

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR MARCH 10, 2021

The Barre Town Development Review Board held their regular meeting and public hearings on **Wednesday, March 10, 2021** beginning at 7:00 p.m. by video and tele conference. There was no physical meeting place for this meeting under COVID-19 legislative authority.

MEMBERS -TEAMS

Cedric Sanborn, Chris Neddo, Mark Reaves, Jon Valsangiacomo, and Angela Valentinetti
Alternate: Mike Gilbar

MEMBERS ABSENT:

Jim Fecteau

STAFF PRESENT -TEAMS

Chris Violette and Cindy Spaulding

OTHERS PRESENT:

Craig Chase (representative for Ducharme and Schiller -Teams), Richard Schiller (Teams), Amy Mears (Phone), and Dave Marshall (Civil Engineers Associates for Vermont Creamery-Teams)

CALL TO ORDER

Mr. Reaves called the meeting to order at 7:00 p.m.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

APPROVE MINUTES

February 10, 2021

On motion by Mr. Gilbar, seconded by Mr. Sanborn, the Development Review Board approved the minutes of February 10, 2021 as corrected. Vote 5-0-1 (Valentinetti abstained)

NON-AGENDA ITEMS

None

SUBDIVISION REVIEW

APPLICANT: Pierre Ducharme/ 2 lot subdivision
Preliminary (continued from February 10, 2021)

Request by Pierre Ducharme for preliminary review of a two-lot subdivision located on Baptist Street; Parcel ID: 013/002.00; Zoned high density residential: P-20000019.

Consultant: Chase & Chase

Date: March 5, 2021

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

This is preliminary review of a 2-lot subdivision of land (by deferral) that proposes to take a 54.9-acre parcel of land and create two lots. The subject lot has a little over 1,500’ of road frontage along Baptist Street, in a high-density residential zone with a minimum lot size of 1/3 acre (with municipal water and sewer) and 110’ of road frontage, or up to 2.0 acres if water and sewer are going to be onsite. Because this permit is being done by deferring the site-specific information, we are not sure whether or what municipal services may or may not be used. Final approval is also warned on this month’s meeting agenda.

The proposal calls for the creation of lot 2 which will be 2.2 acres in size with 288’ of road frontage along Baptist Street. The proposed parcel is entirely wooded and undeveloped except for sugaring operations. As mentioned, no development plans are shown thus requiring a deferral of development be placed on the lot. Future development will have to come back to the Development Review Board for approval.

There appears to be spring rights located on the proposed new parcel in favor of abutter Newton as noted on the plans.

Lot 1 will decrease in size to 52.7 acres and will retain just under 1,300’ of road frontage along Baptist Street.

Preliminary review was continued on both January 13, 2021 and February 10, 2021 while the applicant finalized configuration.

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

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

I recommend preliminary approval of this two-lot subdivision (by deferral) and move forward to final consideration.

COMMENTS

Mr. Violette provided an overview of his staff report as stated above.

On motion by Mr. Sanborn, seconded by Mr. Gilbar, the Development Review Board approved a request by Pierre Ducharme for preliminary review of a two-lot subdivision (by deferral) located on Baptist Street; Parcel ID: 013/002.00; Zoned high density residential: P-20000019 to final review. Vote 6-0-0.

CONDITIONS Yes _____ No X

MOTION BY: SANBORN
 SECOND BY: GILBAR

ROLL CALL:

Mark Reaves	<u>YES</u>	Jon Valsangiacomo	<u>YES</u>
Jim Fecteau	<u>ABSENT</u>	Chris Neddo	<u>YES</u>
Cedric Sanborn	<u>YES</u>	Angela Valentinetti	<u>YES</u>
* Mike Gilbar	<u>YES</u>		

**APPLICANT: Richard Schiller/ 2 lot subdivision
Preliminary**

Request by Richard Schiller for preliminary review of a two-lot subdivision located at 50 Silver Circle, Parcel ID: 027/018.00, Zoned high density residential: P-21000001.

Consultant: Chase & Chase

Date: March 5, 2021

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

This is a preliminary review of a 2-lot subdivision of land that proposes to take a 2.1-acre parcel of land and create 2 lots (1 new). The subject parcel is located in the Silver Circle development known as Sterling Estates, created in the 1960s and is developed with a single-family dwelling served by both municipal water and sewer. The subject area is predominantly single-family residential uses with parcels ranging in size from 2-acres to just under ½-acre. The parcel has 230' of road frontage on Silver Circle and is located in a high-density residential zone with a minimum lot size of 1/3 acre (with municipal water and sewer) and 110' of road frontage. Final consideration is also warned on this month's meeting agenda.

This request was reviewed last month conceptually as a 3-lot subdivision but ultimately reduced to 2 lots at application.

The proposal calls for the creation of lot 2 which will be .5 acres in size with 110' of road frontage along Silver Circle. Lot 2 is proposed to be developed with a single-family dwelling utilizing municipal water and sewer, both supplied by the Town of Barre.

Lot 1, the remaining land, reduces to 1.51-acres with 120' of road frontage and will have the existing single-family dwelling.

Access to the new lot is proposed to be by way of sharing the existing access. This will mean a shared curb-cut between lots 1 & 2. Lot 2's driveway, as proposed, will break off from the existing driveway almost immediately after leaving the paved portion of the road and while still in the Town right-of-way, according to the plans submitted. While lot 2 could probably have its own driveway, it would be in close proximity to lot 1's driveway and approaching a curve. The shared curb-cut makes sense in my opinion and was reviewed and approved by the Town Engineer as well.

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

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

I recommend preliminary approval be granted for the proposed 2-lot subdivision and that it be moved to a warned public hearing.

COMMENTS

Mr. Violette provided an overview of his staff report stated above. Mr. Chase mentioned he was available if there were any questions.

On motion by Mr. Gilbar, seconded by Mr. Sanborn, the Development Review Board approved the request by Richard Schiller for preliminary review of a two-lot subdivision located at 50 Silver Circle, Parcel ID: 027/018.00, Zoned high density residential: P-21000001 to final review. Vote 6-0-0

CONDITIONS Yes No

MOTION BY: GILBAR
 SECOND BY: SANBORN

ROLL CALL:

Mark Reaves	<u>YES</u>	Jon Valsangiacomo	<u>YES</u>
Jim Fecteau	<u>ABSENT</u>	Chris Neddo	<u>YES</u>
Cedric Sanborn	<u>YES</u>	Angela Valentinetti	<u>YES</u>
* Mike Gilbar	<u>YES</u>		

WARNED PUBLIC HEARING(S)

APPLICANT: **Pierre Ducharme/ 2 lot subdivision**
Final warned public hearing (continued from February 10, 2021)

Request by Pierre Ducharme for final review of a two-lot subdivision located on Baptist Street; Parcel ID: 013/002.00; Zoned high density residential: P-20000019.

Consultant: Chase & Chase

Date: March 5, 2021

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a warned public hearing for final consideration of a 2-lot subdivision of land (by deferral) that proposes to take a 54.9-acre parcel of land and create two lots. The subject lot has a little over 1,500' of road frontage along Baptist Street, in a high-density residential zone with a minimum lot size of 1/3 acre (with municipal water and sewer) and 110' of road frontage, or up to 2.0 acres if water and sewer are going to be onsite. Because this permit is being done by deferring the site-specific information, we aren't sure whether or what municipal services may or may not be used. Final approval is also warned on this month's meeting agenda.

Final consideration assumes preliminary approval has already been granted earlier on this agenda.

The proposal calls for the creation of lot 2 which will be 2.2 acres in size with 288' of road frontage along Baptist Street. The proposed parcel is entirely wooded and undeveloped except for sugaring operations. As mentioned, no development plans are shown thus requiring a deferral of development be placed on the lot. Future development will have to come back to the Development Review Board for approval.

There appears to be spring rights located on the proposed new parcel in favor of abutter Newton as noted on the plans.

Lot 1 will decrease in size to 52.7 acres and will retain just under 1,300' of road frontage along Baptist Street. The public hearing on this subdivision was continued on both January 13, 2021 and February 10, 2021 while the applicant finalized configuration.

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

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

With consideration to the proposed conditions below, I see no reason not to approve this request for a two lots subdivision (by deferral), both lots conform to both the Subdivision Ordinance and Zoning Bylaw.

- 1) This subdivision is approved by deferral meaning that to fully comply with the subdivision ordinance, any proposed development of lot 2 must come back to the Development Review Board for review and approval.
- 2) 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.
- 3) 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.
- 4) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval unless a request to extend is made and approved by staff.
- 5) 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 any proposed change is significant, the plan will be required to go back before the Development Review Board for approval of the proposed change.
- 6) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

COMMENTS

Mr. Violette provided an overview of his recommendation stated above. Mr. Chase mentioned he was available if there were any questions.

On motion by Mr. Sanborn, seconded by Ms. Valentinetti, the Development Review Board approved the Request by Pierre Ducharme for final review of a two-lot subdivision (by deferral) located on Baptist Street; Parcel ID: 013/002.00; Zoned high density residential; P-20000019; contingent upon conditions 1-6. Vote 6-0-0.

CONDITIONS Yes X No

MOTION BY: SANBORN
SECOND BY: VALENTINETTI

ROLL CALL:

Mark Reaves	<u>YES</u>	Jon Valsangiacomo	<u>YES</u>
Jim Fecteau	<u>ABSENT</u>	Chris Neddo	<u>YES</u>
Cedric Sanborn	<u>YES</u>	Angela Valentinetti	<u>YES</u>
* Mike Gilbar	<u>YES</u>		

APPLICANT: **Richard Schiller/ 2 lot subdivision**
Final warned public hearing

Request by Richard Schiller for final review of a two-lot subdivision located at 50 Silver Circle, Parcel ID: 027/018.00, Zoned high density residential: P-21000001.

Consultant: Chase & Chase

Date: March 5, 2021

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a warned public hearing for final consideration of a 2-lot subdivision-of land-that proposes to take a 2.1-acre parcel of land and create 2 lots (1 new). The subject parcel is located in the Silver Circle development know as Sterling Estates, created in the 1960s and is developed with a single-family dwelling served by both municipal water and sewer. The subject area is predominantly single-family residential uses with parcels ranging in size from 2-acres to just under 1/2-acre. The parcel has 230' of road frontage on Silver Circle and is located in a high-density residential zone with a minimum lot size of 1/3 acre (with municipal water and sewer) and 110' of road frontage.

Final consideration assumes preliminary approval was granted.

This request was reviewed last month conceptually as a 3-lot subdivision but ultimately reduced to 2 lots at application.

The proposal calls for the creation of lot 2 which will be .5 acres in size with 110' of road frontage along Silver Circle. Lot 2 is proposed to be developed with a single-family dwelling utilizing municipal water and sewer, both supplied by the Town of Barre.

Lot 1, the remaining land, reduces to 1.51-acres with 120' of road frontage and will have the existing single-family dwelling.

Access to the new lot is proposed to be by way of sharing the existing access. This will mean a shared curb-cut between lots 1 & 2. Lot 2's driveway, as proposed, will break off from the existing driveway almost immediately after leaving the paved portion of the road and while still in the Town right-of-way, according to the plans submitted. While lot 2 could probably have its own driveway, it would be in close proximity to lot 1's driveway and approaching a curve. The shared curb-cut makes sense in my opinion and was reviewed and approved by the Town Engineer as well.

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

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

With consideration to the proposed conditions below, I recommend final approval of this 2-lot subdivision.

- 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 90-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 provided an overview of his recommendation stated above. Mr. Chase mentioned he was available if there were any questions.

On motion by Mr. Gilbar, seconded by Mr. Valsangiacomo, the Development Review Board approved a request by Richard Schiller for final review of a two-lot subdivision located at 50 Silver Circle, Parcel ID: 027/018.00, Zoned high density residential: P-2100001; contingent upon conditions 1-5. Vote 6-0-0.

CONDITIONS Yes X No _____

MOTION BY: GILBAR
 SECOND BY: VALSANGIACOMO

ROLL CALL:

Mark Reaves	<u>YES</u>	Jon Valsangiacomo	<u>YES</u>
Jim Fecteau	<u>ABSENT</u>	Chris Neddo	<u>YES</u>
Cedric Sanborn	<u>YES</u>	Angela Valentinetti	<u>YES</u>
* Mike Gilbar	<u>YES</u>		

Discussion before vote: Mr. Schiller asked if there were any zoning restrictions for a mobile home being placed on the lot as it would not fit the neighborhood. Mr. Violette stated that zoning cannot discriminate mobile homes; any zoning area that allows housing residential, then a mobile home can be placed. The person who owns the property can put a restriction in the deed.

APPLICANT: Ricker Holdings, LLC/Boundary Line Adjustment

Request for Ricker Holdings, LLC to reapprove (for plat recording) a boundary line adjustment (originally approved September 12, 2018, P-18000016 & P-18000017) between two parcels of land owned by the applicant located at 304 and 310 East Montpelier Road; Parcel ID's 009/039.00 & 009/039.01; Zoned office building retail; P-21000002 & P-21000003.

Consultant: Chase & Chase

Date: March 5, 2021

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

This is a warned public hearing for the sole purpose of reapproving a previously approved boundary line adjustment. Originally approved September 12, 2018 the plat was not recorded withing the 180-day requirement. Reapproval here simply starts the clock (or calendar) so the plat can be recorded which I have procession of and will record after DRB approval.

This BLA took two parcels owned by Ricker Holdings LLC and swapped a portion of each. One of the parcels is residential and one is commercial. The residential parcel moved its rear line to the Southeast (closer to the road) losing about 44.5' and .31 acres. This area will be merged with the commercial parcel. The commercial lot is proposing to convey .15 acres which is its access road, to the residential lot. The commercial lot is retaining a 50' wide access and utility easement though this .15-acre area which is its current access anyway.

After the two adjustments, the residential lot decreases in size from 1.28 acres to 1.12 acres and the commercial lot increases from 7.8 acres, to 8. The residential lot gains road frontage to about 287' while the commercial lot loses and goes to 200'. Both lots remain conforming as proposed.

The boundary line adjustments will facilitate development of both lots.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Conditions have been met that were attached during the original approval with the exception of the plat recording. This reapproval and subsequent recording of the plat will take care of the only outstanding condition. I recommend approval.

COMMENTS

Mr. Violette provided an overview of his staff report as stated above.

On motion by Mr. Gilbar, seconded by Ms. Valentinetti, the Development Review Board approved the request for Ricker Holdings, LLC to reapprove (for plat recording) a boundary line adjustment (originally approved September 12, 2018, P-18000016 & P-18000017) between two parcels of land owned by the applicant located at 304 and 310 East Montpelier Road; Parcel ID's 009/039.00 & 009/039.01; Zoned office building retail; P-21000002 & P-21000003. Vote 6-0-0.

CONDITIONS Yes X No

MOTION BY: GILBAR
 SECOND BY: VALENTINETTI

ROLL CALL:

Mark Reaves	<u>YES</u>	Jon Valsangiacomo	<u>YES</u>
Jim Fecteau	<u>ABSENT</u>	Chris Neddo	<u>YES</u>
Cedric Sanborn	<u>YES</u>	Angela Valentinetti	<u>YES</u>
* Mike Gilbar	<u>YES</u>		

CONCEPTUAL REVIEW

APPLICANT: Vermont Creamery, LLC – Conceptual review of 8’ waiver of right-of-way

Conceptual discussion requested by Vermont Creamery LLC for review of a possible 8' waiver of right-of-way setback as part of Phase III expansion that they may request for 40 Pitman Road; Parcel ID: 006/033.00; zoned Industrial.

Consultant: Civil Engineering Associates, Inc.

Date: March 5, 2021

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a conceptual review for a potential request by Vermont Creamery for an 8’ waiver of Article 2, table 2.2 road right-of-way setback. Civil Engineering Associates, Inc. will present their plan.

As the applicant begins the process of their phase III development, a small portion of a proposed addition will not be outside of the setback area (50’) of Pitman Road. At its closest point, the new portion of the building will be about 8’ inside the setback area. Because the existing building preexist today’s zoning the applicant is exploring the possibility of a waiver in accordance with Article 7, section 7.10 of the Barre Town Zoning Bylaw whereas the request is for an addition to a structure that was in compliance at the time of construction and the request is less than 50% of the total setback (16%). A waiver would provide relief to allow for a reasonable expansion of an existing use and whereas the curve in the right-of-way impacts the proposed addition as it relates to setback.

The exact wording from the bylaw is as follows:

Waivers are intended to allow the reduction of dimensional requirements in accordance with specific standards as allowed for 24 VSA 4414 (8). The primary intent of this provision is to provide relief to lots unduly burdened by zoning requirements adopted after the lots were created. Request for waivers shall be heard by the Development Review Board. Waivers may be considered in the following cases.

1. Structures providing for disability accessibility, fire safety, and other requirements of law;
2. To provide reasonable expansions of existing uses because of limitations on the property due to lot configuration, topography, or structure placement and was in conformance to the Zoning Bylaw in effect at the time.

In all cases the waiver:

- i. Shall be in compliance with the Town plan and State planning goals
- ii. Must not change the overall character of the area in which the project is located
- iii. Shall not exceed 50% of the dimensional standard being waived

The Development Review Board may impose mitigation through design, screening, or other remedies.

SUMMARY OF RECOMMENDATIONS:

The other alternative for the applicant is to seek a variance. It appears to me that a waiver may be more prudent as it is an available option for the DRB. Civil Engineering is looking for direction so that they can advise Vermont Creamery.

COMMENTS

Mr. Violette provided an overview of his staff report as stated above. Mr. Marshall from Civil Engineers Associates explained why Vermont Creamery may need to seek a waiver for its Phase III expansion project.

Mr. Gilbar asked if the DRB has issued this type of waiver in the past? Mr. Valsangiacomo stated only one came to mind, it was the VFW. Mr. Violette explained the waiver is very recent in the zoning regulations and gives the DRB a little flexibility. He also stated that the VFW waiver was issued under a handicap clause.

Mr. Gilbar asked if a waiver request could be a potential foot in the door for Vermont Creamery to request additional waivers? Mr. Marshall stated that he would not want to request any more than what is being requested currently. He would not want the Board to lose faith in Vermont Creamery or its project. Mr. Violette provided historic information regarding a previously issued variance to Vermont Creamery.

Mr. Reaves commented, it was a small piece of the building, could they move the setback from the front to avoid needing the waiver. Mr. Sanborn had no comments.

Mr. Valsangiacomo asked if there were any infrastructure in the area that the town would need access to? Mr. Violette mentioned that sewer is on the opposite side of the road and water is closer to the pavement. He is unaware of any other infrastructure in the area.

Ms. Valentinetti asked would there be a sufficient change if the building were moved back or reduction in square footage. Mr. Marshall stated he would take the question back to the architects.

Ms. Valentinetti asked Mr. Violette if the setback requirements were newer in the zoning regulations. Mr. Violette stated that the Vermont Creamery building was the first one built in the Wilson Industrial Park. The original building was built in the 1970s under different setback requirements in the zoning regulations.

Mr. Marshall will take the DRB's comments and questions back to Vermont Creamery.

FOLLOW-UPS

Mr. Violette announced that Town Manager Rogers would be recommending the Selectboard to appoint Mr. Thygesen as an honorary member of the Development Review Board and Planning Commission.

ROUNDTABLE

No roundtable discussion.

ADJOURN!

On motion by Mr. Gilbar, seconded by Ms. Valentinetti, the Development Review Board adjourn at 7:55 p.m.

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

Mark Reaves, Chair

Jon Valsangiacomo

Angela Valentinetti

Chris Neddo

Cedric Sanborn

Michael Gilbar (Alternate)

Jim Fecteau