

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR May 13, 2020

The Barre Town Development Review Board held a public meeting & hearing on **Wednesday, May 13, 2020** beginning at 7:08 p.m. at the **Municipal Offices**, 149 Websterville Road, Websterville, Vermont. . **This meeting was conducted by electronic means, there will not be a physical meeting location. Options to listen, view, and participate during this meeting include teleconference by calling 802-861-2663 and using participant code 489078. Further, the meeting will use Zoom Video Conferencing. Anybody wishing to join via video conference can navigate to <https://zoom.us/j/7043034388> or find the link at barretown.org.**

MEMBERS TELECONFERENCE (ZOOM)

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

MEMBERS ABSENT:

Charles Thygesen, Sr. and Angela Valentinetti

STAFF PRESENT:

Chris Violette and Cindy Spaulding (Zoom teleconference)

OTHERS PRESENT:

Darlene Johnson (telephone conference call)

Bruce and Silvia Mittins, Pierre Couture, and Chris MacRitchie (Zoom teleconference)

CHANGES TO THE AGENDA:

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APPROVAL OF MINUTES: *Mr. Sanborn made a MOTION to approve the April 8, 2020 minutes.*

Mr. Fecteau seconded the motion. Vote 4-0-0.

WARNED PUBLIC HEARINGS

Subdivision

VARIANCE

APPLICANT: **Johnson / Variance**

Request by Darlene A. Johnson for a 30' variance of right-of-way setback (East Montpelier Road) to allow for the construction of an attached deck which as proposed would have a 20' setback to the edge of the East Montpelier Road (VT Rt. 14) right-of-way when 50' is required by the Barre Town Zoning Bylaw. Property is located at 478 East Montpelier Road; parcel ID: 012/008.00; zoned low density residential; V-20000002.

Consultant:

Date: May 7, 2020

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 submission of a building permit that the proposed project by the applicant cannot meet the minimum setback in accordance with Article 2, table 2.2. The subject parcel is located on East Montpelier Road (VT Rt. 14 North) in a low-density residential zone that requires a 50' setback from the road right-of-way.

Darlene Johnson (applicant) is hoping to submit a building permit application for the construction of an 8' x 8' deck attached to her existing house. The proposed deck would attach to an existing deck, I believe the proposed deck is for a hot tub.

Initially it appeared as though the proposed deck, which will be placed further from the road than the existing house and deck, would only need a minimal variance of 12'. However, after notifying the State of Vermont, it was determined that the width of the right-of-way at this location is wider than normal, likely from a road project years ago. The result is that the edge of right-of-way actually comes right up to the side of the applicant's house providing a near 0 setback. The only bright spot is that the house is on a curve which means the road falls away from the house slightly and the proposed deck is set in from the house allowing its location to be a little further away from the right-of-way than the house itself.

After I worked with VTrans, it appears that edge of the VT Rt. 14 right-of-way is 42' from the center of the road. Based on that information, the deck should be 20' from the edge of right-of-way requiring a 30' variance.

The applicant submitted responses to the variance criterion which are included in your packets.

Below is the variance criterion

- A. Are there unique physical circumstances or conditions that prevent conformity.
- B. That because conformance cannot be adhered to due to A above, the variance is necessary to enable reasonable use of the property.
- C. The unnecessary hardship was not created by the appellant.
- D. The variance will not alter the essential character of the neighborhood where the property is located.
- E. The variance will represent the minimum variance that will afford relief.

The applicant indicates that the size of her property is a limiting factor at .69 acres in being able to conform. Parcel size is certainly a factor as well as terrain and wetland issues behind the house. This is likely why the house was not originally built further back to begin with long ago, long before this owner. No doubt that if the addition of the proposed deck is a reasonable use of the property, then conformance cannot be adhered to because of the terrain and wetlands. It is also true that a variance is unlikely to alter the essential character of the neighborhood which is mixed between residential and commercial. Finally, according to the applicant, the 8' x 8' deck is the minimum size that it can be thus the minimum deviation from setback in order to provide relief.

The final comment I will make is the VTrans did express some concern with the parking of cars being in the right-of-way and further development of the parcel potentially interfering with parking relocation. Parking in the right-of-way is VTrans responsibility to handle. While I understand their position and I think it is good for the applicant to be aware of, I do not think the proposed deck prevents parking outside of the right-of-way.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

This lot is subject to major factors that prevent much of it from being usable. A wide road right-of-way impacts it and a class 2 wetland covers much of the property. Based on all the factors I do believe a variance is justified in this case. However, the applicant should be aware of the concerns VTrans has and could expect to be contacted by them at some point. I recommend a 30' variance of right-of-way setback, allowing construction of a proposed 8' x 8' deck within 20' of the right-of-way known as East Montpelier Road.

COMMENTS/MOTION

Mr. Violette provided an overview and his recommendations as outlined above.

Mr. Reaves asked Ms. Johnson the variance criteria questions and Ms. Johnson answered yes to all questions.

On motion by Mr. Sanborn, seconded by Mr. Fecteau, the Development Review Board approved Ms. Johnson's for a 30' variance of right-of-way setback (East Montpelier Road) to allow for the construction of an attached deck. Vote 4-0-0

Mr. Neddo arrived in the Zoom meeting at 7:15 pm.

SITE PLAN – SECOND PUBLIC HEARING

APPLICANT: Akers Site Plan / 2nd public hearing

Request by Jason & Alyssa Akers for major site plan review (second hearing) that includes site improvements and the construction of a 4,200 s.f. light industrial building (vehicle storage) on property located at 930 South Barre Road; Parcel ID 021/053.00; Zoned Industrial; SP-20000001.

Consultant: American Consulting

Date: May 7, 2020

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is the second of two required public hearings for major site plan review, the first hearing was held last month, April 8th and was approved setting the stage for this hearing. The proposal is the for the construction of a 4,200 s.f. commercial building along with site improvements. The subject parcel is .81 acres and is currently developed with a single-family residential dwelling.

During the first public hearing the board heard from Rob Townsend, the applicants engineer. Mr. Townsend informed the board that he had done a preliminary boundary survey but finalizing is pending being able to

complete a title search. This is important because there is a question as to where the boundaries are which makes it difficult to ensure setbacks are being maintained. Discussion also took place regarding the adjacent stream and whether it qualified for a buffer management plan. One point that was raised that helps is to redesign the building so that water is not directly discharged towards the stream. After discussion about whether to continue this first hearing because of many outstanding issues, it was decided to approve the first hearing, understanding that there would be a second hearing if things did not come together.

As recap this is what is being proposed.

The applicant is proposing the construction of a 4,200 s.f. metal constructed light industrial building. This building would support his business which is across the street, towing and auto repair. The building will likely be used to house his vehicles.

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

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

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

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

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Based on what I know I am still supportive of the request; however, I have not had any further information come forward, so it is hard to recommend any opinion or recommendation to do anything other than a date certain continuance. The COVID-19 situation may continue to be problematic, but restrictions are loosening so maybe we will see progress soon.

COMMENTS/MOTION

Mr. Violette provided an overview and his recommendations as outlined above.

On motion by Mr. Valsangiacomo, seconded by Mr. Neddo, the Development Review Board moved to continue the Akers Site Plan second public hearing to June 10, 2020. Vote 5-0-0.

SUBDIVISION

APPLICANT: Couture-MacRitchie / BLA

Request by Pierre Couture and Chris & Erica MacRitchie for a boundary line adjustment moving land from Couture's vacant parcel to MacRitchie's homestead parcel. The subject parcel is located between 396 and 422 Websterville Road; Parcel ID's 006/054.01 & 006/054.00; zoned high density residential; P-20000007 & P-20000008

Consultant: American Consulting

Date: May 7, 2020

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

This is a warned public hearing for the purpose of subdivision review, a boundary line adjustment. The subject parcels are in a high-density residential zone. High density residential zoning requires a minimum lot size of 1/3 acre when both off-site water and sewer is being used.

The joint applicants own abutting parcels of 2.0 acres (MacRitchie) and 8.69 acres (Couture). The MacRitchie parcel is developed with a single-family residential use and has over 250' of road frontage along Websterville Road. The Couture parcel is undeveloped with over 400' of road frontage also along Websterville Road.

The proposed boundary line adjustment will essentially carve the Couture parcel in half with 4.3 acres going to the MacRitchie parcel increasing it to 6.3 acres while the Couture parcel will reduce to 4.3 acres. The MacRitchie parcel picks up an additional 214' of road frontage. The Couture parcel reduces to 217' of road frontage exceeding the minimum requirement of 110'. No buildings appear to be impacted regarding setbacks with the alteration of boundary lines. Both parcels remain conforming as proposed.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Simple relocation of boundary line, no new parcel being created. With consideration to the conditions below, I recommend approval of this boundary line adjustment, moving 4.3 acres of land to the MacRitchie's from Couture.

- 1) To complete this boundary line adjustment, a deed conveying the 4.3 acres from Pierre Couture to Chris and Erica MacRitchie must be executed within 180 days. Said deed must also clearly state that this land is merged, combined as one lot of 6.3 acres. If this cannot be accomplished in one deed, a second merger deed will need to be executed by the MacRitchie's.
- 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 ~~90~~ 180 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/MOTION

Mr. Violette provided an overview and his recommendations as outlined above.

Mr. MacRitchie requested in Condition 3, if the days could be increased to 180 due to the current COVID-19 pandemic.

On motion by Mr. Fecteau, seconded by Mr. Valsangiacomo, the Development review Board approve Pierre Couture and Chis & Erica Mac Ritchie's request for boundary line adjustment moving land from Couture's vacant parcel to MacRitchie's homestead parcel. The subject parcel is located between 396 and 422 Websterville Road; Parcel ID's 006/054.01 & 006/054.00; zoned high density residential; P-20000007 & P-20000008; subject to Conditions 1-6, amending Condition 3 to 180 days. Vote 5-0-0.

OTHER:

No other business

ADJOURN:

A MOTION was made by Mr. Sanborn to adjourn the meeting. Mr. Fecteau seconded the motion and the Board voted unanimously to adjourn the meeting at 7.37 p.m.

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

Mark Reaves, Chair

Jon Valsangiacomo, Vice Chair

Cedric Sanborn

Jim Fecteau

Charlie Thygesen Sr.

Angela Valentinetti

Chris Neddo