

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR APRIL 13, 2022

The Barre Town Development Review Board held a public meeting & hearings on **April 13, 2022**, beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

MEMBERS

In person: Cedric Sanborn, Mike Gilbar, Chris Neddo, Angela Valentinetti, Angela Labrador(alt) and Michael Titus (alt)

Remote video: Mark Reaves and Jon Valsangiacomo (arrived at 7:06 p.m.)

ABSENT:

None

STAFF PRESENT

Remote video: Chris Violette

In person: Cindy Spaulding

OTHERS PRESENT:

In person: Jim Fecteau, Jeff Olesky (Catamount Consulting), Stephen Caldwell, Paul and Marielle Grenier, Sarah Thomas-Poulson and Gregory V. Davis.

Remote video: Christine Richardson and Cody Morrison.

A. 7:00 P.M. – CALL TO ORDER

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

B. HOUSE KEEPING

C. CHANGES TO THE AGENDA

Mr. Reaves asked whether there were changes to the agenda. Mr. Violette asked to put Mr. Gilbar under Other.

D. PUBLIC COMMENTS (10 MINUTES)

E. APPROVE MINUTES –

March 9, 2022

On motion by Mr. Gilbar, seconded by Mr. Neddo, the Development Review Board approved the minutes of March 9, 2022, as amended. Vote 5-0-1 (Valentinetti abstained)

F. NON-AGENDA ITEMS (max 10 minutes)

G. SUBDIVISION PRELIMINARY REVIEW - NONE

H. WARNED FINAL PUBLIC HEARINGS

- 1) APPLICANT: **Vermont Creamery - Site Plan**
(1st Public Hearing)

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

Consultant: Civil Engineering Associates, Inc.

Date: April 8, 2022

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

This is supposed to be the first of two public hearings for a major site plan review. The applicant decided after submission and warning of this hearing that they wanted to revise the site plan and were not ready to proceed. In hoping that they may be ready sooner rather later, instead of denying the request to dispose of it, it was continued twice, February 4th & March 4, 2022. The applicant has now asked for the application to be withdrawn as the design of the addition continues to evolve.

RECOMMENDATION:

The only actions that can be taken are either an approval or denial. Because there are no plans to approve, no testimony provided, and the applicant has asked for the application to be withdrawn, I recommend denying this application without prejudice and allow the applicant to submit the same application when they are ready.

COMMENTS:

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

On motion by Mr. Sanborn, seconded by Mr. Valsangiacomo, the Development Review Board voted to approve a request by Vermont Creamery, Inc. for major site plan review (first of two public hearings) for the proposed construction of a 6,900± S.F. addition (phase III) to the existing building located at 40 Pitman Road in the Wilson Industrial Park; Parcel ID: 006/033.00; Zoned Industrial; SP-2200000. Vote: 0-7-0. Motion denied without prejudice.

CONDITIONS Yes No

MOTION BY: SANBORN
SECOND BY: VALSANGIACOMO

ROLL CALL:

Mark Reaves	<u>NO</u>	Jon Valsangiacomo	<u>NO</u>
Michael Titus (alt)	<u>NO</u>	Chris Neddo	<u>NO</u>
Cedric Sanborn	<u>NO</u>	Angela Valentinetti	<u>NO</u>
Mike Gilbar	<u>NO</u>		<u> </u>

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

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

Consultant: Civil Engineering Associates, Inc.

Date: April 8, 2022

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

This is warned as a public hearing for a waiver of right-of-way setback. The applicant decided after submission and warning of this hearing that they wanted to revise the site plan warned separately on this agenda and that they were not ready to proceed. In hoping that they may be ready sooner rather later, instead of denying the request to dispose of it, it was continued twice, February 4th & March 4, 2022. The applicant has now asked for the application to be withdrawn as the design of the addition continues to evolve.

RECOMMENDATION:

The only actions that can be taken are either an approval or denial. Because there are no plans to approve, no testimony provided, and the applicant has asked for the application to be withdrawn, I recommend denying this application without prejudice and allow the applicant to submit the same application when they are ready.

COMMENTS

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

On motion by Mr. Neddo, seconded by Mr. Gilbar, the Development Review Board voted to approve a request by Vermont Creamery Inc. for review and possible approval (final public hearing) of an 8.2±' waiver of right-of-way setback as part of Phase III expansion of 40 Pitman Road; PID 006/033.00; zoned Industrial, V-22000001. Vote: 0-7-0. Motion denied without prejudice.

CONDITIONS Yes No

MOTION BY: NEDDO
 SECOND BY: GILBAR

ROLL CALL:

Mark Reaves	<u>NO</u>	Jon Valsangiacomo	<u>NO</u>
Michael Titus (alt)	<u>NO</u>	Chris Neddo	<u>NO</u>
Cedric Sanborn	<u>NO</u>	Angela Valentinetti	<u>NO</u>
Mike Gilbar	<u>NO</u>		<u> </u>

3) **APPLICANT: Paul & Marielle Grenier/Variance**

Request by Paul and Marielle Grenier for a 25' variance of a private vehicular right-of-way off School Road, PID: 011/001.04; zoned Medium Density Residential; V22000002.

Consultant: None
Date: April 7, 2022

STAFF REPORT/REVIEW COMMENTS
FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a warned public hearing for the purpose of hearing a request for a variance in accordance with Article 7, section 7.9, whereas it was determined prior to application for a building permit (single-family dwelling) that the proposed project by the applicant will have a hard time meeting a minimum setback in accordance with Article 2, section 2.5, table 2.2. This request relates specifically to the requirement that a structure meet the prevailing street setback when subject to a private right-of-way.

The subject parcel 5.63 acres (lot 3) after being created as part of a 2017 3-lot subdivision (P-17000012, filed under 2254). Access to this parcel from School Road is via a 50' right-of-way which crosses what was lot 2 (front lot) of the subdivision. In fact, both lots 1 & 3 use the same right-of-way to cross lot 1 until lot 2 is gained then lot 1 maintains the same 50' wide right-of-way across lot 2. Lot 2 has been developed and lot 1 is well underway.

The Barre Town Zoning Bylaw, Article 2, section 2.5, table 2.2 is the section that provides the dimensional standards for all zones. The subject of this request is found at the bottom of the page identified with four asterisks. This section specifically requires that a setback from private right-of-way used for vehicle access match that of the requirement for that specific zone to a public right-of-way. In this case, medium density residential requires a 50' setback to town road rights-of-ways.

As I recall, the concept behind this requirement comes from a concern that a 50' right-of-way could someday become a town road. Actually, this requirement doesn't distinguish between any specific size right-of-way or easement, it includes all rights-of-ways or easements. The thought was if the right-of-way does become a town road or maybe even a heavily used private road, setback for the zone would be preserved.

The applicant is planning to file a building permit application to build a single-family dwelling. When reviewing permits with him, I informed him about this increased setback. Normal setback would be 50' from the property line. Because the right-of-way runs along the property line, the net effect is that he is required to be setback 100' from the property line. With this information, he staked out the location of his house.

After staking out the house, Mr. Grenier came back to my office to show me his site plan. He explained to me that the way the property slopes, their house will have to have a walk-out-basement. Between the slope of the land, the location of the well and septic system, the additional filling of land that would have to occur, and drainage concerns, 100' off the property line is going to be a hardship. I informed him of the variance process which has led him here.

This isn't the first time that this increased setback has caused a property owner issues regarding developing their land. These cases, especially in a situation where the right-of-way can't and won't ever end up serving as a road or multiple lots restrict a property owner to some degree, unfairly. In this case, a 100' setback from the property line because of a driveway serving only one dwelling forces the owner of the property back further than others would have to.

The applicant in this case is seeking a variance of 25' which would still place the dwelling 25' from the edge of the right-of-way and even further than that from the actual driveway (75' from the property line). This would be the same setback if this house was being built in a denser zone adjacent to the town road.

Below are the five variance criteria

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 & PROPOSED CONDITIONS:

The applicant submitted written responses to the variance criteria which are included in your packet. The applicant has answered all five in the affirmative. The applicant notes that terrain of the land slopes and that they will have to work with the terrain and will utilize a walk-out basement. This also impacts drainage and proximity to the designed septic system. Fill is also a concern, the further back the more fill will be needed again impacting drainage etc. They feel, and I agree, that the request allows for a reasonable use of the property and that there are physical circumstances that prevent conformity. The applicant did not create the circumstances leading to this variance request and the variance will not impact the character of the area or be detrimental to the public welfare. A setback of 25' from the right-of-way is maintained so the request is minimal.

I support the request by the applicant, I believe it is overly restrictive to begin with and will work with the Planning Commission to consider changing it. I have spoken to the landowner that uses the right-of-way and there are no concerns. I recommend approval of this request.

COMMENTS & DELIBERATION

Mr. Violette provided an overview of his staff report. Mr. and Mrs. Grenier mentioned it would be a hardship if the septic needs to be redesigned and to bring a large amount of fill would be a financial hardship as well. Mr. Reaves asked Mr. and Mrs. Grenier the five criteria questions and they answered in the affirmative.

On motion by Michael Titus, seconded by Ms. Valentinetti, the Development Review Board approved a request by Paul and Marielle Grenier for a 25’ variance of a private vehicular right-of-way off School Road, PID: 011/001.04; zoned Medium Density Residential; V-22000002. Vote 7-0-0.

CONDITIONS Yes No

MOTION BY: TITUS
 SECOND BY: VALENTINETTI

ROLL CALL:

Mark Reaves	<u>YES</u>	Jon Valsangiacomo	<u>YES</u>
Michael Titus (alt)	<u>YES</u>	Chris Neddo	<u>YES</u>
Cedric Sanborn	<u>YES</u>	Angela Valentinetti	<u>YES</u>
Mike Gilbar	<u>YES</u>		

4. APPLICANT: JDJ DEVELOPMENT/CONDITIONAL USE

Request by JDJ Development Company for Conditional Use Approval to create a multi-unit, multi-family residential development (32 units in 8 buildings) on land off Rudd Farm Drive (property owned by Fecteau Residential, Inc); PID: 039/003.00; zoned Very High Density Residential. CUP-22000001.

Consultant: Catamount Consulting Engineers, PLLC
 Date: April 8, 2022

STAFF REPORT/REVIEW COMMENTS
FROM CHRIS VIOLETTE, 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 that is only allowed by a Development Review Board (DRB) issued Conditional Use Permit (CUP). The applicants came before the DRB under conceptual review in February 2022, proposing multi-family dwellings totaling 32 units in 8 separate buildings on land off Rudd Farm Road and on Olivia Drive. Each structure would house 4 units and garage with two parking spaces. This use conforms with very high-density residential zone.

Article 2, section 2.5, table 2.1 allows multi-family dwellings by conditional use review. This section refers to article 3, section 3.3 (E) which dictates the number of units allowed in a multi-family dwelling. In a very high-density zone, up to 8 units are allowed in a new structure according to this section. To proceed with a conditional use permit application, the next section to refer to is article 5, section 5.5 which is the section that states, “no permit shall be issued by the zoning administrator for any use, structure, or development which requires a conditional use permit in this bylaw until the DRB grants that approval”.

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 applicants’ responses are provided in italics. My comments are in normal font following.

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

This project sits adjacent existing municipal water and sewer services, and it is understood there is adequate reserve capacity of both water and sewer to serve the proposed project. Connection and allocation requests will be made prior to final site plan application being filed. Additionally, as this project is subject to Act 250 review, we will be filing a Municipal Impact Questionnaire, but do not believe this additional thirty-two (32) unit residential development will cause a burden on the emergency, education, or municipal facilities.

Regarding municipal sewer and water, Barre Town has capacity to serve this proposed development. The applicant proposes to extend an existing 8” sewer and water line stubbed below the project in Barre City as a result of the Jorgensen Lane development in Barre City. These stubs were left for further development on this site.

While Barre Town has the ability to serve the project with sewer service, there is no indication included with the application that the water supplier, the City of Barre, has the capacity to serve. The City should supply an ability to service this project before approval.

a. Emergency services:

The application doesn’t include a response to impacts on emergency services. 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 not anticipated that either agency could not serve the additional number of living units and the people associated with them.

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

b. Educational facilities:

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. There is also numerous private middle, elementary, and high school options in the area.

It is not anticipated that this proposed development will create a burden to the educational facilities in the area.

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

Regarding municipal sewer and water, Barre Town has capacity to serve this proposed development. The applicant proposes to extend an existing 8" sewer and water line stubbed below the project in Barre City as a result of the Jorgensen Lane development in Barre City. These stubs were left for further development on this site.

While Barre Town has the ability to serve the project with sewer service, there is no indication included with the application that the water supplier, the City of Barre, has the capacity to serve. The City should supply an ability to service this project before approval.

d. Recreational facilities:

There are numerous recreational facilities and opportunities in the greater Barre area. Barre Town owns and operates a recreational facility adjacent to the Barre Town Middle and Elementary School in Websterville. In addition, the town also owns and operates a 300 plus acre forest with numerous walking, biking, disc golf, and other recreational opportunities. In addition, multiple neighborhood playgrounds are scattered around town.

It is not anticipated that the proposed development will have a negative impact on existing recreational facilities.

e. Conservation or other designated natural areas:

The applicant in their narrative state that there are no known floodplains or wetland concerns associated with this project. I am also not aware of any concerns with either of those and there are no conservation or designated natural areas.

f. Solid waste disposal facilities:

Solid waste is not addressed within the application provided by the applicant. Solid waste is managed via local haulers and is disposed of at approved landfills. The applicant will have to provide receptacles or dumpsters to each unit for trash and recycling.

It is not anticipated that this proposed development will 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;**
Located within VHDR zoning district, and abutting predominately by dense residential development, this project appears to be in character with the surrounding neighborhood.

The Barre Town Zoning Bylaw states that the very high-density zone is “designated for land centrally located where town water and sewer facilities are available and where, due to reasons of utilities, location and existing intensive development, higher density is appropriate. The purpose of this district is to permit a continuation of residential and related uses where consistent with the objectives on the Barre Town Municipal Plan.”

As the applicant points out, the area of the proposed development is predominately dense residential uses. This is an accurate claim and the statement within the zoning bylaw and the town plan support continued dense development in this area.

The proposed development is within character of the area based on the above information.

3. Traffic on roads and highways in the vicinity;

VHB was commissioned to perform a revised traffic impact study (TIS) as a follow up to the TIS they performed for Beckley Hill development. A copy of this report is attached, with the concluding summary stating that this proposed project is not anticipated to generate unreasonable congestion or unsafe conditions on the adjacent roadway network.

There is no doubt and certainly worth acknowledging that the addition of 32 residential dwelling will add traffic to the road in the area of the proposed development. As noted, the applicant commissioned a traffic study by VHB of South Burlington, VT. As noted in the study, it is anticipated that the proposed development will not overburden the two main intersection in the area. Those intersection are Richardson Road and North Main Street and Beckley Hill and North Main Street, both in Barre City.

Clearly there will be a notable increase in traffic to Richardson Road, Rudd Farm Drive, Daniels Drive, Blake Drive, Mathieu Drive, and Beckley Hill. I’m sure that people living on these roads, especially Rudd Farm Drive, will be concerned about the additional traffic. That is a reasonable concern and should be noted. However, all of these roads are municipal class III roads and are paved and generally if the highway system is capable of handling the additional traffic, there isn’t necessarily an expectation that increased traffic or speeding is an overriding planning decision making tool.

4. Zoning Bylaws and bylaws then in effect;

As outlined in the zoning summary charge on sheet C2.0, this project appears to comply with all applicable zoning dimensional standards.

Specific zoning requirements are noted at the beginning of this report and the Zoning Bylaw supports the application. Further important to note is the article 4, section 4.22 regarding multiple residential structure limits. Normally only one residential structure is allowed on one lot however the mentioned section provides a few exemptions. In this case, the applicant will own all the buildings, so they fall into the “single entity owned residential rental housing” exemption.

The proposed development conforms with the current zoning bylaw.

5. Utilization of renewable energy resources:

Although the project is not proposing any renewable energy resources, it is not adversely impacting the potential on adjacent properties.

As noted in the applicants' comments, they are not planning to utilize any renewable energy resources. It also won't prevent or interfere with any either.

6. Minimum lot size:

As the combined property size is approximately 7.02 acres, and the minimum lot size for the VHDR zoning district is only .2 ac., there appears to be sufficient land to accommodate the proposed 32 residential units.

While the applicant notes the combined size of the lot as being 7.02 acres, that will be true but will require a merger of parcels. As proposed, the development straddles three parcels, one owned by the applicant (parcel ID 039/003.08) and two owned by Fecteau Residential, Inc. (039/003.00 & 039/003.10). The applicants are associated with Fecteau Residential, Inc. as well.

The applicant is aware that a merger of lots will have to be done but it was prudent to secure their conditional use permit and site plan approval before going through the merger process. The land will also have to transfer from Fecteau Residential, Inc. to JDJ Development.

The other important note to be made is regard to percent of lot coverage and the plans submitted with the application note that the final percent of lot coverage will be 23.6 percent which is well under the 35 percent maximum.

7. Distance from adjacent or nearby uses;

Rudd Farm Dr., Daniels Dr. and Jorgensen Ln. are all developed with residential houses in a similar scale and density and as such, the proposed development would appear to fit in well with the surroundings.

As noted by the applicant, adjacent uses are all residential and are in very close proximity.

8. Site Plan Review:

As outlined previously, and as summarized in the zoning dimensional chart on C2.0, this project appears to comply with all applicable zoning dimensional standards.

In accordance with article 5, section 5.6 of the Barre Town Zoning Bylaw, as a commercial multi-family (more than two) development, and because the proposed use has the potential for significant impact on either traffic patterns or traffic generation, major site plan review is required. As such, the applicant simultaneously filed for site plan review under application SP-22000002.

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

While the DRB is able to factor in other standard that the zoning bylaw may allow for, I believe there are no others other than what are included herein.

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

Given the ability to park two vehicles per unit in off-street parking, either by garage or driveway spaces, there appears to be sufficient parking for the project.

The applicant correctly quotes the parking requirement of the bylaw and indicated that provided parking is sufficient. I concur.

11. **Loading/unloading facilities.**

As this project is completely residential in nature, no loading facilities are required. A hammerhead turn around has been included at the end of the private paved drive to accommodate fire and emergency vehicles as well as delivery trucks.

No loading or unloading facilities are required as part of this proposed development given its residential nature.

SUMMARY, RECOMMENDATIONS:

The applicant is proposing to continue a form of residential development started several years ago. Currently, they have 4 (about to be 5) 4-unit apartment buildings (townhouses) at the end of Rudd Farm Drive and the private road known as Olivia Drive. The proposal as part of this application will expand that pattern to a total of 13, 4-unit apartment buildings. Eight new 4-unit buildings are proposed and the creation of a new private drive to serve them.

The proposed use as outlined above is in conformance with the Barre Town Zoning Bylaw in several ways. In reviewing the criteria as required by the bylaw, there doesn't appear to be significant issues related to the development.

Traffic is likely to be the greatest concern and while the traffic study indicates that traffic generated by this development can be managed by the road network and closest main intersection, there still will be an impact to the local roads especially Rudd Farm Drive. But as indicated in my comments, sometimes development changes the amount and kind of traffic on a road, can introduce a perception or maybe even a reality of speed increases, but that is how a town grows and the subject roads are town roads. Future development is commonly and rightfully built on past development.

Municipal services should be able to provide service without noticeable impact and none have noted a concern with this proposed development.

The character of the area is complexly residential with a mix of single and multi-family so as a result, the proposed project should be in character.

Finally proposed off-street parking meets the minimum requirement of the zoning bylaw.

Numerous state permits will be required including but not limited to ACT 250, wastewater and stormwater.

Subject to the proposed conditions below, I recommend approval of the request for a conditional use permit, allowing up to 32 additional residential units in 8 new 4-unit buildings.

PROPOSED CONDITIONS:

- 1) The conditional use permit is issued in conjunction with site plan SP-22000002 and the plans submitted. Those plans in their final form shall be incorporated with this decision.
- 2) The applicant is hereby notified that State of Vermont Permits may be necessary. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what if any State of Vermont permits are necessary for this development. If permits are required, they shall be obtained and complied with.
- 3) If not done so before final approval, confirmation by the City of Barre on its ability to serve this project with potable water shall be secured before construction begins.
- 4) The three lots impacted by this application shall be merged into one undivided parcel.

This application is approved for multiple dwellings on one lot based on the fact that applicant owns all buildings as rental units.

COMMENTS

Mr. Valsangiacomo recused himself from the board table and went into the audience. Mr. Reaves appointed alternate Angela Labrador to replace Mr. Valsangiacomo at the board table.

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

Q&A

Christine Richardson (abutter)

Q: Will there be more fill at the Rudd Farm Road location? There are concerns the additional fill will affect the neighbors on the lower slope.

Jeff Olesky explained that the area had been used as a fill site from the Beckley Hill Development. The fill is to build out Rudd Farm to use a development site. As the build out of roadway and utility infrastructure, it will also include stormwater discharge and design. This should not overburden or impact the neighbors down slope.

Steven Caldwell (Abutter)

Q: Will the private roads also include entrance/exit and cult-da-sac?
Jim Fecteau explained the proposed roadways with entrance and exit.

Christine Richardson

Q: Will the Town be reviewing the roads and culverts as they are built?
Chris Violette explained that the developer enters into an agreement with the town regarding highway, water, sewer and wastewater infrastructure. There are several levels of review with the Town, State Agencies and ACT 250.

A. Valentinetti

Q: How was the traffic impact study conducted?
Mr. Olesky answered that there was an evaluation of the intersection at the busiest times (between 7-9 a.m. and 4-6 p.m.), and an estimate 20-year growth rate.

Q: Do they also look at safety visibility?
Mr. Olesky answered yes, that is taken into account.

Q: Do the staff conducting the traffic study talk with local people regarding use?
Mr. Olesky answered no. It is evaluated based on safety and crash reports. He also offered to take any other questions regarding the Traffic Study back to the VHB.

M. Gilbar

Q: Due to the narrowness private roadways and limited parking at the units, will there be additional parking?
Mr. Olesky and Mr. Fecteau answered there would be three additional overflow parking in the area on Olivia Drive and Rudd Farm Drive and there will be signage along to the roads.

M. Titus

Q: Will there be requirements to mitigate erosion and silt above Jorgensen development?
Mr. Olesky explained the build out of stormwater infrastructure would be discharged away from the established developments below.

C. Sanborn

Q: Will the parking pockets be maintained?
Mr. Fecteau answered Yes:

Q: Is it possible for a 20' wide road instead of 18' wide?
Mr. Fecteau explained a 20' wide road would not allow for a grade screen of vegetation.

A. Valentinetti

Q: Where will the snow removal be stored especially at the end of the hammerhead?
Mr. Olesky answered there is a 50' access off Rudd Farm Road for snow storage, there is also additional storage at the end of the hammer head on an open plateau.

DELIBERATION

On motion by Mr. Gilbar, seconded by Mr. Neddo, the Development Review Board voted to close the public hearing for JDJ's request for a Conditional Use Permit. Vote 7-0-0.

On motion by Mr. Gilbar, seconded by Mr. Titus, the Development Review Board approved the request by JDJ Development Company for Conditional Use Approval to create a multi-unit, multi-family residential development (32 units in 8 buildings) on land off Rudd Farm Drive (property owned by Fecteau Residential, Inc); PID: 039/003.00; zoned Very High Density Residential. CUP-22000001. Contingent upon conditions:

- 1. The conditional use permit is issued in conjunction with site plan SP-22000002 and the plans submitted. Those plans in their final form shall be incorporated with this decision.*
- 2. The applicant is hereby notified that State of Vermont Permits may be necessary. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what if any State of Vermont permits are necessary for this development. If permits are required, they shall be obtained and complied with.*
- 3. If not done so before final approval, confirmation by the City of Barre on its ability to serve this project with potable water shall be secured before construction begins.*
- 4. The three lots impacted by this application shall be merged into one undivided parcel. Vote 7-0-0.*

CONDITIONS Yes X No

MOTION BY: GILBAR
 SECOND BY: NEDDO

ROLL CALL:

Mark Reaves	<u>YES</u>	Angela Labrador (alt)	<u>YES</u>
Michael Titus (alt)	<u>YES</u>	Chris Neddo	<u>YES</u>
Cedric Sanborn	<u>YES</u>	Angela Valentinetti	<u>YES</u>
Mike Gilbar	<u>YES</u>		<u> </u>

4) APPLICANT: JDJ Development/Major Site Plan
(First of two public hearings)

Request by JDJ Development Company for major site plan review (first of two public hearings) for the proposed construction of a multi-unit, multi-family residential development (32 units in 8 buildings) on land located off Rudd Farm Drive (property

owned by Fecteau Residential, Inc): PID: 039/003.00; zoned: Very High Density Residential. SP-22000002.

Consultant: Catamount Consulting Engineers, PLLC

Date: April 8, 2022

STAFF REPORT/REVIEW COMMENTS
FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a warned public hearing (first of two) for major site plan review for the proposal of multi-unit, multi-family residential development 32 units in 8 buildings on land located off Rudd Farm Drive and Olivia Drive to be built on approximately 7.02 acres. This site is located in very high-density residential zone.

In accordance with article 5, section 5.6 of the Barre Town Zoning Bylaw, as a commercial multi-family (more than two) development, and because the proposed use has the potential for significant impact on either traffic patterns or traffic generation, major site plan review is required. As a major Site Plan application, 2 public hearings are required. The narrative and plans submitted for review are the same as used for conditional use review.

The applicant is seeking approval for 8 new 4-unit apartment buildings (townhouses), 7 would be off Rudd Farm Dr. on a new private drive and the 8th one would be off the end of Olivia Drive. In total, access to the property would be via four curb cuts. Two would be the two existing curb cuts serving 38 Rudd Farm, the third is the existing 18' wide curb cut currently serving the 4 existing buildings (soon to be 5 along with one being proposed with this request) on Olivia Drive. The Fourth would be a new 18' wide, paved private drive off Rudd Farm Drive that will serve 7 of the new units.

Each 4-unit building will have four garage spaces and four paved drive parking spaces.

The project would be served by municipal water and sewer. The stormwater runoff from both the driveways and townhouse roofs would be collected and treated by a stormwater system.

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

Barre Town Zoning Bylaw, The DRB shall conduct site plan review with respect to the criteria below. The DRB may impose appropriate conditions, modifications, and protections where deemed necessary to eliminate or minimize potential problems and/or nuisances:

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 proposed development also requires conditional use review and application for such has been filed simultaneously as CUP-22000001. Based on the findings from within the CUP criteria, the proposed development complies with polices and regulations of the Town of Barre Zoning Bylaw.

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;

As noted in the introduction above, the plan is to provide a total of four curb-cuts to service the 13 total units (4 existing and one permitted). One unit, 38 Rudd Farm Drive already has two curb-cuts, and the other existing cut is Olivia Drive. Olivia Drive is 18' wide and paved, provides access to a total of 5 of the units. A fourth curb-cut is proposed that will create another private drive and will provide access to 7 of the newly proposed 4-unit buildings. This proposed private drive will be 18' wide, matching Olivia Drive's width. All drives are or will be paved.

The proposed private drive serving the 7 new units is the one most necessary to discuss given that it doesn't exist and will serve the majority of the new units. As the plans show, this drive will come off Rudd Farm Drive adjacent to 28 Rudd Farm Drive and already serves as access to a mobile home. That mobile home will be removed and replaced with one of the new dwellings.

While a bit narrow, access and maneuverability are quite simple as the drive will have houses on both sides, each served by two short access points leading to garages. The drive will end in a hammer-head turnaround with continued access back to Rudd Farm which allows a loop to make better access for emergency vehicles. Vehicles should be able to move within the site safely and conveniently. How that is controlled so it doesn't become a main access point I'm not sure.

Parking on the street could make it difficult to maneuver safely and should be discouraged.

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;

While sidewalks aren't proposed, they do not exist anywhere else in the area either. Pedestrians will park in their own driveways to gain access to their apartment. As a short dead-end street, pedestrians should be able to walk on the private drive and surrounding streets safely.

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 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;

As a significant project with considerable land disturbance and new impervious service, the applicant is aware that they will need a stormwater permit from the State of Vermont. In fact, the plans include a stormwater management design that includes grass lined swales, yard drains, a subsurface collection system, a pretreatment forebay and a constructed wetland prior to discharging into a tributary of the Stevens Branch River.

This project is also subject to ACT 250 review and no doubt stormwater management will be looked at there as well.

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

I am not aware of any historic or natural environmental features on the property and the applicant hasn't noted any either.

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

Existing sewer and water lines that serve the neighboring development off Jorgensen Lane in Barre City will be extended into the proposed development. The intent is to extend them as municipal lines, turning them over to the town (sewer) and city (water). The extensions of both lines will have to be approved by the municipality before final approval is granted. A request for extension and takeover is best done between the first public hearing and the second one.

Overall impact of the new sewer and water services should be acceptable. Barre Town has capacity to provide sewer service, the city like does water as well. However, the city will have to provide ability to serve confutation.

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

Other than street signs that will be needed for the new drive, no signs are being proposed.

8. The utilization of renewable energy resources;

As noted in their conditional use application, the applicant is not proposing any renewable energy resources.

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

The applicant isn't really proposing any landscaping.

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.

The Barre Town Zoning Bylaw requires two parking spaces for each dwelling. As a result of each building having 4 units, each one is required to have 8 parking spaces. The configuration of units, each with two garages, each unit will have a garage space and room for one vehicle behind. Parking is sufficient.

SUMMARY, RECOMMENDATIONS & PROPOSED CONDITIONS:

Overall, I do not see any major concerns regarding site plan approval. As noted, the 18' private drive is a bit narrow and if you add parked cars into the mix, it could make it difficult to traverse, certainly for emergency vehicles or trucks. Additionally, I have a question regarding how access to Rudd Farm is controlled via the emergency access. Sewer and water extension will have to get approval before final approval can be granted. Otherwise, I recommend moving this request to the second public hearing on May 11, 2022.

COMMENTS

Mr. Violette provided an overview of his staff report as stated above. Mr. Olesky explained there is a secondary access existing of a gravel driveway that loops around to a hammer head. This is an area that could be used for emergency services to turn around or enter/exit from. Discussion ensued if the area should stay an open roadway or gated/chained to deter other vehicular traffic. It was the consensus keep it open and to have signage for "Emergency Vehicles Only".

Mr. Violette suggested to get preliminary approval for Sewer and Water usage from the Town Selectboard and the City Council.

Mr. Reeves asked if one fire hydrant was enough to service the proposed development. Mr. Violette stated it was and he was happy to see that there was one planned.

DELIBERATION

On motion by Mr. Gilbar, seconded by Ms. Valentinetti, the Development Review Board voted to close the public hearing for JDJ Development Company's request for a major site plan (first of two hearings). Vote 7-0-0.

On motion by Mr. Gilbar, seconded by Mr. Titus, the Development Review Board voted to move continue the request by JDJ Development Company for major site plan review (first of two public hearings) for the proposed construction of a multi-unit, multi-family residential development (32 units in 8 buildings) on land located off Rudd Farm Drive (property owned by Fecteau Residential, Inc): PID: 039/003.00; zoned: Very High Density Residential. SP-22000002; the second public hearing, date certain May 11, 2022. Vote 7-0-0.

CONDITIONS Yes ____ No X

MOTION BY: GILBAR
SECOND BY: TITUS

ROLL CALL:

Mark Reaves	<u>YES</u>	Angela Labrador (alt)	<u>YES</u>
Michael Titus (alt)	<u>YES</u>	Chris Neddo	<u>YES</u>
Cedric Sanborn	<u>YES</u>	Angela Valentinetti	<u>YES</u>
Mike Gilbar	<u>YES</u>		

I. CONCEPTUAL

J. OTHER

Mr. Gilbar announced that he would not be seeking reappointment to the Develop Review Board. Members thanked Mr. Gilbar for his years of service on the Board. Mr. Violette provided an overview of the appointment process.

K. FOLLOW-UPS

L. ROUNDTABLE

Mr. Violette provided an update on litigation Town vs Rock Pile.

M. ADJOURN!

On motion by Mr. Gilbar, seconded by Mr. Sanborn, the Development Review Board adjourned at 8:56 p.m. Vote: 7-0-0.

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

Mark Reaves, Chair

Angela Valentinetti

Cedric Sanborn

Jim Fecteau

Michael Titus (Alternate)

Jon Valsangiacomo

Chris Neddo

Michael Gilbar

Angela Labrador (Alternate)