

BARRE TOWN DEVELOPMENT REVIEW BOARD MINUTES FOR FEBRUARY 8, 2023

The Barre Town Development Review Board held a public meeting & hearing on **February 8, 2023**, beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

MEMBERS

In person: Jon Valsangiaco, Chris Neddo, Angela Labrador, Angela Valentinetti, and Cedric Sanborn
Remote: Jim Fecteau

ABSENT:

Mark Reaves, Gina Galfetti (Alt), and Gerry Otis (Alt)

STAFF PRESENT

In person: Cindy Spaulding

OTHERS PRESENT:

In-person: Emile Gosselin (representative for Judy & Robert Bushey) and Chris Violette.

A. 7:00 P.M. – CALL TO ORDER

Mr. Valsangiacomo called the meeting to order at 7:03 p.m. He conducted a roll call.

B. CHANGES TO THE AGENDA

Mr. Valsangiacomo asked if there were any changes to the agenda. Mrs. Spaulding stated there were no changes. There were no other as well.

C. APPROVE MINUTES –

January 11, 2023

On motion by Mr. Sanborn, seconded by Mr. Neddo, the Development Review Board approved the minutes of January 11, 2023 as written. Vote 6-0-0

D. NON-AGENDA ITEMS (max 10 minutes)

There were none

E. WARNED PRELIMINARY PUBLIC HEARINGS

F. WARNED FINAL PUBLIC HEARING(S)

1) APPLICANT: Bushey/Variance

Request by Judy and Robert Bushey for a 17' **variance of right-of-way setback** (Summer Street) (possible approval) for the purpose of constructing a deck/porch to an existing single-family dwelling located at 17 Summer Street; PID: 025/087.00; zoned high density residential; V-23000001

Consultant: None

Date: January 30, 2023

STAFF REPORT/REVIEW COMMENTS

CINDY SPAULDING, ACTING ZONING ADMINISTRATOR

This is a **warned public hearing** for the purpose of considering a request by the applicants for a 17' variance of right-of-way setback from Summer Street. Based on the provision of Barre Town Zoning Bylaw, Article 7, section 7.9, it has been determined prior to a building permit application submission, that in order to construct a deck/porch addition to existing single-family dwelling a variance is necessary. The applicants owns this parcel of land and is shown to be .19 acres in size and developed with the applicants' homestead, a single-family dwelling. The parcel is located in a high-density residential zone with a minimum lots size of 1/3 acre and 110' of road frontage. The minimum right-of-way setback is 25'.

As noted above, the applicants are hoping to construct a deck/porch attached to the front of their existing single-family dwelling. It was clear that, as proposed, the setback wasn't going to meet minimum (25' required, setback is proposed to be 8' which equals a 17' discrepancy.)

The applicants have submitted responses to the five variance criteria and as part of that response answered the questions in the affirmative believing for the reasons mentioned, that a variance is reasonable and necessary to provide relief.

The applicants have authorized Emile Gosselin as their representative for this hearing.

Below are the 5 variance criteria in accordance with the Barre Town Zoning Bylaw and 24 V.S.A. § 4469.

- 1) **Are there unique physical circumstances or conditions as to:**
 - a. **Irregularity, narrowness or shallowness of lot size or shape; YES**
 - b. **Exceptional topography or physical conditions peculiar to a particular property; YES**
 - c. **Unnecessary hardship due to the above? YES**
 - *The residence was built closer to the road than the set-back allows. The house was built before zoning.*
- 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. Yes**
 - This home already too close to the road, there is no way a porch can be built within the requirements. A variance is necessary to enable reasonable use of the land.
- 3) **Is it true that no unnecessary hardship was created by the applicant? Yes**
 - The house was constructed before applicants purchased the property. The owners did not create the hard ship. They purchased the home in the early 1990s. It was built in 1957.
- 4) **Is it true that a variance will not:**
 - a. Alter the essential character of the neighborhood? **Yes**
 - b. Substantially or permanently impair appropriate use or development of adjacent property? **Yes**
 - c. Reduce access to renewable energy sources? **Yes**
 - d. Be detrimental to the public welfare? **Yes**

- This property is in a residential neighborhood with many other homes built much closer to the road than the proposed porch would be constructed. I believe it would not be out of character.
- This will not have any impact on the neighbors.
- This will not impact any renewable energy resources.
- Beyond the 8' set-back, there will be several feet to the street. The porch will be back far enough and will not be detrimental to the public welfare.

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

- The porch itself will be 8' x 12' attached to the home with a 1' roof overhang. The actual floor on a porch is 7' is only 6' 7" approx. This request represents the minimum deviation but will provide a comfortable setting.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicants did not create the hardship and the variance will not alter the essential character of the area. The proposed porch will not be any closer to the road than others in the neighborhood that are in close proximity. Majority of the lots in this area zoned high-density residential are under the minimum lot size of 1/3 of an acre and may not meet setback requirements. It is recommended to grant the 17' variance of right-of-way setback (Summer Street) to build a porch on the front of the existing single-family dwelling.

Below are proposed conditions:

- 1) The applicants are hereby notified that State of Vermont Permits may be required in addition to municipal permits. The applicants shall visit the Department of Environmental Conservation permit navigator to determine what, if any, State of Vermont permits are necessary for this development. If necessary, the applicants shall obtain said permits prior to development of the lot and in accordance with any requirements of said permits, shall be complied with.
- 2) Issuance of this variance does not imply approval of any other town permits. The applicants shall contact the Planning & Zoning Office to determine what other permits are required.
- 3) Failure to comply with any conditions as stated herein, could lead to nullification of this approval.

ADDITIONAL COMMENTS:

Mr. Valsangiacomo asked members if any had a conflict or Ex-parte communications with the applicant, there were none. Mr. Valsangiacomo swore Mr. Gosselin, Mrs. Spaulding and Mr. Violette in for testimony.

On motion by Ms. Valentinetti, seconded by Mr. Sanborn, the Development Review Board opened the public hearing. Vote 6-0-0.

Mrs. Spaulding provided an overview of her staff report as stated above. She also confirmed that she received an email from Mr. and Mrs. Bushey appointing Mr. Gosselin to represent them as he was also their contractor.

Mr. Valsangiacomo asked Mr. Gosselin the criteria questions below: (answer in bold).

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

Mr. Sanborn commented that this would be in character with the other dwellings on Summer Street.

MOTION:

On motion by Ms. Valentinetti, seconded by Mr. Neddo, the Development Review Board closed the public hearing. Vote 6-0-0.

DELIBERATION

On motion by Mr. Neddo, seconded by Ms. Labrador, the Development Review Board approved the request by Judy and Robert Bushey for a 17' variance of right-of-way setback (Summer Street) (possible approval) for the purpose of constructing a deck/porch to an existing single-family dwelling located at 17 Summer Street; PID: 025/087.00; zoned high density residential; V-23000001; contingent upon the following conditions:

- 1) *The applicants are hereby notified that State of Vermont Permits may be required in addition to municipal permits. The applicants shall visit the Department of Environmental Conservation permit navigator to determine what, if any, State of Vermont permits are necessary for this development. If necessary, the applicants shall obtain said permits prior to development of the lot and in accordance with any requirements of said permits, shall be complied with.*
- 2) *Issuance of this variance does not imply approval of any other town permits. The applicants shall contact the Planning & Zoning Office to determine what other permits are required.*
- 3) *Failure to comply with any conditions as stated herein, could lead to nullification of this approval. Vote 6-0-0.*

CONDITIONS Yes No ____
 MOTION BY: Neddo
 SECOND BY: Labrador

ROLL CALL:

Mark Reaves	Absent	Chris Neddo	YES
Jon Valsangiacomo	YES	Angela Labrador	YES
Cedric Sanborn	YES	Jim Fecteau	YES
Angel Valentinetti	YES		

PARTICIPANTS:

G. OTHER

There were none.

H. FOLLOW-UPS

There were none.

I. ROUNDTABLE

Mr. Violette announced the town was actively searching for a Zoning Administrator/Municipal Planner and Mrs. Spaulding has been appointed as Acting Zoning Administrator in the interim.

Mr. Sanborn invited members of the DRB to attend the Planning Commission meeting on February 15. The Planning Commission is meeting with State Senators to discuss legislative bill H.68 that would significantly alters enabling zoning laws which will limit municipalities existing authority to regulate (via zoning) residential uses.

J. ADJOURN!

On motion by Ms. Valentinetti, seconded by Chris Neddo, the Development Review Board adjourned at 7:25 p.m. Vote: 6-0-0.

Respectfully submitted,
 Cindy Spaulding, Clerk for DRB

Mark Reaves, Chair	Jon Valsangiacomo
Angela Valentinetti	Chris Neddo
Cedric Sanborn	Angela Labrador
Jim Fecteau	Gerald Otis (alternate)
Gina Galfetti (alternate)	