

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR FEBRUARY 13, 2019

The Barre Town Development Review Board held a public meeting & hearings on **Wednesday, February 13, 2019** beginning at 7:00 p.m. at the **Municipal Offices**, 149 Websterville Road, Websterville, Vermont.

MEMBERS PRESENT:

Chris Neddo, Mark Nicholson (Chair), Mark Reaves, Cedric Sanborn, Angela Valentinetti, Jon Valsangiacomo

MEMBERS ABSENT:

Charles Thygesen, Sr.

STAFF PRESENT:

Chris Violette

OTHERS PRESENT:

David S. Marshall

CHANGES TO THE AGENDA:

Mr. Violette indicated there were no changes to the Agenda.

APPROVAL OF MINUTES:

Mr. Sanborn made a MOTION to approve the minutes from January 9, 2019. Mr. Reaves seconded the motion. All voted in the affirmative.

WARNED PUBLIC HEARING:

Agenda Item – Site Plan 1: **Vermont Creamery, LLC**

Request by Vermont Creamery, LLC for major site plan approval for additions totaling 8,113 S.F. on property located at 20 and 40 Pitman Road in the Wilson Industrial Park; Parcel ID: 006/033.00; Zoned Industrial; SP-19000000.

Consultant: Civil Engineering Associates, Inc.

Date: February 8, 2019

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 additions and site improvements to their existing facility located in the Wilson Industrial Park. Vermont Creamery has two buildings on one lot (recently merged) located at 20 and 40 Pitman Road. The improvements proposed with this application impact 40 Pitman Road.

For clarity, a similar application (SP-18000004) was filed and warned for November 2018. At that point, Vermont Creamery was not ready to move forward and withdrew the application. Because it was warned, the DRB had to dispense the application, at its November meeting they denied the request without prejudice so that the same request could be heard again if necessary.

Civil Engineering Associates of South Burlington has put together detailed plans for the project and provided a good narrative (enclosed in your packets). The additions total 8,113 sf that will improve production efficiency. In addition, several site-specific projects will be done as well, most notably construction of a new stormwater management system and retaining wall.

I've included 9 pages of the total plan set for your review. A full-size copy of the entire plan is available. The project consists of enlarging 40 Pitman Road from its current size of 70,217 sf to 78,330 sf. This will be accomplished by adding a 6,140-sf addition to the front of the building that will house a new electrical room and milk processing equipment. This addition will be highly noticeable from Pitman Road.

The second large addition, 1,788-sf, will be to the rear of the existing building and used as a whey load out room. A 185-sf covered pad will also be built in this location. These additions will not be noticeable.

Other improvements include a change to the drive area just after entering from Pitman Road, significant alteration to the existing stormwater management system, new underground water and sewer lines including a new fire hydrant. A retaining wall will be constructed to facilitate the driveway alteration/expansion. It appears as though several new silos will be added as well along the Pitman Road frontage.

Below are the review standards, and my comments, for site plan approval in accordance with Article 5, section 5.6 (F)

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; **The Wilson Industrial Park (park) is zoned industrial. The project complies with Barre Town's Zoning Bylaw because it is a permitted use and a use that has existed for many years within the park. The creamery, as a butter and cheese production facility is considered a light industrial use which is allowed within the park.**

The Barre Town Municipal Plan (the plan) supports economic development in many sections especially with the park. The creamery provides jobs and tax revenue in several forms and has been a good community member and park business.

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 regard to entrances and exits for the subject site; **The proposed improvements essentially do not appear to alter existing vehicle access or movement within the site except for the following. The plan does modify turning movements for milk delivery trucks. This modification requires a slight alteration (widening) to the driveway just after entering the site from Pitman Road. This alteration is shown on the plans and should have no negative impacts overall with regard to the convenience and safety of vehicle movements.**
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; **No change is being considered with main parking areas or areas of pedestrian movement. The existing conditions seem to work well for the site. Future improvements may improve connectivity between the two buildings but that is not being proposed at this time.**
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; **The site has an existing stormwater management system including a pond and drainage swales. The plan shows improvements to that plan that will incorporate new (2017) standards. Civil Engineering states in their narrative that the new system will consist of a gravel wetland. While they will obtain a State of Vermont stormwater permit which we have little oversight over, it might be nice to get a more detailed explanation of the stormwater management plan, especially how it fits into the parks plan overall.**
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 environmental feature that anybody is aware of. Being part of the Wilson Industrial park, many construction projects have taken place here and in other locations without any concerns being noted. The subject building, excluding previous additions, was the first building built in the Wilson Industrial Park in the mid 1970's.**
6. The impact of new development on public utilities such as water and sewer infrastructure and on other users/consumers; **Civil Engineering states in their narrative that no increase water or sewer use is expected at this time. As such there should be no additional impact on town services. The creamery did recently add several additional sewer allocations to be in line with current usage.**
7. Signage that meets or exceeds the criteria established in this Bylaw, Article 7, Sec. 7.5.; **No sign changes are being proposed.**
8. The utilization of renewable energy resources; **No renewable energy resources are being proposed with this project.**
9. Landscaping and/or screening to assist in mitigating undue impact of the proposed land development upon neighboring landowners; **It does not appear as though any significant change to the existing landscaping is being proposed. Some trees will be relocated due to one of the additions.**
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. **Civil Engineering provides a detailed report regarding parking as part of their narrative. The parcel size is now 7.7 acre after the merger of two parcel owned by the creamery. I do not believe the site of this review (40 Pitman Road) has ever fully met the parking requirement. The narrative seems to show when adding all the available parking for the parcel as a whole, they are 23 spaces short after the addition. As they mention, this phase does not plan to add employees and as such they claim that the existing parking of 98 (which include a few parking spaces that could be provided) is enough. It may be necessary with further expansion to increase onsite or even acquire offsite parking but at this point I am not aware of parking concerns.**

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The plans submitted for this project are very detailed along with the narrative. I thank Civil Engineering for this. This is phase 1 of potentially a few phases to increase efficiency and hopefully someday production. The additions proposed herein are the first part of that and as such important to Vermont Creamery's overall plan. While the most noticeable parts of the project will likely be the addition on the front and the silos, along with the retaining wall, the plan accounts for everything within our regulations for site plan approval. No significant impacts on town services or roads is likely. Stormwater is always a big concern but the new 2017 ANR standards are being applied with a new management system being installed. The Town Engineer and I have little concern about the stormwater Management plan given the scrutiny it will receive during the State permit process. With consideration to the conditions below, I recommend approval of this site plan application by Vermont Creamery, LLC

1. The final site plan by Civil Engineering Associates, INC, as presented and approved, shall be incorporated into this decision and shall be followed unless any changes are first discussed with Town staff for a determination of significance. If the overall purpose of the approval is not altered staff may administratively approve the changes, if staff determines that changes are significant enough, further review by the DRB may be required.
2. All required state permitting shall be obtained including, but not necessarily limited to: Act 250, wastewater/water supply, stormwater, construction general permit, Division of Fire Safety. If any state permit or other requirement cannot be obtained or met, this approval will be declared null and void.
3. 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 as indented and adequate control. Said sediment and erosion control measure shall be removed once vegetation has been established and the need for them has abated.
4. All other Town permits such as, water, building, access, and sewer shall be obtained before construction begins.

STAFF REPORT/REVIEW COMMENTS FROM HARRY HINRICHSSEN, TOWN ENGINEER

I have reviewed the site plan for the Vermont Creamery construction site.

The site and grading plan have provisions for a retaining wall to be constructed within an area that appears to be protected by a thirty foot (30') wide Right-of-Way (ROW) issued to the Town of Barre. This ROW as issued to the Town is for the placement of the existing sewer line and access road along-side the sewer used by the Town to serve the Wilson Industrial Park.

There are provisions that restrict fill and other construction activity from coming into this area. It is intended to be kept free from such encumbrances in order to assure ease of access to and maintenance of the sewer line that lies within the Town ROW.

The retaining wall and grading proposed by the engineers for the Vermont Creamery site appears to encroach approximately 7' into this ROW.

Allowing any such encroachment should be reviewed and considered very thoroughly as there are serious consequences once such an encroachment is permitted. There are space constraints relating to operation of equipment and repair activity. There are also safety and liability issues relating to construction activity near any structures or other improvements placed within the ROW.

Prior to the Town granting an encroachment to the ROW, I would suggest having the applicant and their engineer discuss the matter with the Select Board. There are options that could be considered. One option would allow the retaining wall and driveway to be designed and constructed completely outside the ROW by modifying the site plan slightly.

The other consideration I would propose involves the construction on either side of the new manhole shown in the plan. During this construction, the existing manhole would be removed and essentially relocated. I would recommend that the existing 8" Transite sewer pipe be replaced with 8" PVC pipe in the area between the edge of the roadway on Pitman Road to a spot downstream of the exiting manhole. This would upgrade the sewer main in the area most likely to be impacted by construction of and in proximity of the retaining wall. This type of condition would ensure there is less chance of there being an adverse impact to the Town in its role of owning, operating and maintaining the sewer in part of the ROW location.

ADDITIONAL COMMENTS:

Mr. Marshall from Civil Engineering Associates elaborated about the concerns of the retaining wall, the town's sewer easement, and the sewer line. He presented his plan detail and where the sewer line runs. He pointed out the retaining wall system area of concern that is within the easement. Mr. Marshall stated that the wall is

necessary to expand the drive to allow for the turning movements of the trucks coming out of the future proposed loading/unloading area. He indicated they had already identified Mr. Hinrichsen's concerns and referenced one of the drawings. A representative from Vermont Creamery was supposed to reach out to Mr. Hinrichsen about the infringement. He noted because of the infringement into the easement, the contractor was asked to extend the wall down 6-7'. The retaining wall is designed to be at or below the depth of the sewer line. The depth of the wall is specifically designed to protect anyone doing excavation in that area. Mr. Marshall indicated that Mr. Hinrichsen also came up with another good idea, and his primary concern being this is a Transite sewer line that can easily fall apart. He indicated they are willing to adopt the recommendation by replacing with PVC, while at the same time replacing the old manhole with an inline shore manhole.

Mr. Sanborn asked how far into the easement they are proposing to build the wall? Mr. Marshall indicated the wall would be into the easement about 7'. Mr. Marshall has discussed with Land O Lakes representatives and they indicated they are hoping that this is acceptable as long as the sewer line is not impacted.

Mr. Violette indicated infringing into the easement would need to be presented to the Selectboard and he is sure they will want to be consistent with other rulings they have had. He said by being addressed first with the DRB and having no issues, perhaps the Selectboard would follow suit. However, the Selectboard is cautious about allowing infringements into utility easements as they recently denied one. Mr. Marshall indicated he would work with Mr. Hinrichsen to ensure he is comfortable with the plan. Mr. Violette indicated that Mr. Hinrichsen would have to accept the plan and permission would have to be given by the Selectboard to go into the easement. Mr. Violette indicated the Major Site Plan request is a two-meeting process. After the Selectboard reviews a motion could be entertained at the second DRB meeting.

Mr. Violette explained the other change being proposed is a new fire hydrant to the south of the main entrance. It is a requirement of the State as they need to have a fire hydrant within 100 feet of where the fire department connects to the building to pressurize the sprinkler system. Mr. Marshall affirmed the NFPA 14 standard calls for such to comply with the rules. Mr. Violette indicated this fire hydrant would likely only serve this building and had concerns about the maintenance of such. If the Town is responsible for a private hydrant, they would need an easement and concerns would be winter maintenance and ensuring the area is clear. It may be better for the hydrant to be moved into the Town ROW and turned over to the Town. Moving to the ROW raises some of the same concerns though especially a path being kept clear leading to the connection on the building from the hydrant.

More discussion followed regarding area measurements, silos, and square footage of the buildings. Mr. Marshall elaborated about the third phase planning that will be presented later, as well as current phase logistics. Mr. Nicholson inquired about the stormwater. Mr. Violette indicated it would be scrutinized by the State. Mr. Marshall indicated any time you have a property more than an acre, as soon as you increase, you need to bring the portion being expanded into full compliance with State stormwater rules. He indicated their plan is to bring the full area into compliance which would include all the roof water, back loading area and portions of the new turn around. It would go into a new gravel wetland. Traditionally, the run off would go into a pond. Mr. Marshall explained the differences between the two and the gravel wetland being more favorable due to insurance purposes and water quality. It will accommodate all three phases.

Mr. Nicholson asked if anyone had any issues or concerns to discuss with Mr. Marshall and no one did. Mr. Nicholson indicated he thought the plan was awesome and will bring jobs to Barre. Further discussion followed.

MOTION:

None, the second hearing will be March 13, 2019

WARNED PUBLIC HEARING (continued):

Agenda Item – **Conditional Use 1: Lavallee**

Request by Denise Lavallee to consider a motor home for residing in until the permanent structure is complete on property located at 500 Upper Prospect Street. Parcel ID: 005/112.00; Zoned Low Density Residential; CUP-1800007.

Consultant: None

Date: January 4, 2019

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a warned public hearing for the purpose of conditional use review for the purpose of allowing a camper and/or tiny house to be used for temporary living quarters. This request was first heard at the DRB's December meeting and subsequently continued to January. With no new information, the January hearing was continued date certain to this meeting.

After talking to the applicant, she would like to withdraw her application due to several factors including the time of year. She may apply again in the spring when she has more details worked out.

Because this is a warned public hearing, the DRB must take an action to dispense it.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

I recommend deny this request without prejudice because the applicant did not provide satisfactory information to move forward.

ADDITIONAL COMMENTS:

Mr. Nicholson indicated he is voting No on this matter because the DRB makes motions in the affirmative. Mr. Nicholson made a MOTION to approve the conditional use for temporary housing in the motor home. Mr. Reaves seconded the motion to approve. All voted No. The MOTION fails, but the board noted they voted No without prejudice.

OTHER – Conflict of Interest Policy:

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

The policy regarding conflict of interest that the DRB is has been using for many years is mostly a rules of procedure policy and within that a conflict of interest policy is incorporated. It appears to me after review of the new Town Conflict of Interest policy that it is mostly satisfactory for the DRB’s purpose especially as it compares to the DRB’s policy. There are a couple of exceptions to this as follows.

While in Article 4 C of the Barre Town policy ex parte communications is defined, the only place it is used is above in the same article under A 3. However, it only seems to tie it to a conflict of interest if you don’t disclose the ex parte communication. The policy doesn’t seem to go further and say it shouldn’t be done. The DRB policy does in fact discuss it in more detail under section XII.

The other thing I noticed that the DRB’s policy has is under section III 3, it considers it a conflict of interest if a board member has publicly displayed a prejudgment of the merits of a particular proceeding. I do not see that in the Town’s policy.

I’ve drafted a new Rules of Procedure and Conflict Policy which is included in your packets for discussion. It may need to be fine-tuned but it is a start.

ADDITIONAL COMMENTS:

Mr. Violette referenced discussion that had ensued regarding the Town versus DRB comparisons. He stated the Town is mostly rule and procedure and it must be followed. Furthermore, it meets the DRB’s needs. However, he noted two items in the DRB version that are more extensive and recommended entertaining a vote to accept the amended rules of procedure and the extended conflict of interest policy as presented.

A MOTION was made by Mr. Sanborn and seconded by Mr. Reaves to accept the policy as presented by Mr. Violette. All were in favor of the motion.

Mr. Violette will distribute revised copies at the next meeting.

A MOTION was made by Mr. Nicholson to adjourn. Ms. Valentinetti seconded the motion and the Board voted unanimously to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

Chris Violette

Mark Nicholson, Chair

Chris Neddo

Mark Reaves

Cedric Sanborn

Angela Valentinetti

Jon Valsangiacomo