

# BARRE TOWN DEVELOPMENT REVIEW BOARD MINUTES FOR FEBRUARY 9, 2022

The Barre Town Development Review Board held a public meeting & hearings on **February 9, 2022**, beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

## MEMBERS

In person: Mark Reaves, Jon Valsangiacomo, Mike Gilbar, Chris Neddo, Angela Valentinetti, Jim Fecteau, and Angela Labrador(alt).

## ABSENT:

Mr. Sanborn and Michael Titus (alt)

## STAFF PRESENT

In person: Chris Violette

Remote video: Cindy Spaulding

## OTHERS PRESENT:

Remote video: Jeff Olesky

Remote teleconference: Robert Stratton (Willet abutter), and Sharon Russell

### **A. 7:00 P.M. – CALL TO ORDER**

Mr. Reaves called the meeting to order at 7:00 p.m. and swore in those providing testimony.

### **B. CHANGES TO THE AGENDA**

Mr. Reaves asked whether there were changes to the agenda.

### **C. APPROVE MINUTES –**

December 8, 2021

*On motion by Mr. Gilbar, seconded by Mr. Neddo, the Development Review Board approved the minutes of December 8, 2021, as amended. Vote 6-0-1 (Valent-0-0).*

### **D. NON-AGENDA ITEMS (max 10 minutes)**

### **E. SUBDIVISION PRELIMINARY REVIEW - NONE**

### **F. WARNED FINAL PUBLIC HEARINGS**

#### 1) APPLICANT:

## **Vermont Creamery - Site Plan** (1<sup>st</sup> Public Hearing)

**Request by Vermont Creamery, Inc. for major site plan review (first of two public hearings) for the proposed construction of a 6,900± S.F. addition (phase III) to the existing building located at 40 Pitman Road in the Wilson Industrial Park; Parcel ID: 006/033.00; Zoned Industrial; SP-22000001.**

Consultant: Civil Engineering Associates, Inc.

Date: February 4, 2022

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

This is the first of two warned public hearings for the purpose of major site plan review for Vermont Creamery. Vermont Creamery is proposing an addition and site improvements to their existing facility located in the Wilson Industrial Park. Vermont Creamery has two buildings on one lot (merged in 2018) located at 20 and 40 Pitman Road. The improvements proposed with this application impact 40 Pitman Road (North building).

However, after the warning was done, Vermont Creamery has decided to revise their plans and at this point are not ready to move forward with this request. I recommend a motion to approve but vote to deny the application noting that you are doing so without prejudice so that they can come back with the same or similar application.

**COMMENTS**

Mr. Violette reviewed his staff comments and noted that VT Creamery reached out after the warning was published about withdrawing their application. Mr. Violette suggested maybe continuing the request instead of withdrawing which would provide another month to see what direction VT Creamery wanted to go. There was no immediate response, so when Mr. Violette wrote his comments, he suggested going with the official request (withdrawing), however, since then, VT Creamery representatives have reached out and have asked for a continuance instead of a withdrawal.

*On motion by Mr. Valsangiacomo, seconded by Mr. Gilbar, the Development Review Board voted to continue a request by Vermont Creamery, Inc. for major site plan review (first of two public hearings) for the proposed construction of a 6,900± S.F. addition (phase III) to the existing building located at 40 Pitman Road in the Wilson Industrial Park; Parcel ID: 006/033.00; Zoned Industrial; SP-22000001 to date certain March 9, 2022. Vote 7-0-0.*

2) **APPLICANT: Vermont Creamery - Waiver Request**  
(Final review)

**Request by Vermont Creamery Inc. for review and possible approval (final public hearing) of an 8.2±' waiver of right-of-way setback as part of Phase III expansion of 40 Pitman Road; PID 006/033.00; zoned Industrial, V-22000001.**

Consultant: Civil Engineering Associates, Inc.

Date: February 4, 2022

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

This is a warned public hearing for a request by Vermont Creamery for an 8.2'± waiver of Article 2, table 2.2 road right-of-way setback.

You may remember the Civil Engineering came before the DRB in March of 2021 to conceptually review a potential waiver of right-of-way setback as they prepared plans for phase III construction. At the time, the board indicated that a waiver would be likely approved. This application is for that formal request.

However, after the warning was done, Vermont Creamery has decided to revise their plans and at this point are not ready to move forward with this request. I recommend a motion to approve but vote to deny the application noting that you are doing so without prejudice so that they can come back with the same or similar application.

### **COMMENTS**

Mr. Violette reviewed his staff comments and noted that VT Creamery reached out after the warning was published about withdrawing their application. Mr. Violette suggested maybe continuing the request instead of withdrawing which would provide another month to see what direction VT Creamery wanted to go. There was no immediate response, so when Mr. Violette wrote his comments, he suggested going with the official request (withdrawing), however, since then, VT Creamery representatives have reached out and have asked for a continuance instead of a withdrawal.

*On motion by Mr. Valsangiacomo, seconded by Mr. Gilbar, the Development Review Board voted to continue the request by Vermont Creamery Inc. for review and possible approval (final public hearing) of an 8.2±' waiver of right-of-way setback as part of Phase III expansion of 40 Pitman Road; PID 006/033.00; zoned Industrial, V-22000001 to date certain March 9, 2022. Vote 7-0-0.*

3) **APPLICANT: Willett - BLA**  
(Final review)

**Request by Donna Willett for final review of a boundary line adjustment between abutting properties Brule Road and Phelps Road, Parcel IDS: 009/192.05 and 009/192.01; Zoned low density residential; P-22000001 & P-22000002.**

Consultant: Rick Bell

Date: February 4, 2022

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

This is a warned public hearing for the purpose of a boundary line adjustment (BLA) between two parcels owned by the applicant. The applicant would like to alter a small portion of the common property line between the two parcels. The subject parcels are located in low density residential zone. Low density residential zoning requires a minimum lot size of 2 acres (with onsite sewer and water) and 200' of road frontage (or access by a right-of-way). These lots were originally subdivided by the applicant in 2006 (P-06000020) into their existing Lots 1 (9.61 acres-Brule Rd - homestead) and 2 (5.80 acres-Phelps Rd - undeveloped). The applicant is proposing to move .61 acres from Lot 1 (decreases to 9.0 acres) and increasing Lot 2 to 6.41 acres.

Other than decreasing in size, the applicant's homestead parcel doesn't change. The other parcel while vacant, is approved for development and has a septic designed and a State of Vermont Wastewater Permit (WW-5-3922).

No road frontage is impacted by the BLA or setbacks to buildings.

As proposed, both lots conform to both minimum lot standards within the Zoning Bylaw and requirements of the Subdivision Ordinance.

### **SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

Simple relocation of boundary line, no new parcel being created. With consideration to the conditions below, I recommend approval of this boundary line adjustment, moving .61 acres of land from the applicant's homestead (009/192.01) to the applicants undeveloped parcel (009/192.05)

- 1) One (1) (18" x 24") recording plat must be submitted to the Planning office for filing in the Town of Barre land records in accordance with Barre Town subdivision regulation and state statute within 180-days of approval.
- 2) Three (3) sets (24" x 36") paper copies of the final approved plan must be submitted to the Planning Office within 30-days of approval unless a request to extend is made and approved by staff.
- 3) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 4) No changes to the approved plan can be made unless first reviewed by either the Town Planning Officer, or the Town Engineer for a determination of significance. If it is determined that a proposed change is significant, the plan will be required to go back before the Development Review Board for approval of the proposed change.
- 5) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

### **COMMENTS**

Mr. Violette provide an overview of his staff report as stated above and recommended approval with conditions. Mr. Stratton (abutter) about asked about the relocation of the property line. Mr. Violette explained it was an adjustment of the property line between two properties Willett owns.

***On motion by Mr. Gilbar, seconded by Mr. Neddo, the Development Review Board closed the public hearing. Vote 7-0-0.***

**DELIBERATION:**

On motion by Mr. Valsangiacomo, seconded by Mr. Fecteau, the Development Review Board approved a request by Donna Willett for final review of a boundary line adjustment between abutting properties Brule Road and Phelps Road, Parcel IDS: 009/192.05 and 009/192.01; Zoned low density residential; P-22000001 & P-22000002. Contingent upon the following conditions:

1. *One (1) (18" x 24") recording plat must be submitted to the Planning office for filing in the Town of Barre land records in accordance with Barre Town subdivision regulation and state statute within 180-days of approval.*
2. *Three (3) sets (24" x 36") paper copies of the final approved plan must be submitted to the Planning Office within 30-days of approval unless a request to extend is made and approved by staff.*
3. *An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.*
4. *No changes to the approved plan can be made unless first reviewed by either the Town Planning Officer, or the Town Engineer for a determination of significance. If it is determined that a proposed change is significant, the plan will be required to go back before the Development Review Board for approval of the proposed change.*
5. *Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision. Vote 7-0-0*

CONDITIONS Yes X No \_\_\_\_\_

MOTION BY: Valsangiacomo  
 SECOND BY: Fecteau

**ROLL CALL:**

Mark Reaves	<u>Yes</u>	Jon Valsangiacomo	<u>Yes</u>
Jim Fecteau	<u>Yes</u>	Chris Neddo	<u>Yes</u>
Angela Valentinetti	<u>Yes</u>	Angela Labrador (alt)	<u>Yes</u>
Mike Gilbar	<u>Yes</u>		

**G. CONCEPTUAL**

Jim Fecteau of JDJ Development to discuss a possible Conditional Use Permit to Construct eight quad dwellings on single lot of Rudd Farm Drive.

**COMMENT & PRESENTATION**

Mr. Fecteau and Mr. Valsangiacomo recused themselves from the board table and went into the audience.

Mr. Violette provided an overview of the development history of Rudd Farm and Olivia Drives. And Mr. Fecteau's proposal to develop the large lot into multifamily units which would require a conditional use permit.

Mr. Fecteau and Mr. Olesky provided overview of developing a 7-acre lot off of Rudd Farm Road

- Lot 9 (Lague sub from past) is 7 Acres
- Municipal water and sewer services available
- Potential 50' utility easement
- Potential 3 access entrances to Rudd Farm Drive
- Build 8 multi-family dwellings (townhouse style) with garages on one lot
- Allowed if single entity owned
- Private road with a hammerhead turns around (potential to provide through access to Rudd)
- Roof drains, and stormwater runoff from impervious surfaces would be collected in a ground type collection system
- Traffic assessment study done as part of Beckley Hill Meadows, would need to be updated
- 1.5± acres set aside for water runoff

Discussion ensued regarding the need for housing and concerns of water run off to the lower existing properties. There were no major concerns or issues raised by the DRB other than traffic.

## H. OTHER

### 1) **One year review of a Conditional Use Permit issued to Sharon Russell to renew said permit for a seasonal residence on property located at 210 Beckley Hill Road owned by Wayne Russell; parcel ID: 008/035.02; zoned high density residential; CUP-21000001.**

A year ago, the DRB issued a Conditional Use Permit to Sharon Russell to place an RV on property owned by her brother at 210 Beckley Hill Road. Part of the requirement within the Zoning Bylaw authorization to use an RV as a seasonal residence, and as conditioned by the approval, Mrs. Russell must come back to the DRB yearly to provide an update on how things are going.

Mrs. Russell was proactive in reaching out to me so that she could full-fill her requirement. She provided a brief email noting that while they did finally get the RV setup, by the time pad, electric and sewer were all in place, they were ready to go back South. Covid and a shortage of contractors led to the delays that they experienced. A state wastewater permit (WW-5-8609) was obtained.

The Russell's did not live in the camper at all in 2021 but now that things are all in place do plan to in 2022.

While the camper was not used in 2021 it was in place. No issue or complaints were noted. Mrs. Russell has been very proactive about following the rules and I expect that to continue in the future. I recommend allowing the CUP to be extended.

### **COMMENTS**

Mr. Violette provided an overview of his staff report as stated above. Mrs. Russell did not have anything to add.

## 2) REVIEW PROPOSED RULES OF PROCEDURE.

Included in your packets is the revised Development Review Board's Rules of Procedure. I'd like to have everybody take a look and we'll review at the meeting. Hoping that maybe the DRB can adopt in March.

### COMMENTS

Mr. Valsangiacomo and Mr. Fecteau returned to meeting as DRB members.

Mr. Violette provided an overview of the Rules of Procedure and Conflict of Interest policies. Mr. Reaves, Mr. Valsangiacomo and Mr. Violette worked on section 7 on how to conduct public hearings and its process.

Mr. Fecteau was concerned that if the public hearing rules are not followed in the bullet point order that it could be challenged in an appeal. Mr. Violette explained that the Board is already quasi-judicial as outlined in State Statutes and feels it is better to have a clear concise order to prevent the possibly the hearings being reviewed differently. An irregular process itself could be cause for appeal.

Discussion ensued regarding:

- Procedural guidance with a potentially disclaimer regarding order of process
- changing wording shall/should
- Ex-parte communications explanation with examples of an individual member conducting a site visit then talking with the applicant.
- Reference Open Meeting Law
- Rules of Procedure are available at meetings along with Conflict of Interest and Interested Persons (needs to be announced at the beginning of the meeting)
- Alternate location to include an hybrid option

Mr. Gilbar mentioned he had a concern that if the DRB doesn't determine interested person status, individuals who are not actual interested persons could hold up a hearing if they are against an application. Mr. Violette explained determining interested person status could potentially really bog down a hearing and could be contentious and controversial. It is best to hear from all and let the chair manage how much testimony to take at any given time. Board members would then have the ability to decide for themselves how much weight anyone's testimony is given. If an appeal occurs, then it would be up to the appeal process via the Environmental Court for interested person's to be declared.

**I. FOLLOW-UPS**

**J. ROUNDTABLE**

**K. ADJOURN!**

*On motion by Ms. Valentinetti, seconded by Mr. Valsangiacomo, the Development Review Board adjourned at 8:26 p.m. Vote: 7-0-0.*

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

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Mark Reaves, Chair

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Angela Valentinetti

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Cedric Sanborn

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Jim Fecteau

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Michael Titus (Alternate)

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Jon Valsangiacomo

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Chris Neddo

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Michael Gilbar

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Angela Labrador (Alternate)

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