

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR JUNE 8, 2022

The Barre Town Development Review Board held a public meeting & hearings on **June 8, 2022**, beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

MEMBERS

In person: Jon Valsangiacomo, Cedric Sanborn, Chris Neddo, Angela Valentinetti, Angela Labrador, and Gerald Otis (alt).

Remote video: Jim Fecteau

ABSENT:

Mark Reaves

STAFF PRESENT

In person: Chris Violette

Remote video: Cindy Spaulding

OTHERS PRESENT:

In person: Brad Eastman, Tom Otterman and Nathan Psffer (representing Mark Baker)

A. 7:00 P.M. – CALL TO ORDER

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

B. CHANGES TO THE AGENDA

Mr. Valsangiacomo asked whether there were changes to the agenda and there were none.

C. APPROVE MINUTES –

May 11, 2022

On motion by Mr. Sanborn seconded by Ms. Valentinetti, the Development Review Board approved the minutes of May 11, 2022 as written. Vote 7-0-0.

D. NON-AGENDA ITEMS (max 10 minutes)

There were no non-agenda items

E. REORGANIZATIONAL (Annual)

Mr. Sanborn nominated Mark Reaves as Chair. Mr. Neddo seconded the nomination. Vote 7-0-0.

Mr. Neddo nominated Jon Valsangiacomo as Vice Chair. Mr. Sanborn seconded the nomination. Vote 6-0-1 (Valsangiacomo abstained)

Ms. Valentinetti nominated Cindy Spaulding as Clerk. Mr. Sanborn seconded the nomination. Vote 7-0-0.

F. SUBDIVISION PRELIMINARY REVIEW

APPLICANT: Eastman / Prelim 3-lot subdivision

Request by Brad Eastman for preliminary review of a three-lot (3) lot subdivision of land on property located off Goldsbury Woods Road; PID: 008/012.00; zoned medium density residential; P-22000006.

Consultant: Thomas Otterman

Date: June 3, 2022

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

This is a preliminary review, whereas the applicant is requesting review of a proposed 3-lot subdivision of land for a parcel he owns along with Jodie and John Eastman as well. The parcel subject to this request is located off Goldsbury Woods Road which is off Richardson Road. The zoning of this area is medium density residential which requires a minimum lot size of 1-acre when municipal sewer is being utilized and potable water is on-site. Goldsbury Woods Road along with the Richardson Road area is predominantly single-family residential dwellings on 1-acre sized lots or less.

The subject parcel is shown by Barre Town Grand List to be 18.88 acres in size and is entirely wooded at this point and undeveloped.

The applicant is proposing to create two lots, identified as lots 2 and 3 on the plan submitted by Thomas Otterman, the applicant's survey/consultant. The proposed lots are labeled 2 and 3 because of a previous subdivision by the applicant in 2018 (P-18000015, plan 2275) whereas lot 1 was created as a 1.02-acre parcel. That lot has been sold but remains undeveloped.

The plans submitted differ slightly from towns records and show the parcel to be 19.0 acres to start and 16 acres post subdivision. The remaining land according to town records should be 15.76 acres. I'll ask the surveyor to make those change on the final plans.

As proposed, lot 2 will be 1.48 acres in size with 200' of road frontage along Goldsbury Woods Road. Lot 3, as proposed, will be 1.64 acres in size also with 200' of road frontage. Both lots are proposed to connect to the Barre Town municipal sewer system which is available within Goldsbury Woods Road. Potable water will be drilled wells onsite. Josh Martineau, the Town Engineer, has reviewed the sewer connection plans and has no concerns.

There are two features to note regarding this proposed subdivision. First, is the fact that lot 3 will require and easement across lot 2 to gain access to the sewer system. In addition, the applicant is proposing to reserve a 25' easement across lot 2 & 3 to provide sewer access to remaining lands.

The second feature to note about this land is that the original 2018 subdivision mentions a possible wetland impacting this property, so it is prudent to note it again. However, it is also important to note that there is no identified wetland on the Vermont Natural Resources Atlas wetland map impacting this parcel. There are mapped wetlands on either side of this parcel that could potentially be connected through this parcel, but while important to note, would likely not impede development of either proposed lot.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicant proposes to subdivide his 18.88-acre parcel into lot 2 (1.48-acres) and lot 3 (1.64-acres) creating two new residential lots served by municipal sewer. Other than the features noted above in my comments, there are no significant issues with this request, I recommend granting preliminary approval and moving it to a final hearing which is warned on this same agenda.

COMMENTS:

Mr. Violette provided an overview of his staff report as stated above. Mr. Eastman stated he had nothing more to add.

MOTION:

On motion by Ms. Valentinetti, seconded by Mr. Otis, the Development Review Board approved moving the prelim to final review. Vote 7-0-0.

PARTICIPANTS: None

G. WARNED FINAL PUBLIC HEARINGS

1) APPLICANT: Baker / Final – Variance

Request by Mark Baker for a 30' variance of right-of-way setback (Lowery Rd) for the purpose of constructing a garage with a 20' setback on property located at 289 Lowery Road; PID: 003/006.00; zoned low density residential; V-22000003

Consultant: None

Date: June 3, 2022

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

This is a **warned public hearing** for the purpose of considering a request by the applicant for a 30' variance of right-of-way setback from Lowery Road, allowing him to construct a garage within 20' of the town road right-of-way. The applicant owns this parcel of land with Linda Baker and is shown to be 2.06 acres in size and developed with the applicant's homestead, a single-family dwelling. The parcel is located in a low-density residential zone with a minimum lots size of 2.0 acres and 200' of road frontage. The minimum right-of-way setback is 50'.

As noted above, the applicant is hoping to construct a garage that will attach to his house. When he first approached me about this, it was clear that as proposed the setback wasn't going to meet minimum (50' required, setback is 20' which equals a 30' discrepancy) and I advised him that a variance would be necessary to enable me to issue a permit.

The applicant has submitted responses to the five variance criteria and as part of that response answered the questions in the affirmative believing for the reasons mentioned, that a variance is reasonable and necessary to provide relief.

The applicant notes one important component of his request is that a variance will allow him to build the garage in line with the front of the existing house. So yes, the existing structure which dates back a couple hundred years, currently sits about 20' from the edge of the right-of-way already. He feels this will help preserve the character of the house and the area. He also notes, other structures near and far along Lowery Road that site close to the road.

The applicant notes that one issue preventing conformity is the waterline that serves the house, runs underground from the drilled well to the house. Placing the garage as proposed will mean the waterline will run just behind the garage and not over it.

The applicant provided an old photograph (undated) showing his house and where the original road was. He also supplied an announcement that was for the Bi-centennial in 1976 indicating that this is the old "Asaph Sherman Farm" which he provides as evidence this house is old and historic.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicant is requesting a 30' variance of town road right-of-way setback allowing him to construct an attached garage in line with his existing house 20' from the right-of-way. The applicant's main arguments that he believes satisfies the criteria is that the house is historic and that keeping the garage in line with the house will help preserve the historic nature. Also, that the placement of the garage is similar, certainly not worse, than many other buildings along Lowery Road, and that a waterline that provides potable water to his house would be impacted if he had to build the garage further away from the road.

So, while criteria 1 and 2 is a bit hard to meet, it could be argued that the waterline is a peculiar condition. It might also be argued that the garage could be built further back but the applicant will suggest that then it makes it less conducive to attaching the garage which having an attached garage is a reasonable use. Obviously, the applicant didn't build the existing house, so he didn't create the problem and the road and likely the right-of-way itself have changed many times over the years. Finally, the applicant argues that building the garage as proposed will help maintain the character, certainly not altering it, which is criteria 4, and will not be detrimental to the public welfare and is the minimum deviation to provide relief.

COMMENTS:

Mr. Valsangiacomo asked if there were any recusals or ex-parte communications with DRB members. There were none. He requested if there were any interested parties other than the applicant. There were none. He swore Mr. Psffer (representing Mr. Baker*) and Chris Violette in, to provide testimony to Mr. Baker's request for a 30' variance. **Mr. Violette received an email from Mr. Baker authorizing Mr. Psffer to speak on his behalf.*

Mr. Violette provided an overview of his staff report as stated above. Mr. Psffer mentioned that Mr. Baker feels that keeping the garage inline with the house is the best choice. It will be an attached garage with an enclosed breezeway. It would be the best for the flow of traffic from the house through the breezeway to the garage. Moving it back would impact the waterline that services the house. It is also in keeping with the aesthetics of the neighborhood.

Mr. Valsangiacomo asked the following criteria questions.

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? *Psffer: noted that the road has moved closer to the house over the years. His answer to the question was Yes.*
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. *Psffer: Yes*
3. Is it true that no unnecessary hardship was created by the applicant? *Psffer: Yes*
4. Is it true that a variance will not:
 - a. Alter the essential character of the neighborhood? *Psffer: Yes*
 - b. Substantially or permanently impair appropriate use or development of adjacent property? *Psffer: Yes*

c. Reduce access to renewable energy sources? *Psffer: Yes*

d. Be detrimental to the public welfare? *Psffer: Yes*

5. Is it true the variance represents the minimum deviation from regulation and plan to provide relief? *Psffer: Yes*

Q&A: Participants: Labrador, Valentinetti, Fecteau, Otis, Valsangiacomo, Violette, Sanborn and Psffer.

J. Fecteau: How deep is the garage?

Psffer: The garage is 36' x 36', it will be a three-bay garage.

C. Sanborn commented that he drove by the property and reviewed where the site for the proposed garage to be placed. He supports the variance request.

A. Labrador: How old is the house?

Psffer: The house was built in 1791.

A. Valentinetti: Will all parts of the garage use the variance?

Psffer: Yes, it will be part of the house.

A. Labrador: Will building the garage on the proposed site, be in keeping with the historical aesthetics of the house.

Psffer: I believe it is.

A. Valentinetti: Is it a one-story garage?

Psffer: No, there is an upstairs.

J. Valsangiacomo: Will there be living space upstairs?

Psffer: I believe it was going to be used by Mr. Baker's wife to work out there.

Mr. Valsangiacomo mentioned that the answers to criteria questions 1 and 2 are difficult to assess for a variance. Discussion ensued regarding all the criteria questions must be answered in the affirmative and supported.

Ms. Valentinetti asked about the changes in the road location. Mr. Violette explained that the road location has changed over the years based on other structures in the area. He was unable to locate any documentation regarding the road change other than in the GIS map. Although it is not a survey, the GIS map did allow to determine where the road right-of-way was.

Mr. Valsangiacomo: How far is the waterline from the house and new garage?

Psffer: The waterline is 5' from the house and the well is 80' from the house. The condition of the waterline is unknown at this time.

A. Valentinetti: When will construction of the garage take place?

Psffer: It will start this fall.

A. Labrador: Are there any records in the deed indicating that when the road had been changed?

C. Violette: There is no documentation when the road had changed.

J. Fecteau asked if a waiver could have been used instead, as it would not require the criteria questions?

C. Violette: Yes, it could, but it was warned as a variance public hearing. Discussion ensued regarding variance and waiver procedures and difficulty to assess for a waiver without a site plan.

G. Otis commented that the road has encroached on the property overtime, causing the lot to potentially be non-conforming with the waterline so close to the house.

There were no members of the public to ask questions or provide testimony.

MOTION:

On motion by Mr. Sanborn, seconded by Mr. Neddo, the Development Review Board closed the public hearing. Vote 7-0-0.

DELIBERATION:

On motion by Mr. Neddo, seconded by Mr. Sanborn, the Development Review Board approved a request by Mark Baker for a 30' variance of right-of-way setback (Lowery Rd) for the purpose of constructing a garage with a 20' setback on property located at 289 Lowery Road; PID: 003/006.00; zoned low density residential; V-22000003. Vote 7-0-0.

CONDITIONS Yes No

MOTION BY: Neddo
SECOND BY: Sanborn

ROLL CALL:

Mark Reaves	<u>ABSENT</u>	Jon Valsangiacomo	<u>YES</u>
Angela Labrador	<u>YES</u>	Chris Neddo	<u>YES</u>
Cedric Sanborn	<u>YES</u>	Angela Valentinetti	<u>YES</u>
Jim Fecteau	<u>YES</u>	Gerald Otis	<u>YES</u>

2) APPLICANT: **Eastman / Final / 3-lot Subdivision**

Request by Brad Eastman for final review and possible approval of a three-lot (3) lot subdivision of land on property located off Goldsbury Woods Road; PID: 008/012.00; zoned medium density residential; P-22000006.

Consultant: Thomas Otterman

Date: June 3, 2022

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

This is a **warned public hearing**, whereas the applicant is requesting review of a proposed 3-lot subdivision of land for a parcel he owns along with Jodie and John Eastman as well. The parcel subject

to this request is located off Goldsbury Woods Road which is off Richardson Road. The zoning of this area is medium density residential which requires a minimum lot size of 1-acre when municipal sewer is being utilized and potable water is on-site. Goldsbury Woods Road along with the Richardson Road area is predominantly single-family residential dwellings on 1-acre sized lots or less.

Consideration to final review and possible approval assumes preliminary approval was granted earlier on this month's agenda.

Below are my comments attached to the preliminary review. Nothing has changed between preliminary and final review.

The subject parcel is shown by Barre Town Grand List to be 18.88 acres in size and is entirely wooded at this point and undeveloped.

The applicant is proposing to create two lots, identified as lots 2 and 3 on the plan submitted by Thomas Otterman, the applicant's survey/consultant. The proposed lots are labeled 2 and 3 because of a previous subdivision by the applicant in 2018 (P-18000015, plan 2275) whereas lot 1 was created as a 1.02-acre parcel. That lot has been sold but remains undeveloped.

The plans submitted differ slightly from towns records and show the parcel to be 19.0 acres to start and 16 acres post subdivision. The remaining land according to town records should be 15.76 acres. I'll ask the surveyor to make those change on the final plans.

As proposed, lot 2 will be 1.48 acres in size with 200' of road frontage along Goldsbury Woods Road. Lot 3, as proposed, will be 1.64 acres in size also with 200' of road frontage. Both lots are proposed to connect to the Barre Town municipal sewer system which is available within Goldsbury Woods Road. Potable water will be drilled wells onsite. Josh Martineau, the Town Engineer, has reviewed the sewer connection plans and has no concerns.

There are two features to note regarding this proposed subdivision. First, is the fact that lot 3 will require an easement across lot 2 to gain access to the sewer system. In addition, the applicant is proposing to reserve a 25' easement across lot 2 & 3 to provide sewer access to remaining lands.

The second feature to note about this land is that the original 2018 subdivision mentions a possible wetland impacting this property, so it is prudent to note it again. However, it is also important to note that there is no identified wetland on the Vermont Natural Resources Atlas wetland map impacting this parcel. There are mapped wetlands on either side of this parcel that could potentially be connected through this parcel, but while important to note, would likely not impede development of either proposed lot.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicant is requesting a final approval as part of the warned public hearing. If approved, the subdivision will create lot 2 (1.48-acres) and lot 3 (1.64-acres) creating two new residential lots served by municipal sewer. The remaining land will decrease to 15.76 acres. Other than the features noted above in my comments, there are no significant issues with this request,

I recommend granting final approval of this 3-lot subdivision.

COMMENTS:

Mr. Valsangiacomo asked if there were any recusals or ex-parte communications with DRB members. There were none. He requested if there were any interested parties other than the applicant. There were none. He swore Mr. Eastman, Mr. Otterman, and Chris Violette in, to provide testimony to Mr. Eastman's request for a three-lot subdivision.

Mr. Violette provided an overview of his staff report as stated above. Mr. Otterman mentioned that Wayne Lawrence originally worked on the proposed subdivision and septic design.

Q&A - Participants: Valentinetti, Otis, Violette, Eastman and Otterman

A. Valentinetti: Will the water and sewer services be independent?

Eastman: Yes, they would be.

G. Otis: How many more lots will there be in the future?

Eastman: Not sure how many, just trying to recoup costs.

G. Otis: Does the town have enough sewer capacity.

C. Violette: Yes, the town has enough sewer capacity.

Mr. Otterman mentioned that future development would be one more lot unless the town extends the sewer line.

There were no members from the public to ask questions or give testimony.

MOTION:

On motion by Mr. Sanborn, seconded by Ms. Valentinetti, the Development closed the public hearing. Vote 7-0-0.

DELIBERATION

On motion by Mr. Sanborn, seconded by Mr. Neddo, the Development Review Board approved a request by Brad Eastman for final review of a three-lot (3) lot subdivision of land on property located off Goldsbury Woods Road; PID: 008/012.00; zoned medium density residential; P-22000006, contingent upon the following conditions:

- 1) The applicant is hereby notified that State of Vermont Permits may be required. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what State of Vermont permits are necessary for this development. The applicant shall obtain said permits prior to development of the lot and in accordance with any requirements of said permits, shall be complied with.*
- 2) Issuance of the subdivision permit does not imply approval of any other town permits. Other permits may be necessary for development including but not necessarily limited to; building permit; sewer permit; driveway permit; working in the right-of-way permit.*
- 3) Plans submitted used for review of this permit shall become part of the approval and shall not be altered unless first reviewed by town staff for a determination of significance. Significant changes may require further review and approval of the DRB.*

DRAFT