

Town of Barre
Planning Commission
May 17, 2023

The Town of Barre Planning Commission held a meeting on Wednesday, May 17, 2023, beginning at 7:00 p.m. in the Municipal Building at 149 Websterville Road, Websterville, VT.

MEMBERS PRESENT:

In person: Cedric Sanborn, George Clain, Terry Reil and Alice Farrell

MEMBERS ABSENT:

Byron Atwood and Craig Chase

STAFF PRESENT:

In person: Cindy Spaulding and Brandon Garbacik

OTHERS PRESENT

In person: Denise Lavallee and Brian Long (7:45 p.m.)

A. CALL TO ORDER – 7:00 P.M.

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

B. CHANGES TO THE PUBLISHED AGENDA?

There were no changes to the agenda.

C. APPROVAL OF MINUTES

1) April 19, 2023

On motion by Mr. Clain, seconded by Mr. Reil, the Planning Commission approved the minutes of April 19, 2023 as amended. Vote 4-0-0.

D. NON-AGENDA ITEMS (PUBLIC COMMENT)

There were no non-agenda items.

E. PUBLIC HEARING

Request by Denise Lavallee/Milestone Nature Center for allowed use determination in accordance with Article 2, Section 2.4 (c) whereas the applicant is proposing to use not allowed in a low-density residential zone. The applicant is proposing to operate a non-profit private Nature Center at 540 Upper Prospect Street. Property is owned by Denise Lavallee. Parcel ID: 005/112.00; AU-23000003.

This is a warned public hearing. Ms. Lavallee is before the Planning Commission seeking an allowed use determination in accordance with the Barre Town Zoning Bylaw, Article 2, section 2.4 that reads as follows:

(C) Any uses not specifically permitted in any given zone may be considered and allowed if, after review by the Planning Commission in a public hearing, the Planning Commission determines that the use will not alter the characteristics of the area and will not cause an undue burden on the community.

The Milestone Nature Center plans to operate a one-mile trail on the property of 540 Upper Prospect Street that will include multiple interactive nature center stations. This nature center is intended to provide individuals with cognitive challenges and/or neurodiverse conditions a safe setting to experience and interact with nature, but open to people of all levels of ability. The Milestone Nature Center has filed and is certified as a charitable non-profit 501(c)(3).

The subject property has been undeveloped until recently (2019). This 30-acre lot currently has a storage shed on location and has formerly hosted a micro home (since removed). A building permit has been filed to build a single-family house on the lot.

The use of outdoor recreational services is not a permitted use in the low density residential zone. The described use is to develop, operate, and maintain a nature center for individuals with cognitive challenges or neurodiverse conditions. Therefore, an AUD application has been filed.

The applicant has supplied responses to the criteria and provided a short narrative of what she would like to do with this project. Below are the criteria used to help the Planning Commission with its review and decision. The applicant's responses are in regular font and mine are italic:

1. Emergency services:

In rare occurrences emergency responders might be requested. Detailed map will be provided.

The Town of Barre operates a full-time Police and Ambulance Service along with a call-paid Fire Department. I believe the Town of Barre emergency services has the ability to serve this proposed use.

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

No municipal utilities affected. Private amenities.

There is no impact on municipal utilities.

3. 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:

No negative impact on character, no policies set in place to address this, and will help to maintain rural environment.

This lot has been undeveloped until recently. The impact on the character of this area is minimal. One could argue that a project such as this serves to preserve the character of the land.

4. Traffic on roads and highways in the vicinity:

High traffic, adequate Town class 2 road not likely to overburden nor have a substantial impact.

Traffic in this area may potentially be impacted due to proximity to intersection of Airport Road/Miller Road/Upper Prospect Street.

5. Zoning bylaws and bylaws then in effect:

LDR, maintain compliance without subdivision.

The current Barre Town Zoning Bylaw does not specifically allow the proposed use. However, after holding a public hearing the proposed use will not alter the characteristics of the area and will not cause an undue burden on the community.

6. The impact on neighboring uses:

Hood milk processing, appliance repair (Tatro), Ball Park, Auto Parts (O'Reilly)

The impact on the neighborhood should be minimal. The 30-acre lot is heavily wooded, and the proposed use will take place in the heart of the area.

7. Minimum lot size:

30 Acres, 23 woodland to be partially utilized.

Low density residential zoning's minimum lot size is 2.0 acres. The lot size of the subject parcel is 30 acres.

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

All plans concerns private area.

Parking requirements will likely need to be determined by Development Review Board. Article 3, Sec. 3.9 (G) states under the category of Places of Assembly that "...if outdoors minimum parking shall be determined by the DRB based on the proposed use."

9. Loading/unloading facilities:

On private area 500' from road entrance.

Loading/unloading would not cause any hindrance to traffic and may be scheduled in such a way as to not interfere with the activities of the public.

SUMMARY AND RECOMMENDATION

After reviewing the above, it is recommended to approve with conditions:

1. The applicant should consult with a Vermont Permit specialist to determine if any other State permits are necessary.
2. A change of use permit will be required.
3. Any other conditions the Commission would like to add.

ADDITIONAL COMMENTS

Prior to opening the public hearing, Mr. Clain pointed out to Mr. Sanborn that according to the Barre Town Planning Commission's Rules of Procedures, it is the Chair's responsibility to open the public hearings.

Chairman Sanborn opened the public hearing.

Mr. Garbacik provided an overview of his staff report stated above.

Mrs. Farrell addressed the commission, stating that Ms. Lavallee had contacted her about the type of people that the Milestone Nature Center would serve, but they had not talked about land use or planning/zoning. Therefore, Mrs. Farrell affirmed that she would not need to recuse herself from deliberating on Ms. Lavallee's projects.

Questions/Answers

Mr. Reil asked about accessibility for emergency services and about traffic in the surrounding area. Ms. Lavallee stated that the site already has adequate access for emergency services to reach should they be needed. She also noted that her project should not have a substantial impact on traffic. When asked about the structures used for the nature center stations, Ms. Lavallee explained that they are small, removable kiosks. She disclosed that in order to be compliant with her current land use program, she cannot have permanent structures placed in the area that she wishes to utilize a trail.

Mr. Clain asked Ms. Lavallee about the personnel that will be present during hours of operation and the amount of safety training that they will have received. Ms. Lavallee expressed that she anticipates hiring three part-time staff members who will receive first-aid training as well as special needs training through UVM.

Mr. Clain then asked about how many people are expected to use the services that this nature center is providing. Ms. Lavallee responded by saying that though it is hard to estimate, the statistics show that there is a definite population in the area who could benefit from such services. She added that she plans on having about twenty parking spaces available.

Mr. Clain also questioned Ms. Lavallee about whether she had contacted anybody with the Barre Town Forest about coordinating with them to use a section of the Town Forest. Ms. Lavallee asserted that she wishes to utilize a controlled space exclusively used for developing sensory skills. Mr. Clain encouraged her to reach out to someone with the Town Forest, and Ms. Lavallee said she will look into it.

Mr. Clain subsequently made a request to Ms. Lavallee. He wants her to come back to a Planning Commission meeting next year and give a report of the success of the Milestone Nature Center project after one year's time. Ms. Lavallee agreed, stating that she would be glad to do so.

Mr. Reil then asked if Ms. Lavallee had visions of how this nature center will function in the coming years. She stated that this has been something she had been thinking about. She used an example of placing the start of her trail near evergreen trees on her property, as there is psychological evidence that shows the evergreens interact positively with the type of clients she intends to serve.

Hearing no further questions, Chairman Sanborn closed the public hearing.

On a motion by Mr. Clain, seconded by Mrs. Farrell, the Planning Commission approved a request by Denise Lavallee/Milestone Nature Center for allowed use determination in accordance with Article 2, Section 2.4 (c) whereas the applicant is proposing to use not allowed in a low-density residential zone. The applicant is proposing to operate a non-profit private Nature Center at 540 Upper Prospect Street. Property is owned by Denise Lavallee. Parcel ID: 005/112.00; AU-23000003. Voted 4-0-0.

Request by Denise Lavallee/Milestone Nature Center for a multiple curb-cut in accordance with the Town of Barre Subdivision Ordinance to add a second driveway on property located at 540 Upper Prospect Street for the purpose of an entrance/exit for a nature center. Property is owned by Denise Lavallee. Parcel ID: 005/112.00; AU-23000004.

This is a warned public hearing for the purpose of a multiple curb-cut request. The applicant is requesting multiple curb-cuts to be used as an entrance/exit to access a nature center located at 540 Upper Prospect Street.

All parcels, except in unique situations, are entitled to one access to a Town road approved by the Town Engineer. Access is generally referred to as a curb-cut. There are some instances where a property owner may desire two and sometimes more curb-cuts. While the Town Engineer would still have to permit additional curb-cuts, approval is required from the Planning Commission under the authority of Article 4, section 402 E. (2) of the Barre Town Subdivision Ordinance.

When reviewing multiple curb-cut request the Planning Commission relies heavily on input from the Town Engineer regarding these types of requests. The Town Engineer has been designated by the Selectboard to review and control access to Town roads. The Town Engineer shall consider such things as; the functional class of the road; site distances; safety; width of the curb-cut; drainage; topography; and any other pertinent factors that may apply.

Josh Martineau, the Town Engineer, has reviewed the request. In an email to Cindy Spaulding dated May 12, 2023, Josh Martineau stated that the proposed curb-cut will not create any safety concerns.

Below are the criteria used to help the Planning Commission with its review and decision. The applicant has supplied responses to the criteria. The applicant's responses are in regular font and mine are italic:

1. What is the posted speed limit?

40 mph in both directions Town class 2 road.

Upper Prospect Street and Miller Road have a speed limit of 40 mph.

2. How close are the abutters' driveways from where you would like to put the requested one?

800'+/-

The proposed curb-cut appears to be over 800' from the nearest abutters' driveways.

3. How far is the newly proposed driveway from your property lines?

Midst of frontage.

The proposed curb-cut appears to be about 700' from the nearest end of the property line.

4. Is there adequate sight distance for the proposed driveway?

Yes

Town Engineer Josh Martineau has stated that Ms. Lavallee will need to maintain 440' of clear sight distance in both directions from her proposed driveway.

5. What is the street name that the driveway will be located on?

Upper Prospect Street

Upper Prospect Street

SUMMARY AND RECOMMENDATION

After reviewing the above, it is recommended to approve with conditions:

1. The applicant should consult with a Vermont Permit specialist to determine if any other State permits are necessary.
2. A driveway permit will be required.
3. Sign permits indicating the entrance and the exit will be required.
4. Any other conditions the Commission would like to add.

ADDITIONAL COMMENTS

Chairman Sanborn opened the public hearing.

Mr. Garbacik provided an overview of his staff report stated above.

Ms. Lavallee instructed the Planning Commission to take a look at the maps that she provided to best view her plan for where her second curb-cut would be placed. She noted that a nearby culvert will have to be readjusted or cleaned out.

Mr. Sanborn asked Ms. Lavallee if she would have any issues with placing entrance/exit signs at these driveways. She stated that if that is what is required, then she would have no problem doing it.

Mr. Reil commented that it is concerning to him that there is a bit of a dip at the end of the current driveway before entering the roadway. Mrs. Farrell stated her concerns with the area being a wetlands area, as well as with the requirement of meeting 440' clear sight distance in both directions. Ms. Lavallee clarified that this particular project, though in a damp location, is not considered in wetlands. The wetlands area is nearby. Mr. Sanborn established that worries such as how level the driveway is and the clear sight distance requirements are not for the Planning Commission to make judgment on, but rather for Town Engineer Josh Martineau to determine.

Mr. Reil asked Ms. Lavallee when a second driveway would be installed if approved. She stated that it would most likely happen around April – July of next year. He then asked the Planning Commission if it would be best if Ms. Lavallee came back next year at a time when it was certain that she would need the additional curb-cut. Mr. Sanborn answered that it would make most sense to vote on both the allowed use and the multiple curb-cut at the same time because there is no expiration for either use as long as Ms. Lavallee owns the property.

During this portion of the meeting, Mr. Long, an abutter to Ms. Lavallee, entered the meeting (7:45 p.m.). Mr. Long had mistakenly gone to the concurrent Traffic Safety Advisory Committee meeting instead of the Planning Commission meeting. Having missed the public hearings regarding the Milestone Nature Center up to this point, Mr. Sanborn swore Mr. Long in and had him give a brief narrative of why Mr. Long was there. Mr. Long testified that he was curious about the project and concerned about the childcare facility and farm animals nearby on his property. AU-23000003 had already been voted on and approved, so there were no further actions that could be taken on the allowed use determination. Mr. Clain suggested that both he and Ms. Lavallee post their property lines and record it with the Town Clerk's Office.

Having no more discussion pertaining to the second curb-cut on the property, *Chairman Sanborn closed the public hearing.*

On a motion by Mr. Clain, seconded by Mr. Reil, the Planning Commission approved a request by Denise Lavallee/Milestone Nature Center for a multiple curb-cut in accordance with the Town of Barre Subdivision Ordinance to add a second driveway on property located at 540 Upper Prospect Street for the purpose of an entrance/exit for a nature center. Property is owned by Denise Lavallee. Parcel ID: 005/112.00; AU-23000004. Contingent on the following conditions 1-4: 1. The applicant should consult with a Vermont State Permit Specialist to determine if any other State permits are necessary. 2. A driveway permit will be required. 3. Sign permits indicating the entrance and the exit will be required. 4. Maintain 440' of clear sight distance, per Town Engineer Josh Martineau. Voted 4-0-0.

Having not added in the previously discussed conditions to the approval of AU-23000003, the Planning Commission returned to discuss the conditions of that vote. *On a motion by Mr. Clain, seconded by Mrs. Farrell, the Planning Commission approved to amend a request by Denise Lavallee/Milestone Nature Center for allowed use determination in accordance with Article 2, Section 2.4 (c) whereas the applicant is proposing to use not allowed in a low-density residential zone. The applicant is proposing to operate a non-profit private Nature Center at 540 Upper Prospect Street. Property is owned by Denise Lavallee. Parcel ID: 005/112.00; AU-23000003. Amended to include: Contingent on the following conditions 1-3: 1. The applicant should consult with a Vermont State Permit Specialist to determine if any other State permits are necessary. 2. A change of use permit will be required. 3. Ms. Lavallee will come back in one year's time to give a presentation to the Planning Commission regarding the success of Milestone Nature Center. Voted 4-0-0.*

F. NEW BUSINESS

Review Rules of Procedure – It was determined that review of Rules of Procedure of the Barre Town Planning Commission be put off until next month, since a new Planning Commission member has not yet been appointed by the Selectboard. Mr. Sanborn noted that one reason for reviewing the Rules of Procedure is because of an article that came out a few weeks ago in the VT Digger regarding the publicity of site visits in another Vermont municipality, and he wanted to verify where Barre Town's position on the matter stood.

G. LEGISLATIVE UPDATE AND BILL REVIEW

VT S.100 passed the Vermont State Legislature. Mr. Sanborn announced that this, alongside H.270, may require the Barre Town Zoning Bylaw to be amended. He added that on top of items that will become required to be amended by new state laws, there are sections of the Zoning Bylaw where there have been past discussions in Planning Commission meetings to possibly make amendments. More discussion on amending the Bylaw to meet new requirements will take place at future meetings.

H. OLD BUSINESS - NONE

I. FOLLOW-UP

1) Central Vermont Regional Planning Commission report

Mr. Clain reported that the ballots for the election of CVRPC officers have gone out, and all elected positions are running unopposed. Discussion of Mrs. Farrell taking over as the alternate representative for the CVRPC took place. Mr. Clain noted that CVRPC has a great website with abundant resources.

J. ROUND TABLE

Mrs. Spaulding brought up the implementation of an Energy Committee being created as a sub-committee of the Selectboard. Mr. Sanborn concluded that this should be looked at after re-organization takes place.

Mr. Clain mentioned that there was a news article regarding a previously approved allowed use determination on Church Hill Road (the former St. Sylvester’s Church, now Granite City MMA) that showed how successful the project taking place there has been.

K. ADJOURN

On motion by Mr. Clain, seconded by Mr. Reil, the Planning Commission adjourned at 8:30 p.m. Vote 4-0-0.

Respectfully submitted,

Cindy Spaulding, Clerk

Cedric Sanborn, Chair

Mike Gilbar

George Clain

Byron Atwood

Vacant

Craig Chase

Terry Reil