

STATE OF VERMONT  
SUPERIOR COURT – ENVIRONMENTAL DIVISION

In re Leonard & Sayour Zoning Permit Application Appeal	} } } } }	Docket No. 118-8-12 Vtec (Appeal from Manchester DRB; Decision on App. No. 2012-07-054)
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**Judgment Order**

This matter came before the Court on Monday, February 4, 2013, on the appeal of Jennifer Weinstein of a zoning permit (Application Number 2012-07-054) initially issued by the Town of Manchester Zoning Administrator (“Zoning Administrator”) to Jeanmarie Leonard and Carol Sayour, authorizing the construction and use of a tractor storage barn on property located at 60 Cook Hollow in the Town of Manchester (“Town”). Appellant Weinstein first appealed the Zoning Administrator’s issuance of the Leonard/Sayour permit to the Town of Manchester Development Review Board (“DRB”). When the DRB upheld the Zoning Administrator’s issuance of the permit, Appellant Weinstein appealed that determination to this Court.

When the parties, despite their best efforts, were unable to reach a voluntary resolution of the legal issue\* preserved for the Court’s consideration in this de novo appeal, the Court scheduled the matter for a site visit and then a de novo merits hearing, held at the Bennington Superior Courthouse on Veterans Avenue in Bennington, Vermont. The parties were represented at the site visit and hearing by their respective attorneys: Christopher D. Roy for Jeanmarie Leonard and Carol Sayour (“Applicants”); Robert E. Woolmington for the Town; and Lloyd J. Weinstein, attorney for Appellant.

Once the parties had a full opportunity to complete their presentation of evidence, the Court took a brief recess to complete its research and deliberations, which convinced the Court to return to the courtroom, reopen the hearing, and render Findings of Fact and Conclusions of Law on the record of the hearing. This Judgment Order is issued to memorialize the Court’s legal conclusions. The Court refers anybody wishing to review our full factual findings and

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\* Appellant’s Statement of Questions, filed on September 17, 2012, posed a single Question for the Court’s consideration. The Question asked whether a permit should issue for a barn in the Forest and Recreation Zoning District to be used for storing a tractor which Applicants claimed was “appropriate and necessary for use in maintaining forest and rec. land-not for residential scale equipment or storage or use,” as stated in Applicants’ application (a copy of which was admitted at trial as Exhibit B).

legal conclusions to the audio recording that constitutes the record of the Court's merits hearing.

Based upon the evidence presented, including the evidence that was put into context by the site visit the Court conducted with the parties, the Court finds that Applicants' barn is an accessory building for Applicants' haying of adjacent fields, which the Court concludes is an agricultural use as that term is employed in defining the uses permitted in the Forest and Recreation Zoning District ("FR District"). See the Town of Manchester, Vermont Zoning Ordinance § 5.1.2(9), which includes as a permitted use in the FR District "buildings (except dwellings), accessory to and necessary for . . . agricultural uses."

For these reasons, and the Findings and Conclusions made on the record of the merits hearing, the Court **UPHOLDS** the zoning permit issued on May 29, 2012 by the Town of Manchester Zoning Administrator (Permit No. 2012-07-054) to Applicants Jeanmarie Leonard and Carol Sayour.

This Judgment Order completes the current proceedings before this Court in this appeal.

Done at Newfane, Vermont, this 5th day of February 2013.

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Thomas S. Durkin, Environmental Judge