The Barre Town Development Review Board held a public meeting & hearing on Wednesday, June 8, 2016 at 7:03 p.m. at the Municipal Offices, Websterville, Vermont

Members Present:
Cedric Sanborn, Chair
Charlie Thygesen
Shaun Driscoll
Mark Reaves
Greg Richards
John Hameline

Members Absent:
Mark Nicholson
Jon Valsangiacomo

Others Present:
Alicia Feiler
Debbie LePage
Charlie LePage
Kris Jurentkuff

Staff Present:
Chris Violette – Planning & Zoning Director
Heidi Bennett – Board Clerk

A. 5:30 P.M. – SITE VISIT – NONE

B. 6:30 – 7:00 P.M. – PLANS AVAILABLE FOR REVIEW

C. 7:00 P.M. – CALL TO ORDER

D. CHANGES TO THE AGENDA – Per CV George Abrams will be added for a conceptual presentation by Kris Jurentkuff.

E. APPROVE MINUTES

On a motion by Reaves, seconded by Richards, the Development Review Board voted to approve the minutes from May 11, 2016.

F. NON AGENDA ITEMS (max 10 minutes)

G. SITE PLAN REVIEW

1) WARNED PUBLIC HEARINGS

APPLICANT: NEW ENGLAND EXCESS EXCHANGE
Request by New England Excess Exchange for major site plan approval for the proposed 3000 sf addition to an already existing 8000 sf office building located in the Barre Town Industrial Park on Parker Road; Parcel ID 006/047.17; Zoned: Industrial; SP-16000002

Consultant: DeWolfe Engineering
Date: June 3, 2016

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a warned public hearing in accordance with Article 5, section 5.6 whereas no permit that require site plan approval shall be issued until such time as the Development Review Board (DRB) has reviewed the general and specific standards contained within said section. This request is being considered under site plan major because the applicant is proposing the construction of a 3,000sf addition to an existing 8,200sf office building located in the Wilson industrial Park. In addition to the building expansion, there will also be a small increase in impervious service for expanded parking along with minor drainage improvements and additional lighting.

The subject parcel is located on Parker Road on 2.07 acres of land and is served by both municipal sewer and water.

Below are the review standards, and my comments, for site plan approval in accordance with Article 5, section 5.6 (F). The applicant supplied details comments for each and a copy of those comments are included in your packets.

1. The proposed land development as it complies with or compliments the policies, regulations, standards, and goals of the Town’s Zoning Bylaw and its most recently adopted Town Plan;

This project complies with both the Zoning Bylaw and the Town Plan. New England Excess Exchange falls under the office building designation. Office buildings are a conditional use within an industrial zone in accordance with Article 2, table 2.1 of the Barre Town Zoning Bylaw. The applicant has submitted comments addressing the conditional use criteria but this application is not being reviewed a CUP because NEEE received a CUP on March 25, 2013 (CUP-13000002).

The Town Plan supports this project within the economic development section and throughout the plan. The Wilson Industrial Park is a major component of Barre Town’s economic success. New England Excess Exchange has added value to the economic climate in Barre Town providing jobs and tax revenue.

2. The convenience and safety of vehicular movement within the site, and in relation to adjacent areas of vehicular movement. This includes consideration of access management in regards to entrances and exits for the subject site;

The addition to the existing 8,200sf office building will not significantly change or negatively affect the existing movement of vehicles inside the site. There will be a small expansion of the parking lot to the eastern end of the project site near the addition. Vehicles will travel through the existing parking lot to access the new parking area.

Access to the site will be unchanged.
3. The convenience and safety of pedestrian movement within the site, and in relation to adjacent areas of pedestrian movement. Also included for consideration is the relationship to any pedestrian access deemed necessary for adjacent properties and along public roads;

With the building expansion and the expected increase in jobs, there will likely be more traffic in the parking lot. But it’s like any other parking lot, speeds will be slow conflicts should be manageable. There is an existing sidewalk along the parking lot closest to the building.

4. Storm water and drainage to insure adequate consideration of storm water runoff and drainage issues in order to minimize the impacts of any development project on the adjacent property, the environment, and the Town. The applicant shall bear the responsibility for obtaining and meeting any and all permitting requirements of the appropriate state agency. The Town Engineer shall review the storm water runoff and drainage plan and shall approve the site plan and sign off on the design before the project may be approved;

When the existing building was designed, permitted, and constructed in 2013, a stormwater permit was obtained and a significant onsite treatment system was constructed. Stormwater is treated onsite and then discharged into the Town’s system. DeWolfe Engineering has supplied data on expected stormwater increase as a result of this project. The expected increase in minimal.

Plans call for additional treatment in the form of swales and underground piping leading to the existing dry pond previously constructed. The addition was factored into the design of the pond and the overall stormwater plan.

The Town Engineer has reviewed the stormwater plans and finds them acceptable. Amended state permits will likely be necessary.

5. The protection of historic or natural environmental features on the property under review, as well as on the adjacent areas;

There are no known historic or natural features to be concerned about.

6. The impact of new development on public utilities such as water and sewer infrastructure and on other users/consumers;

This project is served by municipal water and sewer both from Barre Town. The existing building is currently being charged 1.5 sewer units permitting for 450 gallons a day of sewer flow. The expansion of the building will likely add employees thus water consumption and sewer flow. The Town Engineer has received sewer ability to serves letters from the applicant and will review the increased flow and how it relates to the need for additional sewer units. It is likely additional units will be required in half unit increments at a fee of $750 per unit.

The Town has the ability to serve increased demand for both water and sewer.

7. Signage that meets or exceeds the criteria established in this Bylaw, Article 7, Sec. 7.5.

Signage is existing, no new signage is anticipated but if it were to change the referenced section of zoning would apply.

8. The utilization of renewable energy resources;
The existing building uses renewable energy in the form of solar on the roof. The expansion project does not indicate any new renewables being used.

9. Landscaping and/or screening to assist in mitigating undue impact of the proposed land development upon neighboring landowners;

The project site has existing landscaping. Some of existing landscaping may be impacted by this project but plans show additional plantings to compliment what is existing.

10. The adequacy of parking as well as loading and unloading facilities including their impact on surrounding traffic patterns, in accordance with the provisions established in Article 3, Sec. 3.6 of this bylaw.

The Barre Town Zoning Bylaws requires 1 parking space for every 200sf of building. The total sf of the building and the expansion will be 11,200sf meaning that 56 parking spaces are required. The plans show 56 parking spaces.

SUMMARY, RECOMMENDATIONS, & CONDITIONS:

Overall there is little impact as a result of this request. The expansion was contemplated when the original building was reviewed in 2013. After review of the site plan criteria it appears as though this project is in compliance with the site plan regulations. There will be State permits required and I’m sure the applicant is working on these already.

I recommend approval with the following suggested conditions:

1. The site plan by DeWolfe Engineering of Montpelier, Vermont, dated May 6, 2016 project number 16029, as approved and or amended by condition of approval if necessary, shall be incorporated into an approval and shall be followed unless proposed changes are first reviewed by town staff and if determined to be insignificant shall be approved by staff. Otherwise, DRB approval may be required.

2. All required state permitting shall be obtained. If any state permit or other requirement can’t be obtained or met, this approval may be declared null and void.

3. The applicant shall contact the Town Engineer to review water consumption and if necessary the applicant may have to increase sewer units by permit at a cost of $750 per half unit.

4. Best management practices shall be followed with regard to sediment and erosion control with such measures being monitored regularly to ensure that they are providing the intended and adequate results. Said sediment and erosion control measure shall be removed once vegetation has been established and the need for them has abated or in accordance with state requirements.

ADDITIONAL COMMENTS:

CV provided a brief summary of this agenda item.

CV stated that this conforms to zoning and is good for our economic development.
Curb-cuts and parking circulation isn’t changing.

The stormwater management plan is already in place and can handle what is being proposed. The Town system is able to handle the discharge as well.

Parking is tight and in the process of buying land across the street, which they will use for parking.

CV stated that there is little impact and this expansion was planned originally. The plan is in compliance.

Alicia Felier from DeWolfe stated that all state applications have been submitted with one being received and the other pending.

**MOTION & RECOMMENDATION:**

On a motion by Reaves, seconded by Hameline, the Development Review Board voted to approve the request by New England Excess Exchange for major site plan approval for the proposed 3000 sf addition to an already existing 8000 sf office building located in the Barre Town Industrial Park on Parker Road; Parcel ID 006/047.17; Zoned: Industrial; Approval is subject to conditions 1 – 4; SP-16000002

**DISCUSSION:**

CONDITIONS  Yes___X___ No____
MOTION BY: REAVES
SECOND BY: HAMELINE

**ROLL CALL:**

Mark Nicholson  _ABSENT_
Charles Thygesen, Sr.  _YES_  Jon Valsangiacomo  _ABSENT_
Cedric Sanborn  _YES_  Shaun Driscoll  _ABSENT_
Mark Reaves  _YES_  Greg Richards  _YES_
*Jim Fecteau  __*  *John Hameline  _YES_

*Alternate Development Review Board Members

**H. CONDITIONAL USE REVIEW (WARNED PUBLIC HEARINGS)**

**APPLICANT:**  **DEMAS**

Request by Bethany Demas for conditional use approval to allow the operation of a dog daycare / kennel on property located at 42 Baptist Street; Parcel ID 017/002.00; Zoned: Very High Density Residential; CUP-16000002

Date:  June 3, 2016

**STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER**

This is a warned public hearing for the purpose of conditional use review however it shouldn’t be on the
DRB’s agenda, it should be going before the Planning Commission.

Originally this was thought to fit into a conditional use for the very high density zone. However upon further review it is not. This application will for forwarded to the Planning Commission on June 15th for allowed use determination.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

**ADDITIONAL COMMENTS:**

CV stated this is not a conditional use for this zone; the agenda item needs to go to Planning Commission.

**MOTION & RECOMMENDATION:**

On a motion by Hameline, seconded by Reaves, the Development Review board voted to dismissed the request by Bethany Demas for conditional use approval to allow the operation of a dog daycare / kennel on property located at 42 Baptist Street; Parcel ID 017/002.00; Zoned: Very High Density Residential; CUP-16000002 due to an error in the warning.

**DISCUSSION:**

<table>
<thead>
<tr>
<th>CONDITIONS</th>
<th>Yes</th>
<th>No</th>
</tr>
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MOTION BY: HAMELINE
SECOND BY: REAVES

**ROLL CALL:**

Mark Nicholson **ABSENT**
Charles Thygesen, Sr. **YES**
Cedric Sanborn **YES**
Jon Valsangiacomo **ABSENT**
Mark Reaves **YES**
Shaun Driscoll **ABSENT**
*Jim Fecteau **YES**
Greg Richards **YES**
*John Hameline **YES**

*Alternate Development Review Board Members

**I. VARIANCES (WARNED PUBLIC HEARINGS)**

**APPLICANT:** REAVES

Request by Mark & Tammy Reaves for a 6’ variance from side yard setback for the proposed construction of a 6’ x 12’ deck on property located at 579 Graniteville RD; Parcel ID 017/044.03; Zoned: High Density Residential; V-16000004

Date: June 3, 2016

**STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER**

This is a warned public hearing for the purpose of a variance request in accordance with Article 7, section 7.9 of the Barre Town Zoning Bylaw whereas it has been determined prior to request for a building
permit that the proposed structure cannot meet the required setbacks based on the applicants desire to locate said structure in a certain location. The subject parcel is located in a high density residential zone which requires a side yard setback of 12’. The area around this location is residential.

The applicant’s own .47 acres of land next to the Town’s rest area in Lower Graniteville.

The applicants are in the process of constructing an addition (no variance necessary) to their house and had to displace their existing deck. The applicant’s would like to construct a new deck in the same general location to the rear of the addition. However, the proposed new deck will not meet the required 12’ setback. The applicant is seeking a 6’ variance of side yard setback to allow a 6’ setback to the abutting property line of Lynds.

The applicants have submitted responses to the below criteria and have indicated their plans to answer all five in the affirmative.

1. Are there unique physical circumstances or conditions as to:
   a. Irregularity, narrowness or shallowness of lot size or shape;
   b. Exceptional topography or physical conditions peculiar to a particular property;
   c. Unnecessary hardship due to the above?

2. Are there physical circumstances or conditions that prevent conformity to zoning regulations; And, a variance is necessary to enable “reasonable use” of the property.

3. Is it true that no unnecessary hardship was created by the applicant?

4. Is it true that a variance will not:
   a. Alter the essential character of the neighborhood?
   b. Substantially or permanently impair appropriate use or development of adjacent property?
   c. Reduce access to renewable energy sources?
   d. Be detrimental to the public welfare?

5. Is it true the variance represents the minimum deviation from regulation and plan to provide relief?

SUMMARY, RECOMMENDATIONS, & CONDITIONS:

The applicant correctly states that the property lines do not run perpendicular to the road but rather at an angle. The house sits parallel to the road so because of the direction of the lines it makes it harder to comply with setbacks the further back you goes on the left hand side of the house. A 6’ x 12’ deck is a reasonable use of the property and certainly won’t alter the character of the neighborhood. While the applicants didn’t construct the house originally, they are constructing the addition and removed the existing deck, that part of it is a bit harder hurdle to overcome when reviewing the criteria.
ADDITIONAL COMMENTS:

Reaves recused from hearing.

CV gave a brief summary.

Mark Reaves – stated that he may not need a variance, but isn’t sure and requests that the Board continue with the request.

Thygesen doesn’t see an issue with the request.

Reaves believes his new deck will be 14’ from the property line.

Sanborn pointed out that if Reaves feels his new deck meets setback the variance isn’t needed; Reaves asked for a continuance so he can measure accordingly.

MOTION & RECOMMENDATION:

On a motion by Thygesen, seconded by Richards, the Development Review Board voted to continue the request by Mark & Tammy Reaves date certain to July 13, 2016 for a 6’ variance from side yard setback for the proposed construction of a 6’ x 12’ deck on property located at 579 Graniteville RD until July 13, 2016; Parcel ID 017/044.03; Zoned: High Density Residential; V-16000004

DISCUSSION:

CONDITIONS    Yes____    No____

MOTION BY:    THYGESEN
SECOND BY:    RICHARDS

ROLL CALL:
Mark Nicholson _ABSENT_
Charles Thygesen, Sr. _YES_     Jon Valsangiacomo _ABSENT_
Cedric Sanborn _YES_     Shaun Driscoll _ABSENT_
Mark Reaves _RECUSED_     Greg Richards _YES_
*Jim Fecteau _
*John Hameline _YES_

*Alternate Development Review Board Members

APPLICANT:    THYGESEN

Request by Charles Thygesen for a variance of setback on a lot located off Don Camp Dr; Parcel ID 026/055.01; Zoned: Highway Commercial; V-16000003

Date:      June 3, 2016

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER
This is a warned public hearing for the purpose of a variance request in accordance with Article 7, section 7.9 of the Barre Town Zoning Bylaw whereas it has been determined prior to request for a building permit that the proposed structure cannot meet the required setbacks based on the applicants desire to locate said structure in a certain location. The subject parcel is located in a highway commercial zone requires a right-of-way setback of 50’. The area around this location is mixed between commercial and residential.

The applicant is faced with an unusual situation in that he has a .32 acre lot off Don Camp Drive in South Barre that was created in 1997 under the previous zoning regulations. The previous zoning regulations only required setbacks of 20’ from right-of-way and 10’ from side yards. In 2008 zoning changed requiring a 50’ setback from right-of-way and 25’ setback from side yards. The result of the change has left a very small building envelope and when combined with a sewer line and easement that virtually runs through the middle of the lot, the lot is essentially been left undevelopable.

The applicant is seeking a 25’ variance of right-of-way setback which would allow a building to be constructed 25’ from the edge of the Don Camp Drive right-of-way.

The applicant did not submit responses to the below criteria but has indicated he plans to answer them in the affirmative.

1. Are there unique physical circumstances or conditions as to:
   a. Irregularity, narrowness or shallowness of lot size or shape;
   b. Exceptional topography or physical conditions peculiar to a particular property;
   c. Unnecessary hardship due to the above?
2. Are there physical circumstances or conditions that prevent conformity to zoning regulations; And, a variance is necessary to enable “reasonable use” of the property.
3. Is it true that no unnecessary hardship was created by the applicant?
4. Is it true that a variance will not:
   a. Alter the essential character of the neighborhood?
   b. Substantially or permanently impair appropriate use or development of adjacent property?
   c. Reduce access to renewable energy sources?
   d. Be detrimental to the public welfare?
5. Is it true the variance represents the minimum deviation from regulation and plan to provide relief?

**SUMMARY, RECOMMENDATIONS, & CONDITIONS:**

This is an unfortunate situation that has left a potential commercial lot undevelopable. The applicant did
not create this situation and when the lot was created complied with the zoning at the time. I believe it is in the best interest of the Town to issue this variance based on the configuration of the lot when compared to the limitation zoning placed on it, that it won’t alter the character of the area, a 25’ setback will still be maintained which is 5’ more than was required in 1997, that the applicant didn’t create the problem. That a sewer line and easement adversely affect this lot, and that the variance represents the minimum deviation from the regulation to provide relieve.

ADDITIONAL COMMENTS:

Thygesen recused from hearing.

CV gave a brief summary of this agenda item.

Thygesen stated that when he subdivided the lot the setbacks for 1997 were less and now he can’t construct because the setbacks are increased and with the sewer line running through the property the building envelope is small.

20’ from the front and 10’ from the sides is what Thygesen would like.

Thygesen is requesting a 30’ variance from the front and 15’ from the sides.

Sanborn asked if the Board is okay with a 10’ setback; Richards stated he’s comfortable with 10’ side setbacks.

Hameline asked if the proposed building can be shifted; Thygesen stated no.

Reaves made a motion that the setbacks be 25’ front / 15’ side – seconded by Hameline.

MOTION & RECOMMENDATION:

On a motion by Reaves, seconded by Hameline the Development Review Board voted to approve the request by Charles Thygesen for a variance of setback, 25’ from the road right of way and 10’ from the side and rear property lines on a lot located off Don Camp Dr.; Parcel ID 026/055.01; Zoned: Highway Commercial; V-16000003

DISCUSSION:

Reaves doesn’t see a huge issue considering the neighborhood.

Sanborn states 10’ side with a 25’ front setback

Driscoll states the compromise is good.

1. Yes – change in zoning and there is a sewer line running through the property.
2. Yes – see #1
3. Yes – when the applicant created the lot it was conforming.
4. Yes – character of the neighborhood is commercial, nothing will be altered.
5. Yes

CONDITIONS   Yes____   No____
MOTION BY: REAVES
SECOND BY: HAMELINE

ROLL CALL:
Mark Nicholson _ABSENT_
Charles Thygesen, Sr. _RECUSED_     Jon Valsangiacomo _ABSENT_
Cedric Sanborn _YES_                Shaun Driscoll _ABSENT_
Mark Reaves _YES_                   Greg Richards _YES_
*Jim Fecteau __                     *John Hameline _YES_

*Alternate Development Review Board Members

J. SUBDIVISION REVIEW

1) CONCEPTUAL REVIEW

APPLICANT: LEPAGE

Request by Charles & Deborah LePage for conceptual review of a 3-lot subdivision on property located off Farwell Street and located in an Industrial zone as granted approval by the Planning Commission on May 18, 2016 to allow single-family dwellings on this property; Parcel ID 009/005.00; Zoned: Industrial; P-16000006

Consultant: Chase & Chase
Date: June 3, 2016

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

While warned for preliminary and final on this month’s agendas, the plans are not ready yet other than the one included in your packet which do nothing more than show the approximate location of the two proposed lots and are not suitable to preliminary review.

The applicants are proposing to create two lots of at least two acres in size that would have onsite septic and water. Access is likely to be by way of a right-of-way as opposed to road frontage.

The proposed lots will be located along the fringes of the applicants gravel pit in an industrial zone. The Planning Commission issued an allowed use determination allowing the residential use in the industrial zone in May.

Because this has been warned as a final, the hearing should be opened and continued to July 13th meeting.

COMMENTS:

The Board would like to see the plans and is okay with have both preliminary and final in one night.

APPLICANT: ABRAMS
George Abrams would like to subdivide a lot that he owns with two dwellings on it that is currently non-conforming.

**COMMENTS:**

Kris Jurkentuff – states that they can’t provide parking conformance, a retaining wall will have to be constructed. Can’t get 10 x 20 spaces or meet side setback. The spaces are undersized.

CV stated that the parking is a mess. They park like this all the time. Cars have been hit by a semi. By allowing the subdivision, you’re taking away the parking from the rear. Currently there’s a fence that blocks the house on the back side. Mr. Abrams has done a lot of work on the house in the rear. Removing the fence isn’t a viable option either.

Sanborn asked if Abrams can purchase a right-of-way from the abutter.

The Board may consider waiving the space requirement.

The Board asked about removing the porch.

Is a shared driveway viable and park in the rear?

Sanborn can live with substandard, but the Board needs to know where the snow is going to go.

CV would like to have Harry Hinrichsen weigh in, as well as Mr. Abrams.

Mr. Abrams needs to be in attendance if he wants to move forward.

2) WARNED PUBLIC HEARINGS

**APPLICANT:** LEPAGE

Request by Charles & Deborah LePage for a 3-lot subdivision on property located off Farwell Street and located in an Industrial zone as granted approval by the Planning Commission on May 18, 2016 to allow single-family dwellings on this property; Parcel ID 009/005.00; Zoned: Industrial; P-16000006

**STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER**

While warned for preliminary and final on this month’s agendas, the plans are not ready yet other than the one included in your packet which do nothing more than show the approximate location of the two proposed lots and are not suitable to preliminary review.

The applicants are proposing to create two lots of at least two acres in size that would have onsite septic and water. Access is likely to be by way of a right-of-way as opposed to road frontage.

The proposed lots will be located along the fringes of the applicants gravel pit in an industrial zone. The Planning Commission issued an allowed use determination allowing the residential use in the industrial zone in May.
Because this has been warned as a final, the hearing should be opened and continued to July 13th meeting.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

**ADDITIONAL COMMENTS:**

CV stated that the plans weren’t ready for the hearing.

The Board is okay with doing preliminary and final in one night.

**MOTION & RECOMMENDATION:**

On a motion by Reaves, seconded by Driscoll, the Development Review Board vote to continue the request by Charles & Deborah LePage dated certain to July 13, 2016 for a 3-lot subdivision on property located off Farwell Street and located in an Industrial zone as granted approval by the Planning Commission on May 18, 2016 to allow single-family dwellings on this property until July 13, 2016; Parcel ID 009/005.00; Zoned: Industrial; P-16000006

**DISCUSSION:**

CONDITIONS  Yes___  No____

MOTION BY:  REAVES
SECOND BY:  DRISCOLL

**ROLL CALL:**

Mark Nicholson  **ABSENT**
Charles Thygesen, Sr.  **YES**  Jon Valsangiaco **ABSENT**
Cedric Sanborn  **YES**  Shaun Driscoll  **ABSENT**
Mark Reaves  **YES**  Greg Richards  **YES**
*Jim Fecteau **__**  *John Hameline  **YES**
*Alternate Development Review Board Members

**K. FLOOD HAZARD REVIEW**

**L. APPEALS OF ZONING ADMINISTRATORS DECISIONS**

**M. OTHER**

**N. FOLLOW-UPS**

**O. CORRESPONDENCE**

STATE  TOWN  MISCELLANEOUS

**P. ROUNDTABLE**
Q. ADJOURN!

*On a motion by Reaves, seconded by Driscoll, the Development Review Board voted to adjourn the meeting of June 8, 2016 at 8:25 p.m.*

Respectfully Submitted,

Heidi Bennett
Mark Nicholson, Chair

Cedric Sanborn

Mark Reaves

Jon Valsangiacomo

Jim Fecteau

Charlie Thygesen Sr.

Shaun Driscoll

Greg Richards

John Hamelin