

# BARRE TOWN DEVELOPMENT REVIEW BOARD

## MINUTES FOR JUNE 14, 2023

The Barre Town Development Review Board held a public meeting & hearing on **June 14, 2023**, beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

### **MEMBERS**

In person: Jon Valsangiacomo, Angela Valentinetti, Cedric Sanborn, Chris Neddo, Angela Labrador, Gerry Otis, Jim Fecteau (Alt), and Gina Galfetti (Alt)

### **ABSENT:**

Mark Reaves

### **STAFF PRESENT**

In person: Cindy Spaulding and Brandon Garbacik

### **OTHERS PRESENT:**

In-person: William & Brenda Palin, John & Pam Benoit, Michael Lajeunesse, and Keith Robinson (Black River Design), Benjamin Hiscock, Samantha Hiscock (Rock Pile Properties), Robert Keene (Dominos), Norma Malone & Justin Bolduc (Selectboard), Robert & Terry Somaini, Linda & Mark Baker, Nathan Lafont, Dean Lafont, Hanna Phelps, and Chris Violette.

Remote: Andrea Mills and Georgette Coleman

### **A. 7:00 P.M. – CALL TO ORDER**

Mr. Valsangiacomo called the meeting to order at 7:00 p.m. He conducted a roll call.

### **B. CHANGES TO THE AGENDA**

Mr. Valsangiacomo asked if there were any changes to the agenda. Mr. Garbacik mentioned that the amended minutes of April 12, 2023, should be under approval of minutes and Rules & Procedures under Round Table discussion.

*On motion by Ms. Valentinetti, seconded by Mr. Sanborn, the Development Review Board approved changes: Section D: Minutes of April 12, 2023. Vote 6-0-0.*

### **C. REORGANIZATION**

*Mr. Sanborn nominated Mark Reaves as Chair. Mr. Neddo seconded the nomination. Vote 6-0-0.*

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

*Mr. Valentinetti nominated Cindy Spaulding as Clerk. Ms. Labrador seconded the nomination. Vote 6-0-0.*

### **D. APPROVE MINUTES –**

**May 10, 2023**

*On motion by Mr. Neddo, seconded by Ms. Valentinetti, the Development Review Board approved the minutes of May 10, 2023, as amended. Vote 6-0-0.*

**Minutes of April 12, 2023**

*On motion by Mr. Sanborn, seconded by Ms. Labrador, the Development Review Board approved the minutes of April 12, 2023, as written. Vote 6-0-0*

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

No non-agenda items.

### **F. WARNED PRELIMINARY PUBLIC HEARINGS**

No preliminary hearings scheduled,

### **G. WARNED FINAL PUBLIC HEARING(S)**

#### **1) APPLICANT: Palin/Conditional Use**

Request by William & Brenda Palin for a **conditional use** (possible approval) to set up a camper for temporary residency while rehabbing single family dwelling on property located at 299 School Road; Parcel ID: 011/002.00; Zoned Low Density Residential; **CUP-23000002**.

Consultant: N/A

Date: May 18, 2023

**STAFF REPORT/REVIEW COMMENTS FROM  
CINDY SPAULDING, ACTING ZONING ADMINSTRATOR**

This is a warned public hearing for the purpose of conditional use review in accordance with the 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 a camper located in a low-density residential zone. Article 4, Section 4.4 identifies placing a camper beyond 14-days as temporary dwelling as being allowed by Conditional Use Permit.

The applicants are proposing to live on-site in their camper while they are renovating their old farmhouse at 299 School Road.

The subject parcel is 2 acres in size with 391' road frontage on School Road. There is currently a single-family dwelling on the property served onsite potable water and installing a new onsite septic system. The property is owned by the applicants.

The applicants are proposing to place a camper (35' fifth wheel) on a portion of the subject lot between the garage side of the single-family dwelling and the former down barn or behind the existing dwelling. The camper and the dwelling will share access from School Road. The applicants have indicated in writing and on plans that the camper will share utilities: onsite potable water, and electrical service. The camper has a self-contained septic system. The septage from the camper will be placed in a holding tank to be hauled to one of the wastewater treatment facilities for disposal.

Below are the standards used when considering a conditional use request in accordance with our Zoning Bylaw Article 5, Sec. 5.5:-

“No permit shall be issued by the Zoning Administrator for any use, structure, or development which requires a Conditional Use Permit in this bylaw until the DRB grants that approval. In considering its action, the DRB shall make findings on the general and specific standards contained herein, hold hearings, and attach conditions as provided for in 24 V.S.A. 117 §4414(3), §4460(4), and §4464.

The DRB shall determine that the proposed use, structure, or development conforms to the following general and specific standards and shall not result in an undue adverse effect on any of the following”.

The applicant’s narrative addressing the review standards were minimal but given the nature of the request I can adequately provide information that will be helpful in bold.

Conditional use review requires the following criteria to be used to help the DRB decide and apply conditions if necessary.

1. The impact on the capacity of existing or planned community facilities, to include but not limited to:
  - a. Emergency services:

**Little impact, no different than any other single-family dwelling and the Town’s emergency services can serve.**

- b. Educational facilities:

**Applicants have no children, so no anticipated impact.**

- c. Water, sewer, or other municipal utility systems:

**Potable water supply is proposed to utilize the drilled well that serves the existing dwelling.**

**The applicants have a wastewater permit for a new septic system to be**

**installed.**

- d. Recreational facilities: N/A
- e. Conservation or other designated natural areas: N/A
- f. Solid waste disposal facilities: N/A

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 affected by the proposed use is residential on various but generally low-density sized lots. The proposed use is seasonal residential.**

**The section of zoning being used for this proposed use was added to allow this, but at the same time giving the Town more control, ensuring proper health measures were being adhered to. Camper use as a seasonal or temporary dwelling is not unprecedented and if not done certain measures in place can be a health hazard and nuisance. As such, with the applicant following the rules, this proposed use should be in character with the area it affects.**

3. Traffic on roads and highways in the vicinity.

**The proposed location is off School Road, which is a Class III gravel town road. The proposed use will not generate any more traffic than an ordinary single-family residential use. The addition of this one dwelling should not negatively impact School Road, surrounding roads, or cause any traffic issues. The existing driveway will be used, no new curb-cuts are being proposed.**

4. Bylaws and ordinances then in effect.

**Article 4, section 4.4 allows the use if a Conditional Use Permit is issued by the DRB.**

5. Utilization of renewable energy resources. N/A

6. Minimum lot size:

**The minimum lot size for low- density residential zone is 2 acres with onsite water and sewer.**

7. Distance from adjacent or nearby uses:

**The closest adjacent uses is primarily farmland, the closes residential dwelling is .3 mile away.**

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: N/A

11. Loading/unloading facilities. N/A

#### **SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

The Zoning Bylaw was amended during the 2008 rewrite to include allowing campers to be used for temporary purposes or seasonal dwellings. This was in response to numerous issues over the years where people were using campers as dwellings without sanitary measures in place. The thinking was that if this type of use was allowed by Conditional Use Permit, that the review on a case-by-case basis would be able to ensure the greatest concern, sanitary sewer, was being handled properly.

In addition, while not specifically required within the Zoning Bylaw, a proper foundation would be helpful to have the camper sit on. This can be as simple as a gravel pad just like would be the case at a campground.

**With consideration to the conditions below, I recommend approval of this request to allow a camper to be used by the applicant for seasonal residential purposes:**

1. This permit is granted to William and Brenda Palin for camper use approved time limit between June to October 2023.
2. Proof is supplied on a regular basis as to when the onboard sewer holding tank is being pumped.

**ADDITIONAL COMMENTS:**

Mr. Valsangiacomo appointed Mr. Fecteau (alternate) to preside over Palin's application. He asked members if any had a conflict or Ex-parte communications with the applicant. Mr. Fecteau was appointed to the

Mr. Valsangiacomo sworn Mr. and Mrs. Palin, and Mrs. Spaulding in. Mrs. Spaulding provided an overview of her staff report as stated above. Mr. & Mrs. Palin did not have anything else to add to Mrs. Spaulding's staff report.

Q/A

Valentinetti: What is the timeline to get into your house?

Palin: We plan on being in th house by October 31<sup>st</sup>. We want to be in it by September 1<sup>st</sup>.

Valentinetti: What are your plans if you are not in the house by October 31?

Palin: We will seek an alternative place to stay.

Otis: What are your plans for removing the wastewater from the camper for disposal.

Palin: We have a neighbor who has a holding tank and he would be disposing of it to a wastewater treatment plant.

Otis: How will you notify the town that you have removed the wastewater properly?

Palin: We email a scan of the ticket with date and time where the septage was disposed.

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

***On motion by Mr. Sanborn, seconded by Ms. Labrador, the Development Review Board approved a moved to approve a request by William & Brenda Palin for a conditional use (possible approval) to set up a camper for temporary residency while rehabbing single family dwelling on property located at 299 School Road; Parcel ID: 011/002.00; Zoned Low Density Residential; CUP-23000002, contingent upon conditions 1-2: 1) Occupy the camper from June 1 to October 31, 2023; supply verification of septage disposal with a scanned ticket where it was delivered to. Vote 7-0-0.***

**APPLICANT:**

**Lajeunesse Construction/Appeal Zoning**

**Appeal of the Zoning Administrator's decision to deny zoning permit (Z-23000016) by Lajeunesse Construction to build a monitor bar with a gambrel roof located at 211 Airport Road (property owned by John and Pam Benoit), exceeding vertical maximum height of thirty-five (35') outlined in Article 2, Section 3.5, Table 2.2 and Article 3, Section 3.5 (a); Parcel ID: 005/109.04; Zoned Low Density Residential. Apneal of Z-23000016**

Consultant: None

Date: May 18, 2023

**STAFF REPORT/REVIEW COMMENTS FROM  
CINDY SPAULDING, ACTING ZONING ADMINISTRATOR**

This is a warned public hearing for the purpose of appealing the Acting Zoning Administrator's denial in accordance with Article 7, Section 7.8(A) of the Barre Town Zoning Bylaw.

This is appeal of the Acting Zoning Administrator's decision to deny Lajeunesse Construction's building permit (Z-230000016) is based on determining, which roof line method was used for the maximum height for monitor barn, in accordance with Article 3 Sec 3.5 (A) of the Barre Town Zoning Bylaws.

**History:**

In early February 2023, the applicant called the Planning and Zoning office about building a "monitor style" barn on his property at 211 Airport Road. A quick review of the monitor barn plans, and the zoning bylaws clearly indicated the height of the barn exceeded the height of 35' which includes the cupola/steeple. It was reconfirmed by Chris Violette. Mr. Benoit was informed that a building permit would not be able to be issued due to the height of the barn.

Mr. Lajeunesse (hired by Mr. Benoit) called and stated he has tried to draw plans for the monitor barn to the height specifications in the zoning bylaws, but it would not work for Mr. Benoit. He then asked if a variance was possible and stated that H.P. Hood had received a few height variances. It was explained H.P. Hood met all required criteria for height variances as outline in Section 7.9 of the Barre Town Bylaws and 24 VSA § 4469 (a) 1-5.

In May: Mr. Lajeunesse met with Chris Violette and I to review the gambrel roof style monitor barn plan with both methods outlined in Article 3, Section 3.5 (A). I determined that the proper method to be used was to measure vertically from the front of the barn to the highest point of the roof excluding the cupola.

The maximum height variance request was preliminary to a building permit. A building permit application was submitted by Lajeunesse Construction on behalf of Benoit's which was a gambrel roof and has been denied.

There are no State Statutes prescribing how structure height must be measured or addresses alternative height measurements for roof types. The determination of roof style is based on interpretation.

In considering the vertical height of the monitor barn of fifty-five feet in height including the cupola. This property is within 1.5 plus miles from the Knapp Airport in Berlin and is near the Town of Berlin's Airport Overlay. The Airport is a hub for a flight school and small commercial flights.

The Knapp Airport is owned and run by the State of Vermont, in determining the height of the structure, it is from the ground to the structures highest point. See email Rollin Tebbetts, Manager of Airport Operations & Maintenance

**ADDITIONAL COMMENTS:**

Mr. Valsangiacomo appointed asked members if any had a conflict or Ex-parte communications with the applicant. Mr. Fecteau and Mr. Otis recused themselves and removed themselves as members. Mr. Valsangiacomo appointed Gina Galfetti (alternate) as a member. Mr. Valsangiacomo sworn Mr. Lajeunesse, Mr. and Mrs. Benoit, Mr. Robinson, and Mrs. Spaulding.

Mr. Robinson of Black River Design was appointed representative to testify on behalf of Lajeunesse Construction (applicant) and Benoit's (property owners). Mr. Robinson of Black River Design Architect testified it comes down to Barre Town does not have a definition of a gable roof in the regulations. He stated there are different interpretations of a gable and elaborated that it is a pitched roof with an end wall. Mr. Robinson provided an overview of the calculations to convert the roof structure to gable measurements, excluding the monitor and cupola. He further stated that with no definitions in the regulations it is open to interpretation. He then read the definition of a gable roof from Oxford and Merriam-Webster dictionaries. His interpretation is that a gambrel falls in the broader spectrum of a gable roof. Also, provided were

written letters from Black River Design and Lutz Architectures supporting the gambrel roof is a type of gable roof.

Mrs. Spaulding testified she had reviewed both methods outlined in Article 3, Section 3.5 (A) and (B) and determined the best method to measure the vertical height of the barn was from the ground to its highest point as outline in Article 3, Section 3.5 (A). She also had consulted with the Manager of Knapp Airport on how they measure the height of a structure. They also measure from the ground to the highest point of the structure.

*On motion by Mr. Sanborn, seconded by Ms. Labrador, the Development Review Board recessed the Lajeunesse Construction's appeal of the Acting Zoning Administrator's decision to deny building permit Z-230000016 for a monitor barn to be built at 211 Airport Road (property owned by John & Pam Benoit). Vote 6-0-0.*

*At 8:07 p.m. on motion by Ms. Galfetti, seconded by Mr. Neddo, the Development Review Board entered into deliberative session. Vote 6-0-0.*

*At 8:22 p.m. on motion by Ms. Valentinetti, seconded by Mr. Neddo, the Development Review Board returned to open session. Vote 6-0-0.*

Ms. Labrador explained that the definitions in the Zoning Bylaws under Article 8 were customary meanings and did not define styles of roofs. Article 3, Section 3.5 in the zoning by laws has a gray area for different style roofs.

*On motion by Ms. Valentinetti, seconded by Ms. Labrador, the Development Review Board closed the public hearing. Vote 6-0-0.*

*On motion by Ms. Valentinetti, seconded by Ms. Galfetti, the Development Review Board, moved to overturn the Acting Zoning Administrator's decision on Permit Z-230000016 and granted Lajeunesse Construction's request to build with a gambrel roof located at 211 Airport Road (property owned by John and Pam Benoit). Vote 6-0-0.*

### 3) **APPLICANT: Hiscock / Conditional Use**

Request by Benjamin Hiscock for **conditional use** review (possible approval) in accordance with Article 2, Table 2.1 and Article 3, Section 3.3 (E) (multi-family dwelling) for the addition of a dwelling unit (in addition to two (2) existing units) for a total of three (3) in an existing residential building located at 53 Brook Street; Parcel ID: 023/045.00; Zoned Very High Density Residential; **CUP-23000003**.

#### **STAFF REPORT/REVIEW COMMENTS FROM BRANDON GARBACIK, ZONING ADMINISTRATOR/PLANNING OFFICER**

This is a warned public hearing for the purpose of hearing a request for a conditional use permit in accordance with the Barre Town Zoning Bylaw, Article 5, Section 5.5 whereas the applicant would like to conduct a use that is only allowed by a Development Review Board (DRB) issued Conditional Use Permit (CUP). The subject parcel/building is located in a very high density residential zone on Brook Street in Websterville on 0.30 acres of land.

Article 2, Section 2.5, Table 2.1 allows multi-family dwellings by conditional use review. This section refers to Article 3, Section 3.3 (E) which dictates the number of units allowed in a multi-family dwelling. In a very high density residential zone, the number of units allowed in an existing structure is up to eight (8).

To proceed with a conditional use permit application, the Bylaw refers to Article 5, Section 5.5 which is the section that states, "No permit shall be issued by the zoning administrator for any use, structure, or development which requires a conditional use permit in this bylaw until the DRB grants that approval."

In reviewing a conditional use application, the DRB shall use the criteria below to guide them through the process and to create findings as well as help determine what, if any, conditions may be appropriate to mitigate any concerns. Ultimately a determination must be made that the

proposed use, structure, or development conforms to the criteria and shall not result in an undue adverse effect on any of them.

The applicant currently owns a two-family residence at 53 Brook Street in Websterville. The applicant wishes to utilize space in the full basement, which has its own entry on the backside of the property, for a third dwelling unit (a two-bedroom apartment) in the building. The applicant believes the property has enough area to be capable of accommodating a third apartment. The expansion of the number of living units is what necessitates the conditional use request.

Three abutting property owners have submitted letters regarding this application to be used as evidence in this public hearing.

As part of the conditional use application, the applicant provided responses to the Development Review Board's conditional use criteria. The applicant's responses are provided in italics, and my comments are in regular font:

**1) The impact on the capacity of existing or planned community facilities, to include but not limited to:**

**a. Emergency services:**

*Negligible impact*

Barre Town has a full-time, 24-hour a day Police Department as well as a full-time 24-hour a day paramedic level Emergency Medical Service. It is not anticipated that either agency could not serve the additional number of living units and the people associated with them.

Fire protection is provided by a call-paid Fire Department which is not a career or full-time department. It is not anticipated that the Fire Department cannot provide adequate service to the proposed project.

**b. Educational facilities:**

*Negligible impact, maximum of 2 students*

Barre Town is part of the Barre Unified Union School District and children residing in Barre Town can attend Barre Town Middle and Elementary School (grades Pre-K-8) in Websterville. Likewise, the district also operates a high school in Barre City. Both are public schools. There are also numerous private middle, elementary, and high school options in the area. It is not anticipated that the potential number will create a burden on the educational facilities in the area.

**c. Water, sewer, or other municipal utility systems:**

*One additional sewer unit needed*

The existing building is served by municipal sewer and water (both from Barre Town) with existing connections. Those connections will continue to be utilized for this project. The applicant will need another sewer unit for the additional dwelling space. The Town of Barre has the capacity to service this building with both sewer and potable water.

**d. Recreational facilities:**

*Negligible impact*

There are numerous recreational facilities and opportunities in the greater Barre area. Barre Town owns and operates a recreational facility adjacent to the Barre Town Middle and Elementary School in Websterville along with several neighborhood playgrounds. In addition, the Town also owns and operates a 300 plus acre forest with numerous walking, biking, disc golf, and other recreational opportunities within walking distance of this property. It is not anticipated that the proposed project will have a negative impact on existing recreational facilities.

**e. Conservation or other designated natural areas:**

*N/A*

There is no known conservation or designated natural areas impacted by this parcel or the proposed project. The parcel is not located in a FEMA declared special flood hazard area or zone.

**f. Solid waste disposal facilities:**

*Negligible impact*

Solid waste is managed via local haulers and is disposed of at approved landfills. The applicant will have to provide receptacles or dumpsters to each unit for trash and recycling. Given these requirements were already in place for the two existing units, it will not take much effort to provide the same accommodations for the third unit. It is not anticipated that this proposed development will overburden the existing solid waste system.

**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 neighborhood is currently a mix of small multifamily and single family properties, and is zoned VHD.*

In Article 2, Section 2.2 of the Barre Town Zoning Bylaw, very high density residential zones are described as “designated for land centrally located... where, due to reasons of utilities, location and existing intensive development, higher density is appropriate.” This proposal would create an additional living unit in the district most suitable to do so. In addition, the municipal plan supports the creation of more housing.

Regarding the character of the area, the use is compliant and in character given the overall development pattern of Upper Websterville is predominantly residential given the neighborhood’s proximity to vast recreational opportunities. Multi-family dwellings are common in this area.

**3) Traffic on roads and highways in the vicinity;**

*Negligible impact*

The project site is located on Brook Street, a Town paved class 3 road. Brook Street is the access for both a playground and the most popular parking lot for the Barre Town Forest, along with numerous residential buildings. Traffic on this road is moderate. It is not anticipated that adding one additional apartment will have a negative impact on the roads and highways in the vicinity.

**4) Zoning Bylaws and bylaws then in effect;**

The Barre Town Zoning Bylaw allows multi-family dwellings in a very high density residential zone by conditional use permit, especially in an existing building (Article 2, Sec 2.5, Table 2.1; Article 3, Sec 3.3 (E)). As such, the proposed addition of one living unit for a total of three conforms.

**5) Utilization of renewable energy resources:**

*N/A*

The applicant does not intend to utilize renewable energy resources at this time. Nothing prevents that from occurring at a later time if desired in accordance with local and state regulations.

**6) Minimum lot size:**

*Lot exceeds 8500 sq ft requirement*

The minimum lot size for a very high density residential zone is 8,500 square feet, or about 0.20 acres. The subject parcel is 0.30 acres and as such is conforming.

**7) Distance from adjacent or nearby uses;**

*N/A, existing building with appropriate setbacks*

This is an existing building with no structural alterations being made to the living space, and setback requirements are met. Nearby uses include numerous single-family and multi-family dwellings within along with recreational uses. The parcel abuts the Upper Websterville Playground, and one of the entrances to the Town Forest is only a few hundred feet away from the property.

One of the neighboring property owners has expressed that there have been times that tenants of 53 Brook Street have cut across his property without his permission to access the back of 53 Brook Street because there is a retaining wall on the left side of the property that makes it difficult to access back there.

**8) Site Plan Review:**

The proposed project will not require a site plan review, as there is no land being developed on to accommodate the use.

**9) Any other standards and factors (as needed) that the bylaw may require.**

Unless determined necessary by the Development Review Board, it is not anticipated that any other standards are applicable in this instance.

**10. Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw;**

*Six total parking spaces in two existing curb cuts*

The parking situation is tighter than I initially anticipated. There are two curb-cuts on the property. The curb-cut on the left side of the property can tightly fit in two parking spaces. The curb-cut on the right side has more parking available. However, there is a storage shed that is positioned in such a way that a car could not park perpendicular to the front of it without being positioned within the ROW. It does appear, though, that there is enough room for a car to be parked parallel to the front of it. To the right of the shed, there is enough parking to accommodate three more cars. That meets the six-car parking requirement, but if parking were to be arranged in this fashion that would make snow removal more difficult.

**11. Loading/unloading facilities.**

*N/A*

Not applicable, as this is a residential building.

**SUMMARY, RECOMMENDATIONS:**

This project is located in the zone most suitable for increasing density, as the property is serviced by municipal water and sewer. Housing opportunities are limited, and any creation of more housing should be encouraged provided regulations are being followed. After reviewing the criteria above and proposing the conditions below, in addition to any proposed by the board, I recommend approval of this request for a conditional use permit, allowing one additional living unit in the basement of this building for a total of three living units.

**PROPOSED CONDITIONS:**

- 1) The applicant is hereby notified that State of Vermont Permits may be necessary. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what, if any, State of Vermont permits are necessary for this development. If permits are required, they shall be obtained and complied with in accordance with any requirements or conditions of approval.
- 2) The new living unit must obtain its own sewer allocation via a sewer permit.

- 3) In accordance with Article 3, Section 3.9 (G) of the Barre Town Zoning Bylaw, six identifiable parking spaces must be available (two for each unit).
- 4) Any conditions the Board wishes to add.

**ADDITIONAL COMMENTS:**

Mr. Otis returned as a member of the Board. Mr. Valsangiacomo appointed Ms. Galfetti (alternate) to preside over Hiscock's application. He asked members if any had a conflict or Ex-parte communications with the applicant. There were no conflicts or ex-parte communications.

Mr. Valsangiacomo sworn Mr. Hiscock, and Mr. Garbacik. Mr. Garbacik provided an overview of his staff report as stated above. Also, introduces for written testimony letters of concern from: Andrea Mills; Georgette Colman, Captain (RET) Christopher Frey and Habiba Frey.

Mr. Hiscock started to respond to correspondence by concerned neighbors as written testimony. Mr. Valsangiacomo reminded Mr. Hiscock that the board was reviewing the application based on the zoning bylaws and he (Hiscock) was there to provide testimony on his application for a third unit at 53 Brook Street.

Mr. Hiscock mentioned that he was installing a new foundation for the building and would like to put a third unit in the basement with its own entrance at the rear of the building. And verbally described where vehicle parking would be located on the property.

Q/A

Sanborn: Outline of the project has been given verbally. We need a well-defined site plan with distances from abutting neighbors, parking space placement with measurements and dimensions and snow storage removal in writing.

Hiscock: On the left there are two parking spaces and there are up to four parking spaces on the right behind the shed.

Valentinetti: We need a plan that show ample parking spaces with dimensions & snow removal.

Hiscock: We are taking down the shed to make parking. The snow will be pushed to the back of the driveway on the right and pushed over the bank.

Andrea Mills was sworn in and gave testimony for the lighting on the front to be downcast and read Article 3, Section 3.17 of the zoning bylaws.

***On motion by Ms. Valentinetti, seconded by Mr. Otis, the Development Review Board moved to continue date certain July 12, 2023, a request by Benjamin Hiscock for a conditional use review in accordance with Article 2, Table 2.1 and Article 3, Section 3.3 (E) (multi-family dwelling) for an addition of a dwelling unit (in addition to two (2) existing units) for a total of three (3) in an existing residential building located 53 Brook Street; Parcel ID: 023/045.00; Zoned Very High Density Residential; CUP-23000003. Vote 5-2-0 (Labrador/Galfetti opposed).***

*Note: Applicant must provide in writing a site map of his property showing distances from abutting neighbors, location of six parking spaces with dimensions, and snow removal storage.*

**4) APPLICANT: Rock Pile Properties LLC / Conditional Use**

Request by Rock Pile Properties LLC for a **conditional use** (possible approval) to add the use of a restaurant (fast food) to an existing three-story building with eight dwelling units and a laundromat located at 130 Mill Street; Parcel ID: 025/066.00; Zoned East Barre Commercial District; **CUP-23000004**.

**STAFF REPORT/REVIEW COMMENTS FROM  
BRANDON GARBACIK, ZONING ADMINISTRATOR/PLANNING OFFICER**

This is a warned public hearing for the purpose of hearing a request for a conditional use permit in accordance with the Barre Town Zoning Bylaw, Article 5, Section 5.5 whereas the applicant would like to conduct a use that is only allowed by a Development Review Board (DRB) issued Conditional Use Permit (CUP). The subject parcel/building is located in the East Barre Commercial district on Mill Street with 0.23 acres of land.

Article 2, Section 2.5, Table 2.1 allows restaurants (fast food) in this zone by conditional use review. I am placing this project in the category of fast-food restaurants as opposed to a regular restaurant based on the distinction that this restaurant will primarily deal with take-out and delivery orders, not sit-down meals.

To proceed with a conditional use permit application, the Bylaw refers to Article 5, Section 5.5 which is the section that states, “No permit shall be issued by the zoning administrator for any use, structure, or development which requires a conditional use permit in this bylaw until the DRB grants that approval.”

In reviewing a conditional use application, the DRB shall use the criteria below to guide them through the process and to create findings as well as help determine what, if any, conditions may be appropriate to mitigate any concerns. Ultimately a determination must be made that the proposed use, structure, or development conforms to the criteria and shall not result in an undue adverse effect on any of them.

The applicant currently owns a three-story, mixed use building at 130 Mill Street in East Barre, with a total of eight residential units on the top two floors and the use of a laundromat on the right side of the first floor. The applicant wishes to utilize space on the left side of the first floor, which has a front and back entry, for a restaurant specializing in take-out and delivery orders. This added use of a fast food restaurant is what necessitates the conditional use request.

An abutting property owner has also submitted a letter regarding this application to be used as evidence in this public hearing.

As part of the conditional use application, the applicant provided responses to the Development Review Board’s conditional use criteria. The applicant’s responses are provided in italics, and my comments are in regular font:

**1. The impact on the capacity of existing or planned community facilities, to include but not limited to:**

**a. Emergency services:**

*Negligible impact*

Barre Town has a full-time, 24-hour a day Police Department as well as a full-time 24-hour a day paramedic level Emergency Medical Service. It is not anticipated that either agency could not serve the additional number of living units and the people associated with them.

Fire protection is provided by a call-paid Fire Department which is not a career or full-time department. There could potentially be issues with accessing certain sections of the property with fire trucks due to the parking layout of the property and how close together each building is from one another making for narrow passageways. However, it is not anticipated that the Fire Department cannot provide service to the proposed project.

**b. Educational facilities:**

*No impact, non-residential use*

There will be no impact to the local educational system as this project is adding a commercial use to an existing mixed-use building.

**c. Water, sewer, or other municipal utility systems:**

*No additional sewer unit needed, negligible impact on municipal utilities*

The existing building is served by municipal sewer and water (both from Barre Town) with existing connections. Currently, this building is charged for 12 sewer units (4 are for the use of the laundromat, 8 are for eight residential units on the top two floors of the building). The applicant would need to provide a sewer allocation request from an engineer before Town Engineer Josh Martineau can determine the appropriate number of sewer units for this building. The Town of Barre has the capacity to service this building with both sewer and potable water.

**d. Recreational facilities:**

*Negligible impact*

It is not anticipated that the proposed project will have a negative impact on existing recreational facilities.

**e. Conservation or other designated natural areas:**

*N/A*

There is no known conservation or designated natural areas impacted by this parcel or the proposed project. The parcel is not located in a FEMA declared special flood hazard area or zone.

**f. Solid waste disposal facilities:**

*Negligible impact*

The applicant will be required to supply receptacles/dumpsters for solid waste disposal. Recycling and compost disposal must take place in accordance with Act 148. The applicant may contact Central Vermont Solid Waste Management District for further assistance on compliance with state regulations.

**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;**

*Commercial district with a variety of retail and residential uses, will not change character of zone*

In Article 2, Section 2.2 of the Barre Town Zoning Bylaw, the East Barre Commercial district is described as being "...intended to reflect East Barre's inherent uniqueness given its long-standing mixture of uses including residential and commercial." This proposal would create an additional commercial use to a historically mixed-use building that already features an existing commercial use and residential uses.

Regarding the character of the area, this neighborhood features a healthy mixture of residential and commercial uses. A project like this helps solidify the unique character of the area and can supplement its growth by adding a convenient location to pick up food.

**3. Traffic on roads and highways in the vicinity;**

*Negligible impact*

The project site is located on 130 Mill Street, a Town paved class 2 road with a speed limit of 25 mph. Traffic on this road is moderate, as it connects to the Route 302 roundabout. It is possible that the addition of this restaurant may add more cars on the roads and highways in the vicinity. Also, the East Barre Fire Station is located on the other side of the street. However, this area is already accustomed to being a mixture of residential and commercial uses, and as long as the roadways remain unobstructed, the impact on traffic should not become an issue.

**4. Zoning Bylaws and bylaws then in effect;**

*Restaurant is a conditional use*

The Barre Town Zoning Bylaw allows fast food restaurants in the East Barre Commercial district by conditional use permit, (Article 2, Sec 2.5, Table 2.1). As such, the proposed use conforms with the Bylaw.

**5. Utilization of renewable energy resources:**

N/A

The applicant does not intend to utilize renewable energy resources at this time. Nothing prevents that from occurring at a later time if desired in accordance with local and state regulations.

**6. Minimum lot size:**

The minimum lot size for the East Barre Commercial district is  $\frac{1}{3}$  of an acre. The subject parcel is 0.23 acres, which is smaller than  $\frac{1}{3}$  of an acre. However, the building has existed since the early-1900's (well before zoning was enacted) and as such is grandfathered in (see Article 3, Section 3.7 (I) of the Barre Town Zoning Bylaw).

**7. Distance from adjacent or nearby uses;**

Nearby uses are residential and commercial. As previously mentioned, the property is also across the street from the East Barre Fire Station.

**8. Site Plan Review:**

The proposed project will not require a site plan review, as there is no land being developed on to accommodate the use.

**9. Any other standards and factors (as needed) that the bylaw may require.**

Unless determined necessary by the Development Review Board, it is not anticipated that any other standards are applicable in this instance.

**10. Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw;**

*Eight parking spaces in the front of the building, anticipates no parking burden due to business model of proposed restaurant*

I have reached out to Mrs. Hiscock via email to supply a sketch of the parking plans. She did not respond, though I did reach out on short notice and some of my emails I've sent lately have been going to the Junk folder.

According to Article 3, Section 3.9 (G) of the Barre Town Zoning Bylaw, the minimum parking for a restaurant is, "One parking space for every 100 sq. ft. of overall building size." This section also mentions, "The required number of contiguous off-street parking spaces may be reduced by the Development Review Board (DRB) during either conditional use or site plan review providing the applicant can demonstrate the reduction is due to:

1. The unique use of property and it can be demonstrated that traffic volume will be substantially less than normally anticipated.
2. The requirement being excessive or insufficient for the use at that time.
3. The nature of the project for which vehicle usage is minimal such as elderly or disable housing use.

It is unclear how much this standard for restaurant parking should be enforced for this particular restaurant due to the restaurant not being a conventional, sit-down restaurant. Also, the restaurant does not comprise the entire area of the building. I am unsure what the exact dimensions of the restaurant space are, but it absolutely appears to be a big enough space where the above parking standard cannot be met for this property without an approval for a reduction of spaces by the DRB.

There are some concerns I see with regards to parking. For starters, I do not see eight parking spaces in the front of the building. There is probably a maximum of seven parking spaces total out front if one of the spaces is reserved for ADA parking. Between staff and customers, it is likely not possible that the front of the building will present enough parking. The back of the building has parking spaces already reserved for the residential units in the building. The left side of the property features an alleyway that:

- is not wide enough to accommodate two-way traffic (*i.e.* does not allow room for vehicles to travel through if other vehicles are parked here),
- has previously been designated as two parking spots for tenants of the residential units,
- is planned to be used to access the loading ramp on the back-left side of the building, and
- is not entirely owned by the applicant.

There are, however, additional public parking spaces nearby that may be utilized by customers of the restaurant (though one abutting business owner has expressed concern that this restaurant may take away parking for the other commercial businesses in the neighborhood). It is also true that the business model of the proposed restaurant would allow cars to be in and out within a much shorter timeframe than a conventional restaurant. Plus, the hours that operations are likely to be busy are primarily in the evening. Taking everything into account, I believe that there should be enough parking to operate the business without hindering the operations of other businesses.

#### 11. Loading/unloading facilities.

*Installation of one service ramp that is ADA accessible on side of building, will require variance*

In addition to parking plans, I had requested from Mrs. Hiscock a sketch of the loading/unloading plans. She did not respond to that request either, but as mentioned before the request was on short notice and requested only via email.

Mrs. Hiscock mentioned to me at one point that it is estimated that 10,000 pounds of product would be delivered weekly. The natural location for a loading facility would be the alleyway on the side of the building, as that is where the designated service ramp would be placed. However, if that alleyway is already designated as a parking area for the residential units, it also cannot be used for delivering supplies. Another location possible for delivering supplies is at the back of the building via access on Summer Street. However, Article 3, Section 3.9 (H) states that, "...no required parking spaces shall be encumbered by any vehicle unloading or loading." A truck being parked in the back would make it impossible for a tenant to drive away from the property until after unloading. It is impossible for any loading/unloading to take place in front of the building as there are reserved parking spaces out front, and delivery trucks are prohibited from parking in the street to load/unload. Until I see a more concrete plan that does not interfere with parking, I cannot support (nor outright reject) the notion that the loading/unloading facilities requirement have been sufficiently met.

#### **SUMMARY, RECOMMENDATIONS:**

This project is located in a district unique for its layout of residential and commercial uses commingling. Given this area's population density, a restaurant of this sort would serve well here to boost the community. After reviewing the criteria above and proposing the conditions below, I still have some worries, especially regarding loading/unloading but also about parking/snow removal. These issues should be thoroughly investigated to find practical solutions where possible. Therefore, it may be necessary to do more research before making any final decisions. However, I am overall supportive of this idea, as there is a need for the use.

#### **PROPOSED CONDITIONS:**

- 1) The applicant is hereby notified that State of Vermont Permits may be necessary. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what, if any, State of Vermont permits are necessary for this development. If permits are required, they shall be obtained and complied with in accordance with any requirements or conditions of approval.

- 2) A sewer allocation request must be made for the new use.
- 3) All lighting will be downcast.
- 4) Any conditions the Board wishes to add.

**ADDITIONAL COMMENTS:**

Mr. Valsangiacomo appointed Ms. Galfetti (alternate) to preside over Rock Pile's application. He asked members if any had a conflict or Ex-parte communications with the applicant. There were no conflicts or ex-parte communications.

Mr. Valsangiacomo had sworn Benjamin Hiscock, Samantha Hiscock (Rock Pile Properties), Robert Keene (Dominos), Mrs. Malone & Mr. Bolduc (Selectboard), Mr. & Mrs. Somaini, Mr. & Mrs. Baker, Mr. D. Lafont, Mr. N. Lafont, Ms. Phelps and Mr. Garbacik. Mr. Garbacik provided an overview of his staff report as stated above.

Mr. & Mrs. Somaini of the "Antique Mall" expressed their concerns for the lack of parking in East Barre for businesses and area for snow removal in East Barre.

Ms. Hiscock stated that there hasn't been any issue regarding parking in front of the building and that the snow is removed off site as it is part of the 8-unit conditional use permit.

Mr. Valsangiacomo reminded the focus should be the concerns of off-street parking and loading/unloading for a proposed restaurant.

Ms. Hiscock introduced Robert Keene, the restaurant owner of KRG Pizza/Dominos. Mr. Keene provided an overview: no eat in dining – Carryout and delivery service; 1 employee/1 delivery driver during weekdays, 2-4 employees and 2-3 delivery drivers nights/weekends.

Mr. Sanborn expressed concerns that there are not enough parking spaces (seven parking spaces in front of the 130 Mill Street building) for use by the Domino's employees and delivery drivers as well as Dominos customers and laundromat customers.

Mrs. Hiscock responded that Domino's employees would probably use the public parking available across the road, like employees of the daycare and VT Flannel. And there would be no dining in at the location.

Mr. Sanborn asked how many square feet the restaurant location is. Mrs. Hiscock responded 1200 to 1400 square feet.

Mr. Sanborn expressed his concerns for potentially approving the conditional use for the restaurant and the next public hearing on for a variance to build a ADA/receiving ramp in the alley way.

Mr. Bolduc (Selectboard member representing the Barre) asked how a variance can be reviewed when the area has already been assigned residential parking spaces in the alley way from an approved conditional permit for 8 apartment units for the building. previous conditional use permit for the apartments.

He also asked how the trash was going to be taken care of for the restaurant, since there will be food involved. Also, where will grease from the restaurant be stored and disposed of?

Mrs. Hiscock responded that it would be just the one trash container, she does not for see a larger one to be needed for the restaurant. There is currently a grease trap located in the building and replaced with a new one.

Mr. Keene responded that there is no fryolators. Everything is already prepared that they use a conveyor type oven.

Mr. N Lafont (abutter on Garden Street) expressed his concerns:

- 1) The distance between his house and 130 Mill Street is between 15-20' apart (with alley way between)
- 2) Who owns the alley way?
- 3) Concerns of smells from restaurant
- 4) Lighting in the alley way is not down cast it shines in his second-floor bedroom

5) Concerns of food waste

Mr. Baker formerly owned the building and expressed concerns that the building may have asbestos. Mrs. Hiscock commented that there is no asbestos in the building, and she has documentation.

*On motion by Ms. Valentinetti, seconded by Mr. Sanborn, the Development Review Board moved to continue the public hearing to date certain, July 12, 2023 for a request by Rock Pile Properties LLC for a conditional use (possible approval) to add the use of a restaurant (fast food) to an existing three-story building with eight dwelling units and a laundromat located at 130 Mill Street; Parcel ID: 025/066.00; Zoned East Barre Commercial District; CUP-23000004. Vote 7-0-0.*

*Note: Applicant provide written loading/unloading for the restaurant, parking for the tenants, laundromat, parking plan for the restaurant, current parking.*

## 5) APPLICANT: **Rock Pile Properties LLC / Variance**

Request by Rock Pile Properties LLC for a 6' **variance** of side setback (possible approval) to install an attached ramp to use both for deliveries and as an ADA-accessible entrance/exit on property located at 130 Mill Street; Parcel ID: 025/066.00; Zoned East Barre Commercial District; **V-23000003**.

### STAFF REPORT/REVIEW COMMENTS FROM BRANDON GARBACIK, ZONING ADMINISTRATOR/PLANNING OFFICER

This is a warned public hearing for the purpose of hearing a request for a 6' variance of side (left of property) setback in accordance with the Barre Town Zoning Bylaw, Article 7, Section 7.9, whereas the applicant would like to request a variance of setback requirements of the Bylaw that is only allowed by a Development Review Board (DRB) issued Variance Permit. The subject parcel/building is located in the East Barre Commercial district on Mill Street with 0.23 acres of land. The minimum lot size in this zone is 1/3 acres, and the minimum side setback is 10'. This nonconforming lot has been grandfathered in, as it has existed since before zoning laws applied.

As noted above, the applicant is hoping to construct an attached ramp to use for both service deliveries and as an ADA-approved access into the building. The request of the 6' variance is using numbers from the applicant based on the regulations she has to meet for the ramp to match ADA compliance. She measured from the part of the ramp nearest to the abutting property's boundary line, which is the bottom of the ramp. Using a surveyed map of the abutting library (present-day York Branch of the Aldrich Library) as reference, she was able to determine that the bottom corner of the ramp will end up being 4' away from the library's property line. Upon further review, it appears that the applicant's calculations are accurate and that a 6' variance request will be required in order to move forward with installing an attached ramp on the back-left corner of the property.

In reviewing a variance application, the DRB shall use the criteria below to guide them through the process and to create findings as well as help determine what, if any, conditions may be appropriate to mitigate any concerns. Ultimately a determination must be made that the proposed structure or development is unable to conform to the Bylaw due to unique and adverse circumstances with reference to the subject parcel.

An abutting property owner has also submitted a letter regarding this application to be used as evidence in this public hearing.

As part of the variance application, the applicant provided responses to the Development Review Board's variance criteria. The applicant's responses are provided in italics, and my comments are in regular font:

#### **1. Are there unique physical circumstances or conditions as to:**

##### **a. Irregularity, narrowness, or shallowness of lot size or shape;**

*The existing structure is less than 10 feet from the side of the property at the narrowest point.*

As mentioned, the minimum lot size for the East Barre Commercial district is  $\frac{1}{3}$  acres. The subject lot is 0.23 acres, which is about 0.10 acres smaller than required in this district now.

**b. Exceptional topography or physical conditions peculiar to a particular property;**

*Based upon lot dimensions and parking requirements a ramp in this location is the only option.*

The section of the building where the ADA-accessible ramp will be utilized (which is the proposed restaurant on the first floor) has two entrances, one in the front of the building and one in the back-left corner. The entrance in the front of the building is close to the Town's ROW and there are parking spaces located out front. The entrance in the backside of the building is within 10 feet of the abutting property line (left side of property), which would not comply with setback requirements had the lot not been grandfathered in.

**c. Unnecessary hardship due to the above?**

*A ramp placed anywhere else would cause excessive hardship in the loss of parking.*

Being the case that this lot was grandfathered in as it existed prior to local zoning regulations, it is true that the size of the lot is more shallow and therefore more difficult to develop on.

**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.**

*Zoning regulations require a 10' setback for this ramp. This building and lot was developed over 125 years ago, as were the neighboring properties and are all very close together. All abutting properties/buildings have nonconforming setbacks according to the current ordinance. A variance for the ramp will range from a 2' variance at the start of the porch (8' from property line), and 6' at the end of the ramp (4' from property line). This ramp is required for ADA accessibility and for deliveries of food ingredients for the restaurant. ADA accessibility is required for all public buildings, and not allowing a ramp would infringe on the reasonable use of the property. The ramp will be to be an extension of the existing porch, already within the setback.*

The applicant believes it is unfeasible to have enough room for the ramp to access the front entrance while complying with ADA standards. Given that ADA compliance is mandatory for the restaurant to operate and the entrance in the back-left is the only entrance that the ramp can be placed while following ADA regulations, the physical conditions of the property compel the applicant to seek a variance.

**3. Is it true that no unnecessary hardship was created by the applicant?**

*The applicant did not create this hardship.*

Since the lot was grandfathered in from before local zoning regulations, the applicant did not create this hardship.

**4. Is it true that a variance will not:**

**a. Alter the essential character of the neighborhood?**

*The character of the neighborhood will not be altered by the ramp.*

This particular neighborhood features numerous residential and commercial buildings aligned closely together on small lots, making development difficult. Adding a ramp on the corner of the building will not alter the character of the neighborhood.

**b. Substantially or permanently impair appropriate use or development of adjacent property?**

*The ramp will not impair any use of the adjacent properties.*

This ramp should not affect the ability for the abutting library to conduct operations. The ramp will not be placed near either entrance of the library's building.

**c. Reduce access to renewable energy sources?**

N/A

The installation of the ramp will not hinder the property's ability to access renewable energy sources now or in the future.

**d. Be detrimental to the public welfare?**

*The ramp will be beneficial to public welfare as it will create an ADA accessible entrance into the building.*

Though the ramp will create an accessible entry into the building, it will require deliveries of food/supplies to use this entrance as well. The location of the ramp is in an alleyway that is currently a designated parking area for residents of the apartments in this building. It may create potential conflicts for those delivering supplies into the building. It should not be detrimental to public welfare, but it will create more foot traffic near abutting properties.

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

*Yes, the proposed ramp is the most minor deviation to the regulation and will provide the maximum relief for all other conditions.*

It is true that this variance represents the minimum deviation from regulation and plan to provide relief in order for the proposed restaurant to conduct business operations.

**SUMMARY, RECOMMENDATIONS:**

This project is a requirement for the proposed restaurant in this building to be able to operate. The nonconforming lot complicates development, and a variance in this scenario appears necessary to operate the business. I do have concerns, though, that the location of this ramp is where a parking spot is meant to be reserved for a tenant of the apartments. This should be addressed. However, barring no other issues, I recommend approval of this variance.

**PROPOSED CONDITIONS:**

- 1) The applicant is hereby notified that State of Vermont Permits may be necessary. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what, if any, State of Vermont permits are necessary for this development. If permits are required, they shall be obtained and complied with in accordance with any requirements or conditions of approval.
- 2) Any conditions the Board wishes to add.

**ADDITIONAL COMMENTS:**

Mr. Valsangiacomo appointed Ms. Galfetti (alternate) to preside over Rock Pile's application. He asked members if any had a conflict or Ex-parte communications with the applicant. There were no conflicts or ex-parte communications.

Mr. Valsangiacomo had sworn Benjamin Hiscock, Samantha Hiscock (Rock Pile Properties), Robert Keene (Dominos), Mrs. Malone & Mr. Bolduc (Selectboard), Mr. & Mrs. Somaini, Mr. & Mrs. Baker, Mr. D. Lafont, Mr. N. Lafont, Ms. Phelps and Mr. Garbacik. Mr. Garbacik provided an overview of his staff report as stated above.

Mr. Valsangiacomo read the five criteria questions for the variance and Mrs. Hiscock answered in the affirmative.

Mr. Bolduc noted that the location of the ramp conflicts with Conditions 3 & 4 of Conditional Use Permit CUP-2100006, in which the applicant Rock Pile Properties LLC requested the building on the parcel in question add the use of 8 dwelling units. Part of the conditions included a diagrammed parking plan with 8 parking spaces dedicated to tenants. The location of the ramp would be where one of the parking spaces is.

Mr. Otis asked Mrs. Hiscock if she plans on giving up some of the apartments to accommodate more room for the restaurant, including the loading ramp. She stated that she does not plan on giving up the use of any of the dwelling units, but that she does not plan on every tenant having a vehicle.

Mr. Sanborn reiterated that regardless of whether the parking spaces in the alleyway are currently being used, they are included as part of the parking plan for the tenants in the apartment.

Mrs. Hiscock responded by saying that the ramp will not extend out further from the building than the deck that has been there for decades does. She also mentioned that she has not been strictly following the formerly approved parking plan, so there have not been cars parking in the alleyway. She stated that the parking situation has been fluid.

Mr. Sanborn questioned how there can be both parking spaces and a ramp in that alleyway, as there is not enough room to accommodate for both parking spaces and people using the ramp.

Mr. Neddo affirmed to the applicants that the parking spaces in a parking plan are not fluid.

*On motion by Ms. Valentinetti, seconded by Mr. Otis, the Development Review Board moved to continue the public hearing to date certain, July 12, 2023, for a request by Rock Pile Properties LLC for a 6' variance of side setback (possible approval) to install an attached ramp to use both for deliveries and as an ADA-accessible entrance/exit on property located at 130 Mill Street; Parcel ID: 025/066.00; Zoned East Barre Commercial District; V-23000003. Vote 7-0-0.*

*Note: Applicant must provide in writing a type of survey of the property, with parking lines and ramp.*

#### **H. OTHER**

There were none.

#### **I. FOLLOW-UPS**

There were none.

#### **J. ROUNDTABLE**

Mrs. Spaulding handed out the rules of procedure.

#### **K. ADJOURN!**

*On motion by Ms. Valentinetti, seconded by Ms. Galfetti, the Development Review Board adjourned at 11:10 p.m. Vote: 7-0-0.*

Respectfully submitted,  
Cindy Spaulding, Clerk for DRB  
Brandon Garbacik, Zoning Administrator

_____ Mark Reaves, Chair	_____ Jon Valsangiacomo
_____ Angela Valentinetti	_____ Chris Neddo
_____ Cedric Sanborn	_____ Angela Labrador
_____ Gerald Otis	_____ Jim Fecteau (alternate)
_____ Gina Galfetti (alternate)	