vetrano testified at trial on behalf of neighbors and she offered no evidence regarding the impacts from the property on neighbors' property or interests. While neighbors, in their post-trial briefing, argued that the project would produce odors, presumably detectable odors, the court found that they made this assertion without any evidentiary support in the record. The court concluded that the project complied with each condition required by Zoning Regulation § 30-596(1)-(9) and thus, it was a permissible home business that could occur in the garage subject to conditional-use review.

The court next considered if the project would "have an undue adverse effect on . . . the character of the area affected," as required by the town's zoning regulations for conditional uses. See Zoning Regulations § 30-723(d)(2). Character of the area is "defined by the purpose of the zoning district within which the project is located, and specifically stated policies and standards of the town plan." Id. Considerations of a project include "the location, scale and intensity of the proposed project relative to the use and character of adjoining properties and other properties likely to be affected by the proposed use." Id.

The court concluded that there would be no undue adverse effect. It rejected neighbors' assertion that the project did not comply due to an alleged advertisement on the internet about the

project's location. Assuming *arguendo* that the advertisement existed, the court found it irrelevant under § 30-723(d)(2). This section related to how a project fit within the context of the area in which it was located, and applicant did not propose any signage or advertisement in his conditional-use application. To the extent neighbors argued that applicant's website posted the property's address, the court did not see how posting this information on the internet impacted the physical character of the area in which it was located.

The court also rejected neighbors' argument that the project would have an undue adverse impact because the surrounding properties were located within a national historic district. The court found that the "Parker Hill Historic District" was not governed by the regulations and neighbors identified no relevant provision of the law that would make surrounding properties' inclusion in a national register historic district relevant under § 30-723(d)(2). Even if it were, however, the project did not propose off-site impacts and neighbors did not allege any such impacts.

To the extent that neighbors argued that the project did not comply with the purpose of the district, thereby creating an undue adverse impact, the court rejected this argument. The purpose of the district is to:

[E]ncourage economical agricultural activities, and allow for low-density housing patterns. It shall be the policy of the town to encourage development in these areas in the manner that will best protect the agricultural and rural potential of the district. This may be accomplished through cluster development or development for residential purposes of that land which is marginal for agricultural use.

Zoning Regulations § 30-122.

To the extent neighbors asserted that only agricultural uses were permissible, the court found this to be an overly narrow interpretation of the regulations and held that it also mischaracterized applicant's application. The court found that the RA-5 District allowed for agricultural and residential uses. The court also noted that the regulations set forth allowable uses in the district that include nonagricultural or residential uses, such as a daycare facility and animal hospitals. See Zoning Regulations § 30-123. The court rejected neighbors' argument that the project had an undue adverse impact on the character of the area because it is a "commercial use." The court explained that while a home business was inherently a business and to some extent "commercial," it was, by definition, related to a residential use of a property and a subset thereof. Residential uses are consistent with the purpose of the RA-5 District. The property was in residential use as applicant's primary residence. The project was a home business, which was predicated on the fact that the property is applicant's residence. The application proposed no external changes to the property or impacts from the project. The court reiterated that neighbors' assertion regarding "objectionable odors" was unsupported by the evidence.

Finally, the court rejected neighbors' request to impose various conditions on the conditional-use approval, largely relating to advertising concerning cannabis at the property's location on the internet or elsewhere as well as where the business could accept mail. Neighbors cited nothing in the zoning regulations that would allow the court to impose these conditions. It

added that applicant proposed no signage related to the project. To the extent applicant maintained a website for the business that included the property's address, the court explained that such disclosure was required by state law. The zoning administrator also testified that the town lacked authority to enforce any of neighbors' proposed conditions through local zoning. For these reasons, and considering the scope of the application before it, the court concluded that it would be unreasonable to impose the conditions proposed by neighbors. This appeal followed.

On appeal, neighbors essentially reiterate the same arguments they raised below. They contend that, under the zoning bylaws, applicant's garage can be used only for vehicle parking, storage, or building access, and not for a home business. They further argue that cannabis cultivation cannot be allowed because it produces odor. Neighbors also assert that the home business will result in a substantial and material adverse effect on the character of the area. Finally, they raise arguments regarding state licensing of cannabis and signage.

"We review the Environmental Division's interpretation of the [t]own's zoning bylaws de novo." In re Dousevicz, Inc. CU & Site Plan Approval, 2025 VT 22, ¶ 15. Our review of the remaining portions of the court's decision "is limited" and "neighbors must overcome a deferential standard of review to prevail on their challenge to the findings and conclusions underlying the court's decision." In re Route 103 Quarry, 2008 VT 88, ¶ 4, 184 Vt. 283. "[B]ecause the trial court determines the credibility of witnesses and weighs the persuasive effect of evidence, this Court will not disturb a trial court's factual findings unless, taking them in the light most favorable to the prevailing party, they are clearly erroneous." Id. (quotation omitted). The court's legal conclusions will stand where "reasonably supported" by the findings. In re Lathrop Ltd. P'ship, 2015 VT 49, ¶ 21, 199 Vt. 19. Applying these standards, we find no basis to disturb the decision below.

We begin with the question of whether a home business is allowed in an accessory structure such as a garage. "We review zoning ordinances according to the general rules of statutory construction" with the goal of implementing "legislative intent." In re Dousevicz, Inc. CU & Site Plan Approval, 2025 VT 22, ¶ 16 (quotations omitted). "As with statutes, we construe words according to their plain and ordinary meaning, giving effect to the whole and every part of the ordinance." Id. (quotation omitted). In doing so, we must "apply common sense," In re Laberge MotoCross Track, 2011 VT 1, ¶ 8, 189 Vt. 578, avoid irrational results, and resolve any uncertainty in the property owner's favor. See Bjerke Zoning Permit Denial, 2014 VT 13, ¶ 22, 195 Vt. 586; Stowe Club Highlands, 164 Vt. 272, 280 (1995).

We agree with the Environmental Division that the more specific provision plainly allowing home businesses in accessory structures controls over the more general provision. In re Pederzani Admin. Appeal, 2024 VT 82, ¶ 12 ("When there are two conflicting provisions in an ordinance, the specific provision is held as an exception to the general provision."). Any other conclusion would render meaningless the express authorization provided in the bylaws for home businesses in accessory structures and lead to an absurd result. We have considered all of neighbors' arguments urging a different construction and consider them unpersuasive.

The court similarly did not err in concluding that applicant's project satisfied the definition of a home business. Neighbors reiterate arguments considered and rejected below. They fail to show that the court's findings are clearly erroneous or that the findings do not support its conclusions. This includes neighbors' argument that the project produced "[o]bjectionable circumstances such as . . . odors," Zoning Regulations § 30-596, which the Environmental Division found to be unsupported by any evidence in the record. With respect to

any outdoor cultivation, the court again found no support for this assertion in the record. It was not supported by applicant’s testimony or exhibits, which showed that the application was for indoor cultivation only. The court noted that neighbors appeared to be confused by a town-generated document that erroneously stated that outdoor cultivation was contemplated. The court explained that its role was to consider the application as filed and it was not bound by town documents generated in error. Neighbors offer no persuasive argument to the contrary. In support of their argument, they cite to the town’s DRB decision but not to the application itself. They fail to show that the court erred in its findings or conclusion, and we do not consider neighbors’ additional arguments concerning outdoor cannabis cultivation.

We reach a similar conclusion with respect to the court’s decision regarding the absence any “undue adverse effect on . . . the character of the area affected.” Again, neighbors repeat the same arguments that were considered and rejected by the Environmental Division. While they disagree with the court’s conclusions, they fail to demonstrate error. The court’s findings are supported by the record and they support the court’s conclusion.

We have considered all of the arguments discernable in neighbors’ brief and find them without merit. This includes their argument about state and local licensing requirements, which the court rejected. It also includes their contention that cannabis cultivation cannot be considered an agricultural use under the town zoning law because it is not considered “an agricultural crop” for purposes of state law. The court did not err in rejecting this argument as immaterial, concluding that the RA-5 district is not limited to agricultural uses. Nor did the court err in stating that its review was limited to whether to approve a conditional-use permit under the town’s zoning bylaws and that it would not issue an advisory opinion as to whether an Act 250 permit was required. Finally, the court acknowledged that applicant would need to identify the origin of the cannabis under state law and neighbors fail to show any error or harm resulting from this observation that would require reversal of the court’s decision. The court did not err in interpreting the zoning bylaws and its decision is supported by its findings and the record.

Affirmed.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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Karen R. Carroll, Associate Justice

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Nancy J. Waples, Associate Justice