

**BARRE TOWN DEVELOPMENT REVIEW BOARD
MINUTES FOR MAY 12, 2021**

The Barre Town Development Review Board held their regular meeting and public hearings on **Wednesday, May 12, 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 Alternate: Mike Gilbar

ABSENT:

Angela Valentinetti

STAFF PRESENT -ZOOM

Chris Violette and Cindy Spaulding

OTHERS PRESENT:

Craig Chase (representative Eric Lozier/David Oles) and Alex Fuller

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

No changes

C. NON-AGENDA ITEMS (max 10 minutes)

None

D. SUBDIVISION PRELIMINARY REVIEW

None

E. WARNED PUBLIC HEARING

Subdivision

APPLICANT: **Eric Lozier & David Oles/ BLA
Final warned public hearing**

Request by Eric Lozier and David Oles for a boundary line adjustment located at 93 Curtis Rd and 101 Curtis Rd, Parcel IDS 010/028.08 and 010/028.13; Zoned low density residential; P-21000005 & P-21000006.

Consultant: Chase & Chase Land Surveyors and Septic Designers

Date: May 5, 2021

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

This is a warned public hearing for the purpose of a boundary line adjustment (BLA) between two parcels owned by the applicants. The applicants would like to alter a small portion of the property line between the two parcels. The subject parcels are located in a low-density residential zone. Low density residential zoning requires a minimum lot size of 2 acres (with onsite sewer and water) and 200' of road frontage (or access by a right-of-way).

As noted on the plans by Chase and Chase, the Lozier parcel (93 Curtis Road) is currently 10.71 acres and is developed with the applicants residential dwelling and accessory apartment. The Oles parcel (101 Curtis Road) is currently 30.39 acres in size and has a single-family dwelling located on it. Both lots have onsite potable water and sewer.

The purpose of this BLA is to put a kink in the common boundary to correct encumbrances of two of Lozier's outbuildings. A garage owned by Lozier sits on the boundary line with little to no setback while a shed is currently fully on the Oles property.

As proposed the BLA will transfer .25 acres from the Oles property to Lozier's. Oles parcel will decrease 30.14 acres while Lozier's increases to 10.96 acres.

As proposed both lots and all structures will now be conforming. Road frontage is not impacted by this action.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

This boundary line adjustment corrects a situation that is not good for either applicant. With consideration to the proposed conditions below, I recommend approval of this boundary line adjustment.

- 1) To complete this boundary line adjustment, a deed merging the .25 acres with Lozier must be executed within 180 days.
- 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. Reaves read Mr. Violette's staff report as stated above. Mr. Chase mentioned he was available if there were any questions.

On motion by Mr. Sanborn, seconded by Mr. Valsangiacomo, the Development Review Board approved a request by Eric Lozier and David Oles for a boundary line adjustment located at 93 Curtis Rd and 101 Curtis Rd, Parcel IDS 010/028.08 and 010/028.13; Zoned low density residential; P-21000005 & P-21000006: contingent upon conditions 1-6. Vote: 6-0-0.

CONDITIONS Yes X No _____

MOTION BY: SANBORN
SECOND BY: VALSANGIACOMO

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>ABSENT</u>
* Mike Gilbar	<u>YES</u>		

Conditional Use

APPLICANT: Aaron Fuller/ Conditional Use

Final warned public hearing

Request by Aaron Fuller for Conditional Use approval to convert an existing building with an apartment and retail space to a two-family dwelling. on property located at 34 Church Hill Road owned by Pierre Couture; parcel ID: 023/015.00; zoned very high density residential; CUP-21000002.

Consultant: None

Date: May 5, 2021

**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, sec. 5.4 whereas the applicant would like to conduct a use that is only allowed by a Development Review Board (DRB) issued Conditional Use Permit. The proposed use is to convert a building into a two-family residential use located in a very high-density residential zone. Article 2, table 2.1 identifies two-family dwellings as being allowed by Conditional Use Permit.

The applicant is proposing to convert a building that he is planning to purchase from its current configuration of retail space and an apartment to a two-family dwelling. Article 3, sec. 3.3 under equal treatment of housing, subsection E allows two-family dwellings in a very high-density zone.

The retail space will be eliminated under the current proposal.

The applicant is also hoping to add an office for his land surveying business but that is a matter for the Planning Commission because that use is not specifically allowed by zoning. An Allowed Use determination has been applied for and is on the Planning Commission's agenda next week.

The applicant submitted a narrative addressing the review standards and are included as an exhibit.

Conditional use review requires the following criteria to be used to help the DRB decide and apply conditions if necessary. My comments are in bold and unless altered by the DRB may be used in the formal decision letter.

1. The impact on the capacity of existing or planned community facilities, to include but not limited to:
 - a. Emergency services
 - b. Educational facilities
 - c. Water, sewer, or other municipal utility systems
 - d. Recreational facilities
 - e. Conservation or other designated natural areas
 - f. Solid waste disposal facilities
 - **The applicant is proposing to add an additional living unit making this building at 34 Church Hill Road a two-family dwelling. Barre Town's emergency services can serve an additional unit.**
 - **The applicant indicates that the new unit may include children that could potentially go to Barre Town Middle and Elementary School. The school can accommodate any additional children that one living unit may generate. Recreational facilities will not be negatively impacted either.**
 - **The building currently has two sewer units assigned to it. No new sewer allocation will be required for the two dwellings. There may be a need for an additional sewer allocation for the office, but the Planning Commission will address that. In any case, the municipal sewer system has the ability to serve this building.**
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;
 - **The area around 34 Church Hill Road is mixed between single-family, multi-family dwellings and commercial uses. Very high-density residential zoning is generally the targeted location for multi-family dwellings and compact residential use making this proposal conforming with the Town Plan.**
3. Traffic on roads and highways in the vicinity.

- **The subject location as previously noted is located at 34 Church Hill Road. Church Hill Road is a Town paved class 3 road with moderate traffic. The addition of one living unit will not have a negative impact on Church Hill Road.**
4. Bylaws and ordinances then in effect.
 - **The Barre Town Zoning Bylaw, Article 2, table 2.1 allows two-family dwellings after this process is followed and a Conditional Use permit is issued by the DRB.**
 5. Utilization of renewable energy resources.
 - **The proposed change of use does not propose renewable energy resources or inhibit either.**
 6. Minimum lot size;
 - **The minimum lot size in the very high-density residential zone is 8,500 S.F. The subject parcel is .7 acres, well above the minimum lot size.**
 7. Distance from adjacent or nearby uses;
 - **Adjacent uses are in close proximity and similar in nature.**
 8. Criteria (as needed) adopted relating to site plan review pursuant to Article 5, Sec. 5.6 of this bylaw;
 - **N/a**
 9. Any other standards and factors (as needed) that the bylaw may require;
 - **N/a**
 10. Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw;
 - **Off street parking requirement for a two-family dwelling is four parking spaces (2 per unit). There appears to be adequate parking to conform with the Zoning requirement.**
 11. Loading/unloading facilities.
 - **N/a**

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicant proposes to take this existing building and change the use from retail and apartment to a two-family dwelling. The Church Hill Road area is highly residential and a good area to promote more of it. Zoning supports it.

With consideration to the conditions below, I recommend approval of this conditional use review, allowing the conversion of 34 Church Hill Road to a two-family dwelling.

- 1) All necessary municipal and state permits shall be obtained prior to occupancy.
- 2) In accordance with Article 3, section 3.9 (G) of the Barre Town Zoning Bylaw, four identifiable parking spaces must be available (two for each unit).

COMMENTS:

Mr. Reaves read Mr. Violette's staff report as stated above. Mr. Fuller confirmed the answer

to the question were correct.

On motion by Mr. Sanborn, seconded by Mr. Fecteau, the Development Review Board approved a request by Aaron Fuller for Conditional Use approval to convert an existing building with an apartment and retail space to a two-family dwelling. on property located at 34 Church Hill Road owned by Pierre Couture; parcel ID: 023/015.00; zoned very high density residential; CUP-21000002; contingent upon conditions 1-2. Vote 6-0-0.

CONDITIONS Yes X No _____

MOTION BY: SANBORN
SECOND BY: VALSANGIACOMO

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>ABSENT</u>
* Mike Gilbar	<u>YES</u>		

Variance

APPLICANT: David Otis/ Variance
Final warned public hearing

Request by David Otis for a 15’ variance from side yard setback for construction of a proposed breezeway that will attach a garage (making the garage setback non-conforming) to an existing single-family dwelling on property located at 35 Booth Road; Parcel ID: 005/131.01; Zoned: low density residential; V-21000002.

Consultant: None

Date: May 5, 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 side yard setback.

The applicant is proposing to construct a breezeway that will connect his existing single-family dwelling and a recently permitted garage. The nature of this variance is a bit unusual but will explain below.

All structures that are subject to a building permit must meet specific setbacks or distances to road rights-of-way and property lines. The primary structure (typically a house on a residential parcel) is subject to the most restrictive setbacks. Accessory structures enjoy significantly less setback requirements. Anything attached to the main structure assumes the setbacks of the primary structure.

In this unique situation the applicant applied for a building permit for a garage that is going to be attached to the dwelling via a breezeway. The setback for the proposed garage to the right-side property line was only going to be 10’ when 25’ is required (when attached to the primary structure). The applicant was informed that a building permit could not be issued under the proposed configuration. The applicant sought alternative methods to move forward sooner rather than waiting for the variance process.

The applicant decided to amend the permit for the garage to make it detached (at least for now) so that instead of a 25’ setback the setback would now be 8’ as an accessory structure. With the garage now compliant I issued the permit.

That brings us to the breezeway. The applicant still wants to construct the breezeway and attach the garage and house but can’t do so without the 15’ variance that the garage would now need.

Low density residential zoning requires a minimum lot size of 2.0 acres. The subject parcel is .83 acres in size but pre-exist zoning, so the lot size is grandfathered. So the lot is small and oddly shaped.

- 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?
 - **As noted, the lot is a pre-existing, nonconforming at .83 acres and even that size is skewed a little because of the irregular shape of it. Because of the minimal available land there is a potential hardship to build a garage.**

- 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 lot has a few physical circumstances that impacts its potential further developed. The lot utilizes on-site septic system to be worried about and the applicant points out drainage issues and overhead power lines. This location is likely the best spot for the garage. The question is, is it a reasonable use of the property to connect the garage to the house via a breezeway?**

- 3) Is it true that no unnecessary hardship was created by the applicant?
 - **The applicant did not create the lot or build the house.**

- 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 addition of garage attached to the house 10’ from the property line would not alter the essential character of the neighborhood.**
 - **It would not impact use of adjacent property.**
 - **I would not reduce access to renewable energy sources.**
 - **And not detrimental to the public welfare.**

- 5) Is it true the variance represents the minimum deviation from regulation and plan to provide relief?
 - **I think given the circumstances of the applicants lot and if it is a “reasonable use” to connect the garage to the house, it is likely that this is the minimum deviation for setback requirement in order to provide relief for the applicant.**

SUMMARY, RECOMMENDATIONS & CONDITIONS:

I believe that the applicant meets most of the standard to a degree acceptable to issue the variance. The question is does it need to be connected to the house? Is that a reasonable use to justify issuing a variance? My own opinion given the fact that there will still be a 10’ setback and the garage is going to be there with or without a variance, I do think it is a reasonable use of the property to want the garage to be attached.

I recommend approval of this request for a 15’ variance of right-of-way setback allowing the permitted garage to be attached to the house by a breezeway allowing the primary structure to have a 10’ setback to the right property line.

COMMENTS:

Mr. Reaves read Mr. Violette’s staff report as stated above. Mr. Gilbar asked if this variance

request actually defeats the purpose, since the buildings were both compliant until connected by a breezeway. Mr. Violette explained that every variance stands on its own merit. The Planning Commission may need to review for future zoning ordinance changes.

Discussion ensued regarding taking testimony in writing as the applicants were not in attendance. It was determined that the applicants should be present to answer the questions, as to not set precedence in the future.

On motion by Mr. Sanborn, seconded by Mr. Fecteau, the Development Review Board voted to continue a request by David Otis for a 15' variance from side yard setback for construction of a proposed breezeway that will attach a garage (making the garage setback non-conforming) to an existing single-family dwelling on property located at 35 Booth Road; Parcel ID: 005/131.01; Zoned: low density residential; V-21000002; to date specific June 9, 2021. Vote 6-0-0.

F. CONCEPTUAL REVIEW

APPLICANT: Gillies Moreau – Conceptual review of Feasibility of subdividing land

Conceptual discuss regarding the feasibility of subdividing land (1-lot) owned by Gillies Moreau off Waterman Street (Dickey Lane and Rock Garden Lane both private roads).

Consultant: Chase & Chase Land Surveying and Septic Design

Date: May 6, 2021

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

Gilles Moreau and his wife Vickie own a 1.91-acre parcel of land that fronts on Dickey Lane in East Barre off Waterman Street. Dickey Lane is a private road that provides access to three single-family dwellings including the Moreau's. Dickey Lane and the lots it serves has existed for a long time as a private road.

Donald Hayward teamed up with Paul McGinley to create a subdivision that saw several iterations over the years. The subdivision was known as McHay Development which ultimately created four or five lots. One of these lots is the basis for this discussion.

The Moreau's expanded their Dickey Lane property (a couple of times I believe) by obtaining land from either Hayward, McGinley or certainly McHay Development. The land subject to this discussion was a .61-acre parcel approved as part of a subdivision in 2008 as lot 5F. The .61-acre parcel was clearly created to become part of the Moreau property and is indicated as such on the final plan (indexed as plan 2139). This fact is solidified in the Warranty Deed (book 236, page 205) from McHay Development to Gillies and Vickie Moreau that conveyed the parcel to Moreau but also clearly states that it will be merged into an undivided parcel of the Moreau property.

I do not believe that there is a questions as to whether so called lot 5F (.61 acres) is a separate lot or not, it isn't. The question Mr. Moreau is asking is could it be recreated and allowed to be developed? When it was created there were easements etc to provide access to utilities and even a right to cross lot 5E (see below) for access. So, while it was not intended to be a lot at the time, there were things put into place that might allow it to be in the future.

Part of the McHay Development subdivision included the creation of lot 5E a .46-acre parcel that became Rock Garden Lane, a private road off Waterman Street serving two lots that are owned by the McGinley's. The aforementioned Warranty Deed conveyed Moreau a right to cross Rock Garden Lane to access the back side of the Moreau property.

The question really is not whether Moreau has enough land to subdivide, the land lies in the high-density residential zone with a minimum lot size of 1/3 acre, the question is does it have access? Remember there is an access easement across Rock Garden Lane (not defined how wide) so from that standpoint there is potential. However, there are already two residential dwellings utilizing what is a shared driveway. There is no possibility of a separate driveway from Waterman Street. Barre Town's access requirements (if no road frontage) requires a 25' easement/right-of-way for each lot being accessed. It further states that if access is going to be shared, no more than two houses will be considered.

To sum it up, while there was consideration to a lot being created back in 2008 that would potentially be accessed via Rock Garden Lane, it was not, and the Zoning Bylaw changed in 2008 (right around the same time the subdivision was being approved) to clarify back land and shared access. By following the strict letter of the bylaw, it does not offer a choice that involves creating a new lot. The question is, would the DRB allow for some wiggle room given how this all went down prior to the 2008 zoning rewrite? That is the reason for this discussion.

COMMENTS:

Mr. Reaves read Mr. Violette’s staff report as stated above. Mr. Fecteau recused himself as a member of the DRB.

Highlights of discussion:

- Merged lots would not have road frontage
- Road frontage only if Rock Garden Lane & Dickey Lane were town roads
- Roads would have to be built to town standards

G. OTHER

Mr. Violette announced that the meeting in June would be in-person hybrid type.

H. FOLLOW-UPS

I. ROUNDTABLE

J. APPROVAL OF MINUTES

April 14, 2021

On motion by Mr. Sanborn, seconded by Mr. Valsangiacomo, the Development Review Board approve the minutes of April 14, 2021 as written. Vote 6-0-0.

K. ADJOURN!

On motion by Mr. Gilbar, seconded by Mr. Fecteau, the Development Review Board adjourned at 7:40 p.m.

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

Mark Reaves, Chair

Jon Valsangiacomo

Angela Valentinetti

Chris Neddo

Cedric Sanborn

Michael Gilbar (Alternate)

Jim Fecteau

Due to COVID-19 pandemic this meeting was conducted virtually.
Minutes were approved on: