

# BARRE TOWN DEVELOPMENT REVIEW BOARD

## MINUTES FOR JUNE 9, 2021

The Barre Town Development Review Board held a public meeting & hearing on **June 9, 2021**, beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

### **MEMBERS**

Cedric Sanborn, Chris Neddo, Angela Valentinetti, Mark Reaves, Jon Valsangiacomo, and Mike Gilbar

### **ABSENT:**

Jim Fecteau

### **STAFF PRESENT**

Chris Violette and Cindy Spaulding

### **OTHERS PRESENT:**

David and Diane Otis

#### **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**

C. Mr. Reaves asked whether there were any changes to the agenda. There were none.

#### **REORGANIZATION**

Elect Chair and Vice Chairpersons

*Mr. Neddo nominated Mark Reaves as Chair. Mr. Sanborn seconded the nomination. Vote 5-0-1 (Reaves abstained).*

*Mr. Gilbar nominated Jon Valsangiacomo as Vice Chair. Ms. Valentinetti seconded the nomination. Vote 5-0-1 (Valsangiacomo abstained).*

*Mr. Neddo nominated Cindy Spaulding as Clerk. Mr. Valsangiacomo seconded the nomination. Vote 6-0-0.*

#### **D. APPROVE MINUTES**

*On motion by Mr. Sanborn, seconded by Mr. Valsangiacomo, the Development Review Board approved the minutes of May 12, 2021, as written. Vote 6-0-0.*

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

None

#### **F. SUBDIVISION PRELIMINARY REVIEW**

None

#### **G. WARNED PUBLIC HEARING**

##### **Variance (Continued from May 19)**

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, **continued date certain to this meeting from the May 12, 2021, meeting**, 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.

**As you all know, this hearing was continued from last month to this month because the applicant was not at the meeting to answer the five variance questions. While the applicant was not there it apparently was not for lack of trying. Sounds like there was a technical issue with the Town's published teleconference line. The applicant assures me that they will be in person attendance for this meeting.**

**My staff comments from last month:**

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. My opinion is that given the fact that there will still be a 10’ setback (allowed as an accessory structure) 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. Violette provided his staff report as stated above. Mr. Reaves asked the Otis' if they had anything to add. Mr. Otis stated that Mr. Violette summed it up.

Mr. Reaves asked Mr. Otis the five 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?
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?

Mr. and Mrs. Otis answered all in the affirmative.

***On motion by Mr. Sanborn, seconded by Mr. Valsangiacomo, the Development Review Board approved David Otis' request 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-2100002. Vote 6-0-0.***

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

MOTION BY: SANBORN  
SECOND BY: VALSANGIACOMO

**ROLL CALL:**

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

**H. CONCEPTUAL REVIEW**

None

**I. OTHER**

Begin discussion about reviewing rules of procedure and conflict of interest policy.

Mr. Violette provided a copy of rules of procedure and conflict of interest policy (town) for members to review.

Highlight of discussion amongst members:

- Appropriate procedures to open/close a public hearing and go into deliberative session.

- Transparency and accountability of making decisions in open session
- Guidelines when to go into deliberative session

**J. FOLLOW-UPS**

**K. ROUNDTABLE**

**L. ADJOURN!**

*On motion by Mr. Valsangiacomo, seconded by Ms. Valentinetti, the Development Review Board adjourned at 7:45 p.m. Vote 6-0-0.*

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

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Mark Reaves, Chair

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Jon Valsangiacomo

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Angela Valentinetti

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Chris Neddo

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Cedric Sanborn

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Michael Gilbar

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Jim Fecteau