

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR APRIL 12, 2023

The Barre Town Development Review Board held a public meeting & hearing on **April 12, 2023**, beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

MEMBERS

In person: Mark Reaves, Jon Valsangiacomo, Angela Valentinetti, Cedric Sanborn
Remote: Gerry Otis (Alt)

ABSENT:

Jim Fecteau Chris Neddo, Angela Labrador, and Gina Galfetti (Alt),

STAFF PRESENT

In person: Cindy Spaulding and Brandon Garbacik

OTHERS PRESENT:

In-person: Carl Rogers, Lew Stowell, John & Pam Benoit, Jay Southgate, Michael Lajeunesse, and Allan Heath
Remote: Andrew Rodriguez (MSK Engineering) and Wyatt Lucas (B&D Holdings – Applicant) and Chris Violette

A. 7:00 P.M. – CALL TO ORDER

Mr. Reaves called the meeting to order at 7:02 p.m. He conducted a roll call. Mr. Reaves appointed Mr. Otis as the official alternate for the meeting. Changes accepted.

B. CHANGES TO THE AGENDA

Mr. Reaves asked if there were any changes to the agenda. Ms. Valentinetti and Mrs. Spaulding stated each had an item for Round Table.

C. APPROVE MINUTES –

On motion by Mr. Sanborn, seconded by Ms. Valentinetti, the Development Review Board approved the minutes of March 8, 2023 as written. Vote 5-0-0

D. NON-AGENDA ITEMS (max 10 minutes)

Mr. Rogers thanked members of the DRB for their services to the community. He then introduced Brandon Garbacik as the new Zoning Administrator.

E. WARNED PRELIMINARY PUBLIC HEARINGS

No preliminary hearings scheduled,

F. WARNED FINAL PUBLIC HEARING(S)

1) APPLICANT: B&D Holdings, LLC/Major Site Plan Review

Request by B&D Holdings, LLC for **major site plan** review on land owned by Town of Barre (first of two public hearings) for the purpose of constructing a 7,650-sf building along with other land improvements to include a paved parking area and storm water management within the Wilson Industrial Park on Parker Road; Parcel ID 006/047.19; Zoned :Industrial ; SP-23000001.

Consultant: MSK Engineering

Date: March 2, 2023

STAFF REPORT/REVIEW COMMENTS
CINDY SPAULDING, ACTING ZONING ADMINISTRATOR

This is a warned public hearing (second of two) for a major site plan review. This request required a site plan review in accordance to Article 5 warned public hearings for a major site plan application by B&D Holding Exchange whereas they are asking for site plan approval to construct a 7,650-sf building within the Wilson Industrial Park. The parcel subject to this request is located on Parker Road where the zoning is Industrial with a minimum lot size of 2 acres and 200 feet of road frontage is required. This is the second of two required public hearings, the first one was approved on March 15, 2023.

During the first public hearing in March, there was discussion about how many deliveries per day with 18 wheelers and route vans. Mr. Rodriguez testified there would be one or two large delivery trucks during the day. Mr. Lucas and Ms. Chaloux testified there would be eight route vans with one round trip daily. Mr. Sanborn and Mr. Valsangiacomo requested that landscaping and screening be included in the plans. Ms. Labrador also suggested including storm water as a condition.

Landscaping/Screening

The applicant has provided a plan with landscaping and screening along the side and front of the perimeter fencing of the property. These planting will be Frasier fir, legacy sugar maple and red chokeberry. In accordance with the Declaration of Protective Covenants of Wilson Industrial Park Expansion Section V. Specific Conditions B. Landscaping: *..The purpose of this covenant is not producing a complete visual barrier of a parking lot or outdoor storage.*” I have enclosed a copy of the WIP Declaration for your reference.

Storm Water

The permit for stormwater has been added as part of condition 1.

The remainder of this report is from last month’s public hearing.

In accordance with Article 5, section 5.6 of the Barre Town Zoning Bylaw, the applicant is required to seek major site plan approval under the major classification because they are proposing to construct a 7,650 s.f. warehouse building. The applicant plans to purchase 3 acres from the Town of Barre in the Wilson Industrial Park. Other improvements to the lot will include a paved parking area and a storm water management system which includes a detention area. All utilities are already available to this lot including municipal water and sewer.

Below are the review standards, 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;

Industrial districts are defined, in part, as being designed to provide locations for the establishment of industry, and to provide employment opportunities and a broadening of the tax base. Good roadway access and water and sewer services are major considerations.

Several years ago, the Barre Town Zoning Bylaw was amended to allow office business/warehouse buildings in industrial zones.

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 subject site is located on the unpaved section of Parker Road, which is a class 3 town highway. The access to the site will be from Parker Road utilizing a curb-cut of approximately 20 feet in width with a 30-foot radius. The closest curb-cut to the proposed project curb-cut is approximately 1200 feet. Sight distances are good in both directions. Access from Parker Road should not hinder Parker Road or any surrounding uses and should provide adequate access to the site. Parker Road is on the town's schedule to be paved in the Summer of 2023.

On-site traffic circulation is typical for warehouses of this nature. There are two parking lots the one located on the Southwest side of the lot, on the uphill side will have four spaces which one will be handicap. The other lot is on the Northeast side of the building and on the downhill side will have twelve spaces. As you enter the site, parking is located on both sides of the building and extends to the rear of the lot. There appears to be ample space for snow removal.

As proposed, it appears as though vehicular safety is adequate, and no other access management is necessary.

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;

Pedestrian movement within the site will generally be from the parking lot to the building. There is unlikely any need for consideration of pedestrian movement to adjacent sites. Pedestrian safety should be adequate as proposed.

4. Storm water and drainage to ensure 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 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.

As part of the industrial park, many stormwater systems and permits have been obtained for previous developments but each site has to provide its own treatment.

The engineer has designed a plan that unitizes grass lined treatment swales that are discharged to an on-site detention area. The detention "pond" will be dry most of the time but will help mitigate excess flow during peak runoff. As designed, the engineer states that post development flows from a 10-year storm will be less than pre-development flows. The dry pond is designed to pass the 100-year design storm with 6" of freeboard.

The dry pond will discharge to a town roadside ditch along Parker Road and will flow through multiple culverts finally discharging into a town constructed wet pond. The town constructed this pond as required when Parker Road was extended and collects the runoff from it.

Josh Martineau, Town Engineer is working with the stormwater consultant and applicant's engineer MSK Engineering on a stormwater management plan. A stormwater permit is pending with the Department of Environmental Conservation.

Overall, it appears as though stormwater is being managed adequately and will not negatively impact surrounding properties, the environment, or the town.

5. The protection of historic or natural environmental features on the property under review, as well as on the adjacent areas;

As part of the approved industrial park, there are no known historic or natural environmental features to consider.

6. The impact of new development on public utilities such as water and sewer infrastructure and on other users/consumers.

The proposed warehouse building will be served by both municipal sewer and water (Barre Town). The Town of Barre has the capacity at the Barre City sewer treatment plant to handle the sewer capacity. The town will have the capacity to serve the water. Currently the town is building out its infrastructure as an expansion of the Wilson Industrial Park.

Other utilities such as electric, phone, and cable television are available and able to serve this use.

7. Signage that meets or exceeds the criteria established in this Bylaw, Article 7, Sec. 7.5.

No signage is proposed with this application. Any signage proposed will have to be done in accordance with the referenced section of the Zoning Bylaw.

8. The utilization of renewable energy resources;

It is not anticipated that the proposed project is going to utilize renewable energy resources or have any effect on any others in the vicinity.

9. Landscaping and/or screening to assist in mitigating undue impact of the proposed land development upon neighboring landowners;

Update: The applicant has provided a fairly robust landscaping plan that adds numerous plantings throughout the site.

A dumpster at the Northeast side of the building near the loading docks is shown to be on a concrete pad and fenced. Lighting will be accomplished with five free-standing light poles surrounding the parking lot and thirteen building mounted lights. The proposed lights are downcast fixtures using LED lamps.

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.

In accordance with Article 3, Section 3.6 the minimum of two spaces plus 1.5 parking spaces per 1000 sq.ft. The plans show a total of 15 regular parking spaces and one ADA compliant space, which is above the minimum required. Parking spaces are shown to be 10' x 20' as required.

As is common with these commercial request, the applicant should be required to provide a fire department Knox Box .

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

This project has been nicely and adequately designed. The most significant issue, given the project site being in the industrial park, is likely stormwater management. Stormwater management is adequately being addressed in consultation with the town's own consultant. Numerous state permits have either been obtained or are in the process of being obtained such as the stormwater permit, wastewater and potable water supply permit, erosion and sediment control, and ACT 250. It is recommended to approve with consideration to the conditions below:

1. The applicants are hereby notified that State of Vermont Permits may be required. The applicants shall visit the Department of Environmental Conservation permit navigator to determine what other State of Vermont permits are necessary including Act 250, storm water, potable water, and wastewater for this development. The applicants shall obtain, if necessary, said permits prior to development of the lot and shall comply with all requirements and conditions therein.
2. Issuance of a site plan does not imply approval of any other town required permits including:
3. The submitted plans used for review of this application shall become part of the approval and shall not be altered unless first reviewed by town staff for determination of significance. Significant changes may require further review and approval by the DRB.
4. A sign permit shall be issued before any signage is installed.
5. 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 the indented and adequate results. Said sediment and erosion control measure shall be removed once vegetation has been established and the need for them has abated or in accordance with state requirements.
6. A fire department lock box shall be installed at the owner's expense and at a location to be determined by the fire department.

ADDITIONAL COMMENTS:

Mr. Reaves asked members if any had a conflict or Ex-parte communications with the applicant, there were none. Mr. Reaves sworn Mr. Rodriguez, Mr. Lucas and Mrs. Spaulding.

Mrs. Spaulding provided an overview of her staff report as stated above. Mr. Rodriguez of MSK Engineering stated that the stormwater and wastewater permits have been submitted to the State of Vermont.

On motion by Mr. Sanborn, seconded by Ms. Otis, the Development Review Board closed public testimony for the second public hearing. Vote 5-0-0.

On motion by Mr. Sanborn, seconded by Ms. Valentinetti, the Development Review Board approved a request by B&D Holdings, LLC for major site plan review on land owned by Town of Barre (first of two public hearings) for the purpose of constructing a 7,650-sf building along with other land improvements to include a paved parking area and storm water management within the Wilson Industrial Park on Parker Road; Parcel ID 006/047.19; Zoned: Industrial: SP-23000001, Contingent upon conditions 1-6:

- 1) *The applicants are hereby notified that State of Vermont Permits may be required. The applicants shall visit the Department of Environmental Conservation permit navigator to determine what other State of Vermont permits are necessary including Act 250, storm water, potable water, and wastewater for this development. The applicants shall obtain, if necessary, said permits prior to development of the lot and shall comply with all requirements and conditions therein.*
- 2) *Issuance of a site plan does not imply approval of any other town required permits including:*
- 3) *The submitted plans used for review of this application shall become part of the approval and shall not be altered unless first reviewed by town staff for determination of significance. Significant changes may require further review and approval by the DRB.*
- 4) *A sign permit shall be issued before any signage is installed.*
- 5) *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 the indented and adequate results. Said sediment and erosion control measure shall be removed once vegetation has been established and the need for them has abated or in accordance with state requirements.*
- 6) *A fire department lock box shall be installed at the owner's expense and at a location to be determined by the fire department. . Vote 5-0-0.*

PARTICIPANTS: Mrs. Spaulding, Mr. Rodriguez and Mr. Lucas

2) **APPLICANT:** Southgate/Site Plan (minor)

Request by Jay Southgate for **minor site plan** review (possible approval) for the filling of land to place more than 800 cu. yds. of fill material on property owned by the applicant at 255 Websterville Road; PID 006/050.00; Zoned Industrial; SP-23000002.

Date: April 2023

**STAFF REPORT/REVIEW COMMENTS FROM
CINDY SPAULDING, ACTING ZONING ADMINISTRATOR**

This **warned public hearing** for the filling of land in accordance with Article 3, section 3.13 of the Barre Town Zoning Bylaw. This request is because the applicant wishes to deposit over 800 cubic yards of fill material on the subject parcel. The subject lot is located at 255 Websterville Road in Websterville and is 34.6 acres in size in an Industrial zone. The applicant has created a secondary road in preparation for this project. The fill project is part of that plan.

Mr. Southgate has indicated the material will be coming from State job sites: Route 14 (Maple Ave/Merchants St – Barre City) and Route 110 Bridge project near the roundabout in East Barre. The contractors ECI and CCS have

an off-site activity review from VTrans Environmental Resource Review for this site. This document is a review of the site not a permit.

Engineers Construction Inc (ECI) on Route 14 (Maple Ave/Merchant St-Barre City). The material will be earthen urban soils; there will be no asphalt, concrete or misc. waste. There will be over 10,000 cubic yards hauled at a maximum of 4 trucks per day. This will be dumped in a ravine (grout pile) on his property and should not impact the environment. The proposed truck traffic will be from 8 a.m. to 4:30 p.m., days of operation mainly M-F.

CCS Contractors/Route 110 Bridge Project. The material will be waste material and gravel. There will be 2500 cubic yards hauled at a max of 10 to 20 trucks on a given day. The material will be dumped in the same ravine (grout pile) on the property.

Mr. Southgate has indicated on the plan that there will be a 3" stone landing to assist in cleaning tires of trucks before entering Websterville Road. It is suggested that "road work ahead" or "trucks entering" signs be placed before and after the entrance to alert vehicle drivers on Websterville Road. The fill material will begin in the spring of this year.

Josh Martineau, Town Engineer has reviewed the area for dumping fill and has determined approval the fill to be non-contaminated earthen urban soils only.

Ultimately, all the criteria below needs to be answered. Below is the section from the Zoning Bylaws. Mr. Southgate can provide testimony to the below questions.

Sec. 3.13 FILLING OF LAND (NOT MUNICIPAL SOLID WASTE LANDFILLS)

Fill exceeding 800 cubic yards requires site plan review and approval by the Development Review Board under site plan review criteria and taking into consideration the following:

- 1) The contour of the land before and after the proposed fill is added and what the final grade will be in relation to abutting land.
- 2) Impact on existing drainage and any proposed changes thereto.
- 3) The proposed amount of fill to be brought in.
- 4) The amount of traffic as it relates to the hauling of the fill as well as consideration as to what effect the weight of the vehicles hauling the fill may have on the roadways. Weight limits may be appropriate.
- 5) Hours of proposed operations including the time of day and what days of the week. The DRB may limit both depending on location and how surrounding uses may be affected.

In any case and regardless of the amount of fill:

- 1) No existing drainage ways or swales that are an integral part of a drainage system, year-round or seasonal, shall be filled in any way.
- 2) When filling or grading on a parcel, unless it is below grade of a town highway, provisions for a ditch or swale that allows runoff from both the highway and the parcel shall be made. Such a ditch or swale shall be sufficient to accomplish the goal of preventing water from remaining on or entering onto the

highway. Said swale shall be constructed in accordance with industry standards and so that it will not erode.

- 3) The filling of land shall not have a negative impact on the rights of others when those rights are secured by easements or rights-of-ways on the land subject to the filling. Filling in an area subject to an easement or right-of-way shall require site plan review and approval by the Development Review Board under site plan review criteria. The intent of this requirement is to ensure that the rights of others to use the easement or right-of-way for what was intended is not altered which shall include but is not limited to the use as ingress and egress and access to underground uses such as utilities.
- 4) In all cases the filling of land shall have the effect of zero increase in runoff on abutting properties and shall not cause significant alteration in contours as it relates to abutting properties.
- 5) If any of the preceding restrictions cannot be adhered to, then site plan review and approval by the Development Review Board is required.

The following materials may be used for fill: Loam, soil, rock, stone, gravel, sand, cinders, and other solid materials including concrete, whether reinforced or not may be used as fill. Wood or anything considered hazardous to the environment, including tires, may not be used as fill.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

A review of Mr. Southgate's plans and hauling company's documents and recommend approval with suggested conditions:

1. The applicant is hereby notified that State of Vermont Permits may be required. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what other State of Vermont permits are necessary. The applicant shall obtain, if necessary, said permits prior to clean fill being accepted on site and shall comply with all requirements and conditions therein.
2. Issuance of the site plan approval does not imply approval of any other town permits.
3. Clean material must be non-contaminated earthen urban soils;
4. Warning signs shall be placed on either end of Websterville Road to alert motorists of the truck activities.
5. Hours of operation shall be limited to Monday – Friday 8:00 am – 5:00 pm. with no hauling on weekends or state holidays.
6. Failure to comply with any conditions as stated herein could lead to nullification of this approval.

ADDITIONAL COMMENTS:

Mr. Reaves asked members if any had a conflict or Ex-parte communications with the applicant, there were none. Mr. Reaves sworn Mr. Southgate and Mrs. Spaulding.

Mrs. Spaulding provided an overview of her staff report as stated above. Discussion ensued with a question-and-answer session.

Mr. Valsangiacomo asked if there was going to be truck traffic on weekends.

Mr. Sanborn pointed out that one of the conditions was that truck traffic would be from 8:00 to 5:00 p.m. M-F.

Mrs. Spaulding confirmed that an email from ECI stated it would be M-F, 8-4.

Mr. Sanborn asked about how many trucks per day from each project would there be? Discussion ensued amongst members projected trucks vs trips from both projects. The area has been a quarry for years, this type of truck traffic would be normal.

Mr. Reaves asked Mr. Southgate if he had anything to add. He wanted to clarify that the 3" road is not a landing for cleaning off truck tires, it is to keep the dust down in the area.

On motion by Mr. Sanborn, seconded by Ms. Valentinetti, the Development Review Board closed public testimony for the second public hearing. Vote 5-0-0.

On motion by Ms. Valentinetti, seconded by Mr. Sanborn, the Development Review Board approved a request by Jay Southgate for minor site plan review for the filling of land to place more than 800 cy of fill material on property owned by the applicant at 255 Websterville Road; PID 006/050.00; Zoned Industrial; SP-23000002. Contingent upon the following conditions.

- 1. The applicant is hereby notified that State of Vermont Permits may be required. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what other State of Vermont permits are necessary. The applicant shall obtain, if necessary, said permits prior to clean fill being accepted on site and shall comply with all requirements and conditions therein.*
- 2. Issuance of the site plan approval does not imply approval of any other town permits.*
- 3. Clean material must be non-contaminated earthen urban soils;*
- 4. Warning signs shall be placed on either end of Websterville Road to alert motorists of the truck activities.*
- 5. Hours of operation shall be limited to Monday – Friday 8:00 am – 5:00 pm. with no hauling on weekends or state holidays.*
- 6. Failure to comply with any conditions as stated herein, could lead to nullification of this approval. Vote 5-0-0.*

3) APPLICANT: **Heath/Conditional Use**

Request by Allen and Genella Heath for a **conditional use review** (possible approval) for the purpose of converting an existing single-family dwelling into a two-family dwelling on land located at 20 Henry Street; PID: 031/038.02; zoned High Density Residential; CUP-23000001.

Consultant: None

Date: April 3, 2023

STAFF REPORT/REVIEW COMMENTS FROM
CINDY SPAULDING, ACTING PLANNING OFFICER

This is a **warned public hearing** for the purpose of conditional use review in accordance with Barre Town Zoning Bylaw, article 5, section 5.5 whereas the applicant would like to conduct a use (two-family dwelling) that is only allowed by a Development Review Board (DRB) issued Conditional Use Permit (CUP). The subject parcel is located in a high-density residential zone in South Barre on 5.2 acres of land.

Mr. Heath has submitted an application to convert his originally permitted single-family dwelling into a two-family dwelling. Article 2, section 2.5, table 2.1 of the Zoning Bylaw allow two-family dwellings in the high-density residential by conditional use permit. The subject parcel is served by municipal sewer and water (Barre Town).

For context, the following is a bit of historical information.

The applicants constructed an addition to their existing house in 2020 which expanded their existing single-family dwelling. This comes before the DRB now because the applicants were not aware that the addition is actually a second living unit (accessory apartment) is too large to be considered an accessory dwelling (no greater than 30% of the main dwelling). The only option is to permit the dwelling as a two-family dwelling, which as noted above is allowed in this zone.

In reviewing a conditional use application, the DRB shall use the criteria below to guide them through the process and to create findings as well as help determine what if any conditions may be appropriate to mitigate any concerns. Ultimately a determination must be made that the proposed use, structure, or development conforms to the criteria and shall not result in an undue adverse effect on any of them.

The applicant's responses are provided in italics. My comments are in the normal font following.

1) The impact on the capacity of existing or planned community facilities, to include but not limited to:

a. Emergency services:

n/a

Barre Town has a full-time, 24-hr a day Police Department as well as a full-time 24-hr a day paramedic level Emergency Medical Service. It is anticipated that both agencies can serve one additional living unit and the people associated with it.

Fire protection is provided by a call-paid Fire Department which is not a career or full-time department. It is anticipated that the Fire Department can provide adequate service to the proposed project.

The ability to serve this location for the proposed residential use is solidified in the fact that the building is already established as a two-family dwelling without issue

b. Educational facilities:

N/A

Barre Town is part of the Barre Unified Union School District and children residing in Barre Town can attend Barre Town Middle and Elementary School (grades P-8) in Websterville. Likewise, the district also operates a grade 9-12 high school in Barre City. Both are public schools. Adding one residential unit will not create a burden to the educational facilities in the area.

c. Water, sewer, or other municipal utility systems:

Adding one sewer unit

Regarding municipal sewer and water, Barre Town has the capacity to serve one additional living unit with both and in fact already is from a capacity standpoint. The one thing I discovered is that the property is only being credited and assessed for 1 sewer unit. Each living unit needs to have its own sewer unit assigned to it. An additional unit will have to be added via a sewer permit and fee which is \$1500 plus recording.

d. Recreational facilities:

N/A

It is not anticipated that adding one living unit will create a negative impact on existing recreational facilities.

e. Conservation or other designated natural areas:

N/A
N/A

f. Solid waste disposal facilities:

N/A

It is expected that common trash removal companies will be used for trash disposal from the site, or it will be disposed of at area depots. Adding a living unit that already exists will not overburden the existing solid waste system.

2) The character of the area affected as defined by the purpose(s) of the zone within which the project is located, and specifically stated policies and standards of the municipal plan;

Residential single-family homes and outbuildings on a dead-end street.

The Barre Town Zoning Bylaw states that high density residential zones are “designed to encourage continued predominantly residential development at relatively high densities in established neighborhoods close to village centers which have both public water and sewer services”.

3) Traffic on roads and highways in the vicinity.

No added vehicles

Henry Street is a dead-end street with easements to 20 Henry Street and next door residence, there may be a long standing agreement for the town to maintain the roadway for turn around purposes. The additional unit will not impact the traffic flow on the roadway.

4) Zoning Bylaws and bylaws then in effect;

“Zoned as High Density Residential.”

Article 2, table 2.1 of the Barre Town Zoning Bylaw provides guidance on uses that are either “permitted” (reviewed and permitted by the Zoning Administrator) or “conditional” (reviewed by the Development Review Board as a conditional use). The table (on page 7) allows two-family dwellings in a high-density residential zone by issuance of a conditional use permit from the DRB.

Based on the above, the project conforms to the Zoning Bylaw with regard to use if the DRB issues a conditional use permit.

5) Utilization of renewable energy resources:

No oil, propane gas or wood used.

Although not applicable, according to the picture provided by the applicant, there are heat pumps for utilizing renewable energy.

6) Minimum lot size:

5.2 acres

The minimum lot size for high density residential is 1/3 acre. The subject parcel exceeds the minimum lot size at 5.2 acres thus is conforming.

7) Distance from adjacent or nearby uses:

The closes residential building to our home is as follows West-100’, North 400 ft to next property line of 20 plus acres with no home, east 100’, south 300’

Nearby uses include mainly single-family dwellings, this is on a dead-end road.

8) Criteria (as needed) adopted relating to site plan review pursuant to Article 5, Sec. 5.6 of this bylaw;

N/A

N/A

9) **Any other standards and factors (as needed) that the bylaw may require.**

N/A

N/A

10) **Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw;**

N/A

N/A

Article 3, section 3.9 (Off-Street Parking...) (G) (minimum parking chart) of the Zoning Bylaw requires that all residential dwellings have, at a minimum, two (2) parking spaces for each living unit.

As the applicant verbally stated there is one vehicle for each unit so there is ample parking spaces to accommodate up to four.

11) **Loading/unloading facilities.**

N/A

N/A

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicant is seeking to receive a permit that will bring into conformance a use that has existed for the past three years. Nothing is going to change from what has occurred over this timeframe. The one relatively insignificant issue is bringing the property up to two full sewer units from the one that exist today. All these factors, with consideration of the conditions below, it is recommended to approve this conditional use request to allow a two-family dwelling at 20 Henry Street.

1. A sewer allocation permit must be applied for and received to add an additional sewer unit to bring into compliance. One sewer unit per dwelling is required.
2. This permit shall run with the land and shall not be altered or changed without review by the Development Review Board.

ADDITIONAL COMMENTS:

Mr. Reaves asked members if any had a conflict or Ex-parte communications with the applicant, there were none. Mr. Reaves sworn Mr. Heath and Mrs. Spaulding.

Mrs. Spaulding provided an overview of her staff report as stated above. Mr. Heath did not have anything to add.

Mr. Sanborn asked if there were enough parking spaces as the zoning by laws indicated two parking spaces per single family dwelling. Mr. Heath stated there are six parking spaces available.

Mr. Valsangiacomo asked if the addition was built to the specification of the building permit. Mr. Heath answered he had built the addition as submitted in the building permit. He wasn't aware it was considered a second dwelling until after he asked about getting a 911 address for the addition.

Ms. Valentinetti asked if what was built matches what was submitted to the town at the time. Mr. Heath explained that as they were building it an assessor came out and did measurements. It was COVID at the time, so the individual did not go inside.

On motion by Mr. Sanborn, seconded by Ms. Valentinetti, the Development Review Board closed the public hearing. Vote 5-0-0.

On motion by Ms. Valentinetti, seconded by Mr. Sanborn, the Development Review Board approved a request by Allan and Genella Heath for a conditional use review for the proposed converting an existing single-family dwelling into a two-family dwelling on land located at 20 Henry Street; PID: 031-038.02: Zoned High Density Residential: CUP-23000001; Contingent upon conditions 1-2 as follows:

- 1. A sewer allocation permit must be applied for and received to add an additional sewer unit to bring into compliance. One sewer unit per dwelling is required.*
- 2. This permit shall run with the land and shall not be altered or changed without review by the Development Review Board. Vote 5-0-0.*

4) **APPLICANT:** **Benoit / Variance**

Request by John and Pamela Benoit for 19' **variance** of maximum height review (possible approval) allowing to build a monitor barn located at 211 Airport Road, Parcel ID: 005/109.04; Zoned Low Density Residential; V-23000002.

Consultant: None

Date: April 4, 2023

STAFF REPORT/REVIEW COMMENTS FROM
CINDY SPAULDING, ACTING PLANNING OFFICER

This is a warned public hearing for the purpose of hearing a variance request in accordance with Article 7, section 7.9 of the Barre Town Zoning Bylaw.

In early February 2023, the applicant called the Planning and Zoning office about building a "monitor style" barn on his property at 211 Airport Road. A quick review of the monitor barn plans, and the zoning bylaws clearly indicated the height of the barn exceeded the height of 35' which includes the cupola/steeple. It was reconfirmed

by Chris Violette. Mr. Benoit was informed that a building permit would not be able to be issued due to the height of the barn.

Mr. Lajeunesse (hired by Mr. Benoit) called and stated he has tried to draw plans for the monitor barn to the height specifications in the zoning bylaws, but it would not work for Mr. Benoit. He then asked if a variance was possible and stated that H.P. Hood had received a few height variances. It was explained H.P. Hood met all required criteria for height variances as outline in Section 7.9 of the Barre Town Bylaws and 24 VSA § 4469 (a) 1-5.

Mr. Lajeunesse asked what if it were for agricultural use. It was explained agricultural use or farm structures are only exempt as defined by the Agency of Agriculture, Food and Markets. Mrs. Benoit also has indicated in an email that this building is part of their sugaring operation. Mrs. Benoit was informed that the town would need a determination document from the State of Vermont, Agency of Agriculture, Food and Markets.

Mr. and Mrs. Benoit were offered to come before the DRB as a conceptual, but decided to bring an application instead as they would like to have this barn built to scale of their plans. That is what brings Mr. and Mrs. Benoit before the DRB to seek a height variance.

Along with Benoit's variance application in which they answer all the variance criteria in the affirmative and will be doing a presentation.

Below are the five variance criteria as you all know much be answered in the affirmative and the Development Review Board must agree that the property is impacted by them.

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

SUMMARY, RECOMMENDATIONS & CONDITIONS:

This is going to be a tough one to recommend approval of and for the DRB to issue. I do not believe any of the REQUIRED criteria are met with this application, but testimony from the applicants may way in the decision.

I would say let the applicant make their case and go from there. Beyond that the DRB may want to continue or go into closed deliberative session, unless the DRB finds for the applicant and issues the variance.

ADDITIONAL COMMENTS:

Mr. Reaves asked members if any had a conflict or Ex-parte communications with the applicant. Mr. Otis stated he was recusing himself from the public hearing. He removed himself as participating member.

Mr. Reaves sworn Mr. and Mrs. Benoit, Mr. Lajeunesse and Mrs. Spaulding. Mrs. Spaulding provided an overview of her staff report as stated above.

Mr. Benoit testified that the challenges of his equipment he needs 14' doors and step levels of the proposed barn pushes it out above 35' height. Mr. Benoit asked for clarification of how the structure height is determined. (He quoted Section 3.5 (A) of the Barre Town zoning bylaws.) ***...Determining the height of a structure: The height of a structure shall be determined by measuring the vertical distance from the average elevation of the finished lot grade and the front of a building or structure, to the highest point of the roof or structure, except in the case of a gable roof, where the measurements shall be the average height between the eaves and the ridge.***

Mr. Benoit stated that the proposed structure has a gambrel roof not a gabled roof. He further stated that if he had to change it to a gable he would, he pointed to the lowest eave to the ridge as an example for a gabled roof. Mr. Reaves asked Mrs. Spaulding how it was determined. Mrs. Spaulding stated that it was as quoted in the first part of the height determination. Mr. Reaves then asked Mr. Violette, former Zoning Administrator, for his determination. Mr. Violette stated he would have to investigate it further as this question had not come up before. He then asked for confirmation of the type of roof. Mr. Lajeunesse stated it was a gambrel roof.

Mr. Benoit stated the structure presented is what they want to build, and it would be a good addition to Barre Town. He further elaborated that he has 100 acres, some in current use and would never be developed on. He did not understand the height restriction or the reasoning for the rule. He provide an example of a 50' structure in the middle of town vs his property away from everybody with well over 100 acres.

Mr. Valsangiacomo stated everyone must abide by the rules and the Development Review Board does not make the rules. Mr. Reaves explained the DRB is required to ask the five criteria questions and the applicant must answer truthfully in the affirmative for each one.

Mr. Reaves asked if there were any other questions from Mr. and Mrs. Benoit or Mr. Lajeunesse. Mrs. Benoit explained the height of the monitor including the cupola is higher.

Mr. Reaves asked if anyone from the board had questions. Mr. Sanborn asked if the Benoit's would consider removing the monitor and cupola to be just above 37 feet. Mr. Benoit responded if they must change it, they may consider it, it would be a different design. He asked if he could build a 10,000' metal building? It wouldn't be a height restriction. Mr. Valsangiacomo stated if it is allowed in the zoning regulations, then it would be.

Mrs. Benoit explained that the proposed barn was a combination of different styles barns they have seen while driving around—most barns in Vermont are deteriorating—no one is building a real barn anymore. Mr. Valsangiacomo stated it is not a question of how beautiful it is, it is that the DRB needs to follow the criteria set forth in a supreme court case years ago. He also provided examples of other types of variances.

Mr. Benoit reiterated a portion of the height determination as measurements shall be the average height between the eaves and the ridge. Mr. Sanborn stated it is a gambrel roof. Mr. Benoit continued to explain using the gable roof height method for measuring. Discussion amongst the members, Mr. Benoit, Mrs. Spaulding, and Mr. Violette on which type of measurement was used to determine the height for a variance. and Mr. Benoit using the gable roof method .

Mr. Reaves stated before going any further, the DRB needs confirmation which height method was used in order to determine if the variance request was necessary and how the Benoit's can answer in the affirmative on the criteria questions for a variance.

On motion by Mr. Sanborn, seconded by Ms. Valentinetti, the Development Review Board moved to table a request by John and Pamela Benoit for 19' variance of maximum height review (possible approval) allowing to build a monitor barn located at 211 Airport Road, Parcel ID: 005/109.04; Zoned Low Density Residential; V-23000002, date certain to May 10, 2023. Vote 4-0-0.

Mr. Otis returned as a participating member of the DRB.

G. OTHER

There were none.

H. FOLLOW-UPS

There were none.

I. ROUNDTABLE

Mr. Sanborn and Mr. Violette provided an overview of Barre Area Development's project called Prospect Heights Development in Barre City. BAD is looking for letters of support from the town. The Planning Commission will be seeing the presentation on April 19, and he invited the DRB. During the discussion the consensus was that the DRB is a quasi-judicial board, and this is not in its scope to support.

Ms. Valentinetti mentioned a news article in the VT Digger where the Zoning Administrator in Morrisville had closed a site visit to the public, his determination to close it to the public was it was non-compliant with ADA as it was not handicap accessible. Discussion ensued that in accordance with the open meeting laws site visits and meetings are open to the public.

J. ADJOURN!

On motion by Mr. Valsangiacomo, seconded by Mr. Otis, the Development Review Board adjourned at 8:44 p.m. Vote: 5-0-0.

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)

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