

# BARRE TOWN DEVELOPMENT REVIEW BOARD MINUTES FOR APRIL 14, 2021

The Barre Town Development Review Board held their regular meeting and public hearings on **Wednesday, April 14, 2021** beginning at 7:00 p.m. by video and tele conference. There was no physical meeting place for this meeting under COVID-19 legislative authority.

## **MEMBERS -ZOOM**

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

## **STAFF PRESENT -ZOOM**

Chris Violette and Cindy Spaulding

## **OTHERS PRESENT:**

Craig Chase (representative for Steven Young, Zoom), Erwin and Shirley Kreis (Phone), Sophia \_\_\_\_\_.

### **A. 7:00 P.M. – CALL TO ORDER**

Mr. Reaves called the meeting to order at 7:00 p.m. and swore everyone in

### **B. CHANGES TO THE AGENDA**

Mr. Violette asked to add update to Perkin's variance on the agenda under Other.

### **C. APPROVE MINUTES –**

March 10, 2021

*On motion by Mr. Gilbar, seconded by Mr. Sanborn, the Development Review Board approved the minutes of March 10, 2021 as written. Vote 6-0-0.*

### **D. NON-AGENDA ITEMS (max 10 minutes)**

None

### **E. SUBDIVISION PRELIMINARY REVIEW**

None

### **F. WARNED PUBLIC HEARING**

Subdivision

## **APPLICANT:**

**Steven Young/ subdivision amendment**  
**Final warned public hearing**

**Request by Steven Young for final amended subdivision review for the purpose of merging two lots (most recently subdivided in July of 2008 as a 4-lot subdivision: P-08000002; Plan 2137) on land off of Hillside Avenue; Parcel ID: 007/043.00 and 007/043.01; Zoned: High Density Residential; P-21000004.**

Consultant: Chase & Chase

Date: April 9, 2021

**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 applicant would like to take two previously created parcels and combine (merge) them into one undivided parcel of land. The subject parcel is in a high-density residential zone that requires a minimum lot size of 2.0 acre (onsite sewer & water).

The two lots subject to this request were created as part of a 4-lot subdivision in 2008 by Mr. Young. The two-parcels combined make up a total of 19.75 acres and have access from Hillside Ave from 62' along with frontage off Route 302/East Barre Road.

There is a potential buyer of these two lots, either the deed conveying them must clearly state that they are to be merged and one undivided parcel or a separate deed must be executed to do the same.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

Simple merger of two previously approved subdivided lots. I recommend approval of the amended subdivision plan, merging lots 1 & 2 from a subdivision previously approved in July 2008 making one parcel of 19.75 acres. Subject to the following recommended conditions:

- 1) To complete this subdivision amendment, a deed merging the two parcels into one must be executed within 180 days. Said deed must clearly state that the purpose is to merge the two parcels into one undivided parcel of 19.75 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.

**COMMENTS:**

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

*On motion by Mr. Fecteau, seconded by Mr. Gilbar, the Development Review Board approved a request by Steven Young for final amended subdivision review for the purpose of merging two lots (most recently subdivided in July of 2008 as a 4-lot subdivision: P-08000002; Plan 2137) on land off of Hillside Avenue; Parcel ID: 007/043.00 and 007/043.01; Zoned: High Density Residential; P-21000004: contingent upon conditions 1-6. Vote: 6-0-0.*

CONDITIONS Yes X No \_\_\_\_\_

MOTION BY: FECTEAU  
SECOND BY: GILBAR

**ROLL CALL:**

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

**APPLICANT: Erwin & Shirley Kreis/ Variance**  
Final warned public hearing

Request by Erwin and Shirley Kreis for a 7' variance from the town right-of-way (Orchard Terrace) for the proposed construction of an 8' x 20' porch attached to existing single family dwelling on property located at 13 Orchard Terrace; Parcel ID: 017/040.00; Zoned: Very High Density Residential; V-21000001.

Consultant: None

Date: April 9, 2021

**STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,**  
**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 whereas it was determined after the applicant filed a building permit request that the proposed project will not meet the required street setback.

The applicants are proposing to replace an existing 8' x 20' deck with a porch of the same dimensions, attached to the front of the existing single-family dwelling house. A variance was issued in 2006 for the original deck (V-06000005). Since this is new construction and adding roof (which was not part of the first variance) a new variance is required.

The subject parcel is .28 acres in size and fairly regularly shaped. Mr. & Mrs. Kreis' house as with many other houses on this section of Orchard Terrace is already at the minimum setback of 15'.

I think this request for a new porch is reasonable and it will not extend any closer than the previous deck.

Mr. and Mrs. Kreis answered yes to the 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 & CONDITIONS:**

While the applicant's lot isn't particularly irregular there is a topography issue, the lot falls off in the back quite a bit. The house was built close to the road as a result which makes it impossible to have a deck or anything else on the front of the house without a variance. Having a deck or a porch on the front of your house is a reasonable use of the property. The applicant did not build the house and a variance will not alter the character of the neighborhood and will not have a negative impact on the welfare of the public.

I recommend approval of this request for a 7' variance of right-of-way setback.

**COMMENTS:**

Mr. Violette provided an overview of this staff report as stated above. Mr. Reaves asked Mr. Kreis if he had anything to add. Mr. Kreis mentioned he was wheelchair bound and would like to go on a porch with a roof to enjoy the outside.

Ms. Valentinetti asked about the actual size of the proposed porch. Mr. Violette provided visual of the dimensions as they show on the listers card for the property.

Mr. Gilbar inquired if a second request for a variance could be denied. Mr. Violette explained it is possible if after the first one things such as the character of the neighborhood changed, there were impacts to neighbors, or impact on welfare of the public.

Mr. Fecteau mentioned that the original variance was a set-back for the building (deck) and the second variance is for a roof over the deck. Mr. Violette explained because the second variance is for the roof, he cannot issue a permit without an approved variance as it would not meet setback requirements.

Mr. Reaves asked Mr. Kreis to answer the questions below:

- 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?

The applicant answered in the affirmative.

- 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?

The applicant answered in the affirmative.

- 3) Is it true that no unnecessary hardship was created by the applicant?

The applicant answered in the affirmative.

- 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?

The applicant answered in the affirmative.

- 5) Is it true the variance represents the minimum deviation from regulation and plan to provide relief?

The applicant answered in the affirmative.

***On motion by Mr. Sanborn, seconded by Ms. Valentinetti, the Development Review Board approved a request by Erwin and Shirley Kreis for a 7' variance from the town right-of-way (Orchard Terrace) for the proposed construction of an 8' x 20' porch and roof attached to existing single family dwelling on property located at 13 Orchard Terrace; Parcel ID: 017/040.00; Zoned: Very High Density Residential; V-21000001.***

CONDITIONS Yes \_\_\_\_\_ No  X

MOTION BY: SANBORN  
SECOND BY: VALENTINETTI

**ROLL CALL:**

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

**G. CONCEPTUAL REVIEW**

No conceptual review.

**H. OTHER**

Mr. Violette provided an update; he has received an email from Mr. Perkins (dba: East Barre Auto Sales) that a purchase and sales agreement has been drafted and sent to abutter Quero. If it goes through the closing is scheduled for May 14<sup>th</sup>, after the property is transferred, then Mr. Violette would work with Mr. Perkins to get the two lots merged and would be able to issue a building permit.

**I. FOLLOW-UPS**

**J. ROUNDTABLE**

**K. ADJOURN!**

*On motion by Mr. Gilbar, seconded by Mr. Reaves, the Development Review Board adjourned at 7:30 p.m.*

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

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Mark Reaves, Chair

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Jon Valsangiacomo

\_\_\_\_\_  
Angela Valentinetti

\_\_\_\_\_  
Chris Neddo

\_\_\_\_\_  
Cedric Sanborn

\_\_\_\_\_  
Michael Gilbar (Alternate)

\_\_\_\_\_  
Jim Fecteau