

# BARRE TOWN DEVELOPMENT REVIEW BOARD

## MINUTES FOR MARCH 11, 2020

The Barre Town Development Review Board held a public meeting & hearing on **Wednesday, April 8, 2020** beginning at 7:00 p.m. at the **Municipal Offices**, 149 Websterville Road, Websterville, Vermont. . This meeting was conducted by electronic means, there will not be a physical meeting location. Options to listen, view, and participate during this meeting include teleconference by calling 802-861-2663 and using participant code 489078. Further, the meeting will use Zoom Video Conferencing. Anybody wishing to join via video conference can navigate to <https://zoom.us/j/7043034388> or find the link at [barretown.org](http://barretown.org).

### **MEMBERS TELECONFERENCE (ZOOM)**

Chris Neddo, Mark Reaves, Jon Valsangiacomo, Jim Fecteau, and Cedric Sanborn

### **MEMBERS ABSENT:**

Charles Thygesen, Sr. and Angela Valentinetti

### **STAFF PRESENT:**

Chris Violette and Cindy Spaulding (Zoom teleconference)

### **OTHERS PRESENT:**

Allan Heath, Michael Poczobut, Rob Townsend, Michael Lajeunesse, Jason and Alyssa Akers (Zoom teleconference)

### **CHANGES TO THE AGENDA:**

There were no changes to the agenda.

### **APPROVAL OF MINUTES:**

*Mr. Fecteau made a MOTION to approve the March 11, 2020 minutes. Mr. Valsangiacomo seconded the motion. Vote 4-0-1 (Mr. Sanborn abstained as he was not in attendance).*

### **WARNED PUBLIC HEARINGS**

Subdivision

a. **APPLICANT:                      Lever Revised Sub / Final**

Request by Tyler & Chelsea Lever for revised subdivision approval for the purpose of merging two lots, known as Lots 6 & 7, created by subdivision of Cary & Janice Smith (P-05000053, approved February 21, 2006, filed as plan 2075). Said lots are located on Lower Usle Road; parcel ID: 005/095.05 and 005/095.06; zoned low density residential; P-20000003 and P-20000004.

Consultant: Chase and Chase

Date:                      April 3, 2020

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

This is a warned public hearing for the purpose of amending or revising a previously approved subdivision. The applicants would like to take two previously created parcels and combine (merge) them into one undivided parcel of land. The subject parcel is located in a low-density residential zone that requires a minimum lot size of 2.0 acres (onsite sewer) and 200' of road frontage.

The two lots subject to this request were created as part of a 7-lot subdivision in 2006. Cary and Janice Smith created 7 developable lots known as Scott Brook Meadow. The applicants purchased two lots from the Smith's in 2016, they have yet to develop either lot. This request will take lots 6 & 7 from the Scott Brook Meadow subdivision and merge them into one parcel.

Both parcels were approved with conventional septic system with inground leachfield. The two lots were approved to share a common curb-cut at the boundary line separating the two parcels. This merger will improve that situation by not needing the shared curb-cut. I do not know which leachfield will be used in the end, but both are approved so either would be available to them when they develop the lot.

The two-parcels combined make up a total of 6.31 acres and will have 400' of road frontage along Lower Usle Road.

Both parcels were purchased via one deed, but a new deed will have to be executed merging the two parcels into one.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

Simple merger of two previously approved subdivided lots. I recommend approval of the amended subdivision plan, merging lots 6 & 7 from the Scott Brook Meadow subdivision, approved February 21, 2006 by Cary and Janice Smith. Subject to the following recommended conditions:

- 1) To complete this subdivision amendment, a deed merging the two parcels into one must be executed within 90 days. Said deed must clearly state that the purpose is to merge the two parcels into one undivided parcel of 6.31 acres
- 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.
- 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 a 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.

***On motion by Mr. Fecteau, seconded by Mr. Sanborn, the Development Review Board approved Tyler & Chelsea Lever's request to revise subdivision approval for the purpose of merging two lots, known as Lots 6 & 7, created by subdivision of Cary & Janice Smith (P-05000053, approved February 21, 2006, filed as plan 2075). Said lots are located on Lower Usle Road; parcel ID: 005/095.05 and 005/095.06; zoned low density residential; P-20000003 and P-20000004. subject to conditions 1-6 as recommended. All voted in the affirmative.***

b. **APPLICANT:**                    **Heath BLA / Final**

Request by Allan R. & Genella R. Heath for a Boundary Line Adjustment on land located at 20 & 28 Henry Street; Parcel ID's 031/038.01 & 031/038.02; Zoned high-density residential; P-20000001 & P-20000002.

Consultant: Chase & Chase Surveyors & Septic Designers, Inc

Date:                    April 3, 2020

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

This is a warned public hearing for the purpose of a boundary line adjustment between two parcels owned by the applicants. The applicants would like to move the property line between two parcels that they own, both are developed with single-family dwellings. The subject parcels are located in a high-density residential zone. High density residential zoning requires a minimum lot size of 1.5 acres (with onsite sewer and municipal water) and 110' of road frontage (or access by a right-of-way).

As noted on the plans by Chase and Chase, parcel A (28 Henry Street) is currently 6.49 acres and is developed with the applicants residential dwelling. Parcel B (20 Henry Street) is currently .75 acres in size and has a single-family dwelling located on it. Both lots potable water is municipal (Barre City) sewer is onsite with a shared leachfield.

As proposed parcel A will reduce in size, transferring 4.45 acres of land to parcel B. Parcel A will reduce in size to 2.04 acres while parcel B will increase to 5.20 acres. Neither lot has road frontage but have long standing rights to Henry Street.

As proposed both lots and all structures will remain conforming.

A shared septic system is the only oddity to this situation. However, sharing a leachfield is not uncommon and is allowed. Easements may or may not be necessary under normal circumstances and aren't clear on the proposed plan. In this case, the applicant owns both parcels but does plan to sell 28 Henry Street. The applicant plans to connect both parcels to municipal sewer prior to the conveyance of 28 Henry Street. I will add a condition that if this should not occur for whatever reason, easements will be required as necessary to preserve the rights of both parcels.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

This boundary line adjustment actually takes a non-conforming lot and makes it conform. It is non-conforming because being on a septic system the lot size should be 1.5 acres and it is currently only .75 acres. I recommend approval of this boundary line adjustment for the purpose of making 20 Henry Street 5.20 acres and reducing 28 Henry Street to 2.04 acres. Recommendation is subject to the suggested conditions.

- 1) To complete this boundary line adjustment, a deed conveying the 4.45 acres from 28 Henry Street to 20 Henry Street must be executed within 90 days. Said deed must also clearly state that this land is merged, combined as one lot of 5.20 acres. If this can't be accomplished in one deed, a second merger deed will need to be executed.
- 2) If the two parcels involved with this request are not connected to the municipal sewer system, easements need to be provided as necessary to protect the rights of both parcels.

- 3) 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.
- 4) 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.
- 5) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 6) 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.
- 7) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

Mr. Violette provided his staff report in its entirety as above.

*On motion by Mr. Fecteau, seconded by Mr. Sanborn, the Development Review Board approved Allan R. & Genella R. Heath's request for a Boundary Line Adjustment on land located at 20 & 28 Henry Street; Parcel ID's 031/038.01 & 031/038.02; Zoned high density residential; P-20000001 & P-20000002, subject to conditions 1-7 as recommended. All voted in the affirmative.*

c. **APPLICANT: Poczobut/Edelshick BLA / Final**

Request by Michael & Sandra Poczobut/Brenda Edelshick for a Boundary Line Adjustment located at 21 Buena Vista Circle; Parcel IDs: 008/023.04 and 008/023.00; zoned high density residential; P-20000005 and P-20000006.

Consultant: American Consulting

Date: April 3, 2020

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

This is a warned public hearing for the purpose of a boundary line adjustment between two abutting property owners. The applicants are proposing to move boundaries from one undeveloped lot to another lot that is developed with a single-family dwelling. The subject parcels of land are located in a high-density residential zone that requires 1.0-acre minimum lot size (municipal sewer, onsite water) and 110' of road frontage.

Michael and Sandra Poczobut live at 21 Buena Vista Circle on 2.43 acres that doesn't have road frontage. Access to the Poczobut lot is via an easement that actually crosses a second lot that they now own. Brenda Edelshick owns an undeveloped lot of 47.03 acres. Ms. Edelshick's lot has road frontage on Lemay Drive.

The proposed BLA moves 1.24 acre (in two sections .23 acres and 1.01 acres) transfers from Edelshick to the Poczobut. Poczobut's parcel will increase to 3.37 acres and the Edelshick lot will reduce to 45.79 acres. No road frontage is being impacted with this land adjustment and no structures are being affected.

There is a waterline that crosses both parcels that belongs to Washington County Mental Health Services (WCMHS). This line runs from a small parcel of land that contains a well/spring to WCMHS's building approximately 1,200' to the South. The part of the waterline crossing Edelshick's parcel will be part of what is conveyed to Poczobut. While this BLA won't change any of WCMHS's rights, it is important to make note of it.

The two areas of land, .23 & 1.01 acres will need to be transferred to Poczobut, they cannot be stand-alone lots. After or during transfer the two areas will have to be merged with the Poczobut parcel.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

I recommend approval of this boundary line adjustment moving a total of 1.24 (.23 & 1.01 acres) acres from Brenda Edelshick's undeveloped parcel to Mike and Sandra Poczobut, creating a parcel of 3.37 acres per the approved plan. Approval is recommend based on the proposed conditions listed below:

- 1) To complete this boundary line adjustment, a deed conveying the 1.24 acres from Edelshick to Poczobut must be executed within 90 days. Said deed must also clearly state that this land is merged, combined as one lot of 3.37 acres. If this can't be accomplished in one deed, a second merger deed will need to be executed.
- 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.
- 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 a 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.

Mr. Violette provided his staff report in its entirety as above. For clarification purposes Mr. Townsend mentioned there was a boundary line adjustment coming from Al Monty's home lot back in 2015.

***On motion by Mr. Neddo, seconded by Mr. Sanborn, the Development Review Board approved Michael & Sandra Poczobut/Brenda Edelshick's request for a Boundary Line Adjustment located at 21 Buena Vista Circle; Parcel IDs: 008/023.04 and 008/023.00; zoned high density residential; P-20000005 and P-20000006, subject to conditions 1-6 as recommended. All voted in the affirmative.***

Mr. Poczobut noted his concerns to the conditions time constraints and asked if the State continued with it shut down, would the time frame be extended. Mr. Violette confirmed the time could be extended if necessary.

Site Plan

a. **APPLICANT:**                    **Akers Site Plan / 1<sup>st</sup> public hearing**

Request by

Consultant:     American Consulting

Date:             April 3, 2020

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

This is a warned public hearing for major site plan review for the proposed construction of a 4,200 s.f. commercial building and site-specific improvements. The site is located in a highway commercial zone that has mixed development between commercial/light industrial and residential. The minimum lot size for highway commercial is 1.0 acre. The subject parcel is .81 acres but pre-exist current dimensional standards.

While this is a warned public hearing, plans have not come together well because of several outstanding questions or issues. The applicant is proposing the construction of a 4,200 s.f. metal constructed light industrial building. This building would support his business which is across the street, towing and auto repair. The building will likely be used to house his vehicles. It should be noted there is already a single-family residential dwelling on this parcel.

The issues at this point that need to be resolved are locating the property lines to ensure the 25' property line setback is being complied with. There is concern by an abutter (Sheldon) that exact location of property lines is unclear and potentially disputed. The applicant I'm told has committed to a survey of the property to better delineate the actual property lines.

Also, there is a question as to how far the proposed building is from the adjacent stream and whether that stream qualifies for protection with increased setback. Barre Town's Zoning Bylaw (Article 3, section 3.11) requires a 50' buffer setback from any stream that flows more than 1.5 cubic feet of water per second (approximately 673 gallons per minute). Further clarification is needed as to whether this stream meets that threshold or not. If so, the required 50' could be encroached on if a buffer management plan is included with this review.

Because not only is the lots current use being changed by adding the light industrial building, the access from Vermont Rt. 14 (South Barre Road) is proposed to be relocated. This will require review and approval by the Vermont Agency of Transportation (VTrans). A letter of intent from the State will be required before approval can be granted.

The project is also subject to ACT 250 review and other State permits.

As a major Site Plan application, 2 public hearings are required.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

Overall, I support the project, this is a highway commercial zone which is a location that makes this use allowable. It also fits into the character of the area with other uses very similar to what is being proposed here. However, for now, there are too many questions to move forward at this point.

It is uncertain, under the COVID-19 pandemic situation when some of the needed work to answer the questions can be done. The board will need to talk about continuances and when the next hearing should

be held. If the meantime, hopefully the board can give at least some conceptual opinions on the viability of the project.

Discussion:

Mr. Townsend reported he has conducted a prelim boundary survey of the property and pending title search. It is unknown where the corners of the boundary line are with the Sheldon's or the brook in proximity to the proposed building, NRCS requirements for a buffer zone for the stream, and roof drainage of the building moved to infiltrate the ground instead of discharging directly into the stream. He also informed the Board that all of this will take time and especially under the current situation of social distancing and the municipal building closed to the public.

Mr. Lajeunesse mentioned he would work with the Akers and Mr. Townsend to design the building so the water would not go into the stream. He reconfirmed it would take time addressing the concerns.

Mr. Violette explained the site plan review has a two public hearing process. Mr. Fecteau requested clarification of boundary line and a stream buffer management.

***Mr. Sanborn made a motion to continue the public hearing at the May 13 meeting. Motion failed for lack of a second.***

***On motion by Mr. Fecteau, seconded by Mr. Neddo, the Development Review Board approved Jason & Alyssa Akers's request for major site plan review that includes site improvements and the construction of a 4,200 s.f. light industrial building (vehicle storage) on property located at 930 South Barre Road; Parcel ID 021/053.00; Zoned Industrial; SP-20000001: and scheduled the second public hearing for May 13, subject to resolution to concerns of stream and boundary lines. Vote 5-0-0.***

**OTHER:**

No other business

**ADJOURN:**

***A MOTION was made by Mr. Sanborn to adjourn the meeting. Mr. Reaves seconded the motion and the Board voted unanimously to adjourn the meeting at 7:43 p.m.***

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

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Mark Reaves, Chair

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Jon Valsangiacomo, Vice Chair

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Cedric Sanborn

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Jim Fecteau

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Charlie Thygesen Sr.

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Angela Valentinetti

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Chris Neddo