

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR JULY 14, 2021

The Barre Town Development Review Board held a public meeting & hearings on **July 14, 2021**, beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

MEMBERS

Cedric Sanborn, Jim Fecteau, Mark Reaves, Jon Valsangiacomo, Mike Gilbar, and Angela Valentinetti

ABSENT:

Chris Neddo

STAFF PRESENT

Chris Violette and Cindy Spaulding

OTHERS PRESENT:

Fr. Pat Forman/St. Sylvester Church, Lee Kimball (Applicant), Rick DeAngelis (Good Samaritan Haven), Terry Somaini, Timothy Morris (Chase & Chase), Samantha Hiscock /Rock Pile Properties; Norma Malone and Jason Bolduc (Selectboard); Marre Moulton (Washington County Mental Health); Terry Culver and Susan Hudson (Last Time Around) and Nicola Anderson.

A. 7:00 P.M. – CALL TO ORDER

Mr. Reaves called the meeting to order at 7:00 p.m. and sworn all in.

Mr. Reaves, on behalf of the DRB, extended condolences to Mr. Thygesen for the loss of his wife.

B. CHANGES TO THE AGENDA

Mr. Reaves moved consideration of the June 9th minutes to the end of the meeting.

C. NON-AGENDA ITEMS (max 10 minutes)

D. SUBDIVISION PRELIMINARY REVIEW - NONE

E. WARNED FINAL PUBLIC HEARINGS

Subdivision

APPLICANT: Town of Barre & St. Sylvester Parish/ BLA

Request by Town of Barre and St. Sylvester Parish Charitable Trust for a boundary line adjustment, each swapping equal sized .094-acre pieces of land for the purpose of correcting a parcel line infringement located on Church Hill Road; Parcel IDS 002/009.00 & 002/007.00; Zoned industrial; P-21000009 & P-21000010.

Consultant: Chase & Chase Surveyors & Septic Designers

Date: June 30, 2021

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, **ZONING ADMINISTRATOR**

This is a warned public hearing for the purpose of a boundary line adjustment (BLA) between two parcels owned by the applicants. The applicants would like to alter a small portion of the property line between the two parcels. The subject parcels are located in an Industrial zone. Industrial zoning requires a minimum lot size of 2 acres (with onsite sewer and water) and 200' of road frontage (or access by a right-of-way).

Currently (as seen on the Chase & Chase survey) the eastern boundary line runs through the garage attached to the rectory. This BLA will alter the line (as shown) moving it away from the garage and placing is solely on Church property.

The Town will transfer .094 acres to the Church to accommodate line change. Because the Town land is part of the Town Forest and under Vermont Land Trust oversight, there can not be an outright conveyance of land there has to be an even swap. To accomplish this, the Church will convey to the Town .094 acres along the southern boundary.

Both parcels remain the same size and conforming. The rectory, not quite.

The existing rectory will end up with a 10' side yard setback. Of course, there is no setback now. The subject parcel, being in an industrial zone, would normally require that a 25' side yard setback be maintained. But there are several reasons why allowing it to be a little short makes sense.

Allowing the 10' setback makes sense in that trying to meet the 25' setback would require a much larger land swap and likely less acceptable to the Land Trust. Further, because it would involve a much larger swap, it would leave the church parcel with even less usable land in the back. It is not beneficial to anybody to obtain the full 25' setback and the 10' setback is much better than current. It should also be noted that this building, historically, has been a residential use and the very high-density residential zone with a 10' side yard setback is only 200' to the east away. Finally, because the abutting land is Town Forest, it will never be developed.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

This boundary line adjustment corrects a situation that is not good for the church and their ability to sell the property. With consideration to the proposed conditions below, I recommend approval of this boundary line adjustment.

- 1) To complete this boundary line adjustment, deeds conveying the matching .094 acres much be executed, and each deed shall be clear that the intent is to merge them with their respective parcels. Conveyance shall occur within 180 days.
- 2) One (1) (18" x 24") recording plat must be submitted to the Planning office for filing in the Town of Barre land records in accordance with Barre Town subdivision regulation and state statute within 180-days of approval.
- 3) Three (3) sets (24" x 36") paper copies of the final approved plan must be submitted to the Planning Office within 30-days of approval unless a request to extend is made and approved by staff.
- 4) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 5) No changes to the approved plan can be made unless first reviewed by either the Town Zoning Administrator, or the Town Engineer for a determination of significance. If it is determined that a proposed change is significant, the plan will be required to go back before the Development Review Board for approval of the proposed change.
- 6) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

COMMENTS:

Mr. Violette provided his staff report as stated above. Mr. Morris of Chase and Chase stated he was available if there were any questions. Mr. Fecteau questioned if a variance would be required. Mr. Violette stated it would not require a variance if approved this way, it would in effect be grandfathered.

On motion by Mr. Sanborn, seconded by Mr. Fecteau, the Development Review Board approved the request by Town of Barre and St. Sylvester Parish Charitable Trust for a boundary line adjustment, each swapping equal sized .094-acre pieces of land for the purpose of correcting a parcel line infringement located on Church Hill Road; Parcel IDS 002/009.00 & 002/007.00; Zoned industrial; P-21000009 & P-21000010 contingent upon conditions 1-6. Vote 6-0-0.

CONDITIONS Yes X No _____

MOTION BY: SANBORN
 SECOND BY: FECTEAU

ROLL CALL:

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

APPLICANT: Hayward & Sleeper/ BLA

Request by Malcolm Hayward (LE) & Brent Sleeper for a boundary line adjustment between abutting properties located at the intersection of Nichols Road and Farwell Street, Parcel IDS: 009/009.02 and 009/007.00; Zoned medium density residential; P-21000007 & P-21000008.

Consultant: Chase & Chase Surveyors & Septic Designers

Date: June 30, 2021

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, ZONING ADMINISTRATOR

This is a warned public hearing for the purpose of a boundary line adjustment (BLA) between two adjacent parcels owned by the applicants. The applicants would like to alter a small portion of the property line between the two parcels. The subject parcels are located in a medium-density residential zone. Medium density residential zoning requires a minimum lot size of 2 acres (with onsite sewer and water) and 200' of road frontage (or access by a right-of-way).

If the survey map looks familiar to you, it should. The parcel owned by Mr. Sleeper was lot 3 of the Ellen Poulin subdivision approved last March. Mr. Sleeper purchased lot 3 and will be purchasing the Hayward parcel soon as well. Mr. Sleeper would like to do this BLA to put the infamous "shed" on the land (Hayward) that it goes with. I am sure you all will remember the stir this shed created back during the Poulin review.

As noted on the plans by Chase and Chase, the 2.91 Sleeper Lot, (former Poulin Lot 3) will decrease by .4 acres and the .35-acre Sleeper lot (aka Hayward, the survey jumps the gun on the transfer unless it occurs before the hearing) will increase by .4 acres. The Hayward lot is currently .35 acres with a single-family dwelling and accessory buildings it will go to .75 acres. This lot also has onsite potable water and sewer. The Sleeper lot is undeveloped and decreases in size to 2.51 acres.

In addition to the parcel size changing, the road frontage also changes with the boundary line moving 31.68' to the northeast along Farwell Street. The Hayward lot adds that road frontage to its existing 100' bringing it a little closer to the conforming 200'. The Sleeper lot's frontage decreases but will maintain 166.15' on Farwell Street in addition to its 580' on Nichols Road.

In addition to placing the large shed on the Hayward property, a small shed on the Sleeper lot will now be on the Hayward lot as intended.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

With consideration to the proposed conditions below, I recommend approval of this boundary line adjustment.

1. To complete this boundary line adjustment, a deed conveying the .4 acre Sleeper land with Hayward must be executed within 180 days. Said deed shall clearly indicated that the .4 acres is merged with the Hayward lot.
2. One (1) (18" x 24") recording plat must be submitted to the Planning office for filing in the Town of Barre land records in accordance with Barre Town subdivision regulation and state statute within 180-days of approval.
3. Three (3) sets (24" x 36") paper copies of the final approved plan must be submitted to the Planning Office within 30-days of approval unless a request to extend is made and approved by staff.
4. An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
5. No changes to the approved plan can be made unless first reviewed by either the Town Zoning Administrator, or the Town Engineer for a determination of significance. If it is determined that a proposed change is significant, the plan will be required to go back before the Development Review Board for approval of the proposed change.
6. Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

COMMENTS:

Mr. Valsangiacomo recused himself as a board member and sat in the audience. Mr. Violette announced that he was uncertain whether Mr. Sleeper has purchased the Hayward property since the application was

submitted. He then provided his staff report as stated above. Mr. Morris of Chase and Chase stated he was available if there were any questions.

On motion by Ms. Valentinetti, seconded by Mr. Fecteau, the Development Review Board closed the public hearing. Vote 5-0-0.

DELIBERATION:

On motion by Ms. Valentinetti, seconded by Mr. Fecteau, the Development Review Board approved the request by Malcolm Hayward (LE) & Brent Sleeper for a boundary line adjustment between abutting properties located at the intersection of Nichols Road and Farwell Street, Parcel IDS: 009/009.02 and 009/007.00; Zoned medium density residential; P-21000007 & P-21000008; contingent upon conditions 1-6. Vote 5-0-0.

CONDITIONS Yes X No

MOTION BY: FECTEAU
 SECOND BY: GILBAR

ROLL CALL:

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

Mr. Valsangiacomo returned to the meeting as a board member.

Waiver

APPLICANT: Kimball/ Waiver

Request by Lee Kimball for an 8’ waiver from right-of-way setback for construction of a proposed porch (17’ from ROW of Camp St) attached to single-family dwelling on property located at 342 Camp Street; Parcel ID: 037/069.00; Zoned: high density residential; V-21000003.

Consultant: None
 Date: June 30, 2021

**STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
 ZONING ADMINISTRATOR**

This is a warned public hearing for the purpose of hearing a waiver request in accordance with Article 7, section 7.10 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 high density residential zone street setback of 25’.

The applicant is proposing to replace an existing 8’ x 12’ deck with an 8’ x 20’ covered porch, attached to the front of the existing single-family dwelling. The proposed porch will not extend beyond where the existing porch is and will sit 17’ from the edge of the Windywood right-of-way.

Article 7, section 7.10 allows for waivers to be issued if a structure was built prior to the zoning requirements being adopted. Further, waivers can be considered if necessary to provide reasonable expansions of existing uses because of limitations on the property due to lot configuration, topography, or structure placement and was in conformance to the Zoning Bylaw in effect at the time. A waiver cannot be issued if it changes the overall character of an area, or the dimensional standard being waived is more than 50%.

In this case the house was constructed in the 1960’s prior to zoning enactment. At .58 acres, the parcel is regularly shaped but does fall away from the road meaning the front of the property sits much higher than the rear. Chances are that when the house was built there would have been a need for quite a bit of fill to set the house back further and with no zoning, there wasn’t a need.

As noted above, the street setback in this location is 25’ which means that 50% is 12.5’. The waiver request is 8’ which is 32% of the total required setback, well under 50%.

SUMMARY, RECOMMENDATIONS & CONDITIONS:

I believe that the applicant meets the standard to qualify for the 8’ waiver of right-of-way setback. The house was in conformance at the time zoning was adopted, it still is in conformance. The request is not more than 50% of the setback requirement, does not change the character of the area, and having a front porch is a

reasonable expansion of the residential use. I recommend approval of this request for an 8' waiver of right-of-way setback (Windywood Road).

COMMENTS:

Mr. Violette provided his staff report as stated above. Mr. Valsangiacomo asked if the porch would be closer to the road. Mr. Kimball stated it would not be.

On motion by Mr. Fecteau, seconded by Mr. Valsangiacomo, the Development Review Board closed the public hearing. Vote 6-0-0.

DELIBERATION:

On motion by Ms. Valentinetti, seconded by Mr. Fecteau, the Development Review Board approved a request by Lee Kimball for an 8' waiver from right-of-way setback for construction of a proposed porch (17' from ROW of Camp St) attached to single-family dwelling on property located at 342 Camp Street; Parcel ID: 037/069.00; Zoned: high density residential; V-21000003. Vote 6-0-0.

CONDITIONS Yes _____ No X

MOTION BY: VALENTINETTI
 SECOND BY: FECTEAU

ROLL CALL:

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

Conditional Use

APPLICANT: Downstreet Housing/ Conditional Use

Request by Downstreet Housing and Community Development for Conditional Use approval to lease the subject parcel to Good Samaritan Haven, revising a previous Conditional Use Permit (Phoenix House) to continue the operation of an existing shelter for the purpose of using the property for long-term transitional housing at 580 South Barre RD; Parcel ID 026/055.00; Zoned: Highway Commercial; CUP-21000003.

Consultant: None
 Date: June 24, 2021

**STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
 ZONING ADMINISTRATOR**

This is a warned public hearing for the purpose of conditional use review in accordance with 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 (CUP). The proposed use is a shelter which is allowed by conditional use review in a highway commercial zone (Article 2, table 2.1).

Downstreet Housing & Community Development (Downstreet) is seeking approval to continue the existing shelter located 580 South Barre Road. Downstreet received a conditional use permit in November of 2011 (CUP-11000005) as the Central Vermont Community Land Trust. That permit was issued specifically as part of a contract with an organization called Phoenix House of New England. In turn, Phoenix House contracted with the Department of Correction to provide transitional housing for incarcerated individuals as they moved from custody back into the community. Department of Corrections is no longer contracting with Phoenix House, so they are vacating the Downstreet location.

Downstreet is back for a new Conditional Use Permit even though the new use is similar and still qualifies as shelter, the prior approval was specifically for a shelter to be used in conjunction with Phoenix House.

Downstreet is collaborating with the Good Samaritan Haven (GSH) and is in hopes of receiving a new Conditional Use Permit to allow long-term transitional housing at the 580 South Barre Road. Downstreet has worked with GSH in other locations and believe that this location will meet a significant need for this type of housing.

Downstreet and Good Samaritan Haven have submitted narratives outlining how the new shelter would serve not as an overnight shelter but as a long-term transitional housing for individuals who have lived independently in state assisted motel rooms or completed a recovery program. In each instance, the individuals need more time to obtain their own housing. It would focus on individuals (homeless) who are engaged in developing an independent lifestyle and the support they need to maintain their own long-term

housing. According to GSH individuals selected will not qualify if their risk profile is too high or individuals exhibiting risky behavior. Individuals on the sex offender registry will not be considered eligible.

Per GSH the facility will have onsite staff 20+ hours per day including overnights. The GSH also has a memorandum of understandings (agreements) with Washington County Mental Health Services and Turning Point Recovery and I guess believe this will help the residents living there. While Downstreet and GSH have met with the Selectboard it is uncertain at this time whether there will be a memorandum of understanding (MOU) like the one that existed with Phoenix House. The Selectboard does desire such an MOU that would see agreements on multiple issues.

Transportation for the residents (reasons unknown) is provided by GSH staff when public transportation is not available.

As board members are aware, the conditional use process involves an applicant addressing numerous specific and general criteria. Each criterion is specific unto itself, and it is important to keep focus on them. The applicant has submitted responses to the CUP criteria which are attached. I have offered comments for each standard and unless altered by the DRB may be used in the formal decision letter.

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

A Emergency services: It is a bit hard to judge the impact on emergency services. Of the three emergency services in Barre Town, the service most likely potentially impacted would be the town's police department. How might the operation of the proposed shelter necessitate law enforcement involvement is unknown.

What we do know is there has been considerable police interaction with residents at various motels throughout Vermont that provide(d) housing via the State of Vermont housing program for the homeless, including here in Central Vermont. The GSH narrative indicates that some prospected residents will come from that program. How past issues relate to what this shelter will see, again, hard to quantify. If the people that will ultimately be sheltered here are in fact on the right track to and "constructively engaged in developing an independent lifestyle and getting the support they need to maintain it in their own long-term housing" then maybe that will provide enough incentive to lessen the need for law enforcement.

Good Samaritan Haven likens the proposed location in South Barre to their facility in Montpelier called the "Nest". The Nest is also a long-term transitional facility and currently houses 13 individuals. While the GSH narrative says there were no police interactions there in the last few years, there may have been a few but overall, there does not appear to have been significant law enforcement involvement at the Nest.

Good Samaritan Haven has indicated to the degree they are allowed there will be some vetting and that individuals for the proposed site will be lower risk and that they will not allow some individuals that have had high level crime convictions in the last three years.

According to GSH there will be staff on site for 20 plus hours a day including overnight. That helps as well to limit potential emergency service involvement but offers no guarantee that it will be staffed that much?

Barre Town's Police Chief, William Dodge, has met with GSH principals and has seen most of the same proposals submitted with this application. Chief Dodge has significant concerns about the placement plan offered by GSH to feel comfortable that a there won't be a major impact on his department. Chief Dodge will supply his own comments for the board to consider outlining is concerns and I expect to have those in advance of the meeting and will supply when I have them.

Emergency medical is another area that may or may not see a significant increase in call for service. Like law enforcement Barre Town EMS has seen a very significant increase in demand for their services at local hotels, again for residents being housed there as part of the State program. But similar to law enforcement it is difficult to know what will happen at the proposed shelter.

It should be noted that both services had interaction with the Phoenix House as well, but nothing significant. It is very possible that the proposed use may be very similar to what emergency services experienced with Phoenix House. Almost all the concerns with the proposed shelter where there in 2011 as well. Maybe even more given the source of the residents.

Impact on the Fire Department is likely to be minimal and probably not more than the Phoenix House was. The Barre Town Fire Department responded to alarm activation 3 or 4 times a year, almost always a result of burn food.

B. Educational facilities: This is not a residential use; no new demand on the town's educational facilities is expected.

C. Water, sewer, or other municipal utility systems: The house being considered for this project is currently connected to municipal water and sewer. While the town provides sewer service, the City of Barre provides the water. Currently the property is being charged for 2.5 sewer units. While the use is similar, I suspect that the sewer allocation is sufficient at this time. Allocation is monitored yearly based on water consumption and could be adjusted if necessary.

Both the Town and City have the ability to serve.

D. Recreational facilities: While the nature of the shelter could generate use of town recreational facilities, the impact would be negligible based on the number of residents associated with the use.

E. Conservation or other designated natural areas: There are no known areas designated as conservation or natural areas that will be impacted.

F Solid waste disposal facilities: Screened dumpsters will provide storage of household trash. It is unlikely that this project will generate enough solid waste to put an undue burden on the haulers or landfill's ability to dispose of the solid waste generated from this facility.

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 house proposed for this use is located in a highway commercial (HWC) zone. HWC zone is described within the Barre Town Zoning Bylaw as follows: This district allows for large, higher intensity commercial developments such as automotive oriented businesses that either by their volume or by the nature of their business require larger lots than those in the other commercial districts. Uses include those generally associated with the traveling public such as overnight accommodations, gas stations, grocery stores and restaurants, which inherently see more traffic from customers and deliveries than office buildings. It is hard to connect the proposed use with any of the statements in the description above and while a shelter may not seem to fit into the description, it is specifically included as a conditional use in the Zoning Bylaw. As a result, a correlation has to be drawn that a shelter meets the character of the area as defined by the bylaw and any conflict can be mitigated with conditions.

The area around the proposed site is mixed use as is most of South Barre. While there are plenty of residential uses, there are also plenty of commercial and even industrial uses in very close proximity. The residential density is probably a bit higher because of a 24-unit mobile home park directly next door.

No interior or more importantly exterior changes are proposed.

While I believe it is safe to say that they Phoenix House did not change the character as the area, it is important to point out that the Phoenix House had a stipulation that the front porch not be used for gathering of residents. Not sure if that is something the board feels would help keep the site more in character or not. There are no other examples of residents having access to a joint and highly visible gathering area along South Barre Road. Most apartment houses would have individual porches or decks.

3. Traffic on roads and highways in the vicinity: The project site is located on a state road (VT Rt. 14, also known as South Barre Road) which is a paved two-lane North-South Road. Rt. 14 is heavily traveled by local traffic as well as thru traffic. There does not appear to be any evidence that would suggest traffic generated by the shelter will have an adverse impact on the roads or highways. Most of the traffic will be from staff and not residents.

The subject site currently has two access points from South Barre Road (VT Rt. 14) and one from Don Camp Drive. The South Barre Road access is a bit like a horseshoe and has not created any problems that I am aware of. The Don Camp Drive access is rarely used.

4 Zoning bylaws and bylaws then in effect: Article 2, table 2.1 allows shelters after conditional use review and approval. Downstreet Housing as applied for the CUP under the shelter use.

A shelter is defined in the Barre Town Zoning Bylaw as: When used to define a residential structure used for the temporary shelter of individuals or families on a nonprofit basis, it shall follow the guidelines set out for a Boarding House, except that a lower standard of parking requirements may be used.

Boarding house is defined as follows: A building in which rooms are rented with or without meals to three or more, but not exceeding, twenty persons. Furthermore, each boarding house shall have no more than one kitchen facility whether shared or not.

The proposal for this shelter is for the long-term sheltering of individuals. While there is no specific indication as to how many will be housed here, a boarding house does limit the number to 20 people. While no specific total number has been proposed, GSH has indicated that they already identified 14 candidates.

The shelter use meets the definition within the Barre Town Zoning Bylaw.

5 Utilization of renewable energy resources: There are no known renewable energy resources on this site. The applicant indicates they'd like to explore better energy efficiency.

6. Minimum lot size: At .59 acres this lot is substandard given that the minimum lot size for highway commercial zoning is 1 acre. However, the lot is considered pre-existing, nonconforming. The exterior of the house is not being changed.

7. Distance from neighboring uses: Neighboring uses are mixed residential, commercial, and industrial and are in close proximity.

8. Criteria as adopted relating to site plan review pursuant to Article 5, Sec. 5.6 (6) of this bylaw:
No applicable

9. Any other standards and factors that the bylaw may require: Not applicable

10. Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw: Boarding house parking requirements state that there shall be one parking space for every resident, plus two additional spaces, plus another space for every five rooms. As a shelter/boarding house, given that there should not be more 20 residents, 22 spaces would be needed plus additional spaces depending on the number of rooms. This would likely mean way more spots than necessary for this use.

It is likely that many of residents do not drive but there may be some, calcification might be warranted. There will be staff and various visitors. Both residents, staff, and visitors will have access to parking off Don Camp Drive and the main parking area of South Barre Road. Parking is not detailed, and it is likely total spaces required fall a little short to fully meet the requirement. I think given that the use is similar to the Phoenix House (unless many residents have vehicles) and parking was sufficient for that use, the parking capacity for the proposed shelter will also be sufficient.

11 .Loading/unloading facilities: This criterion is intended for truck loading and unloading and not likely a concern with this use.

SUMMARY, RECOMMENDATIONS & CONDITIONS:

I think there is little argument about the need for transitional housing for homeless individuals. It cannot be a bad thing if there is a concerted effort to put as many as possible on the right path. However, based on experience around the state there is also little argument that having this type of housing can create a burden on a municipality. Whether or not there should be concern for the area as a whole is likely largely debatable. I think it is also possible that not having an organized and monitored program can be even more of a burden and could create many other problems.

In this particular case it is likely that there will be a draw on emergency services, especially the police and EMS. To what degree is very hard to know especially compared to the previous shelter operation. We are told that the shelter will be monitored closely with staff on premise much of the time and a selection process that will hopefully weed out those that are problematic and not serious about improving themselves and having their own home in the future. We are told that this shelter will be like the Nest in Montpelier where there has been little demand for police services.

The use is allowed by zoning upon issuance of a Conditional Use Permit and there was a previous permit issued for a shelter. While we have not been told how many people will be housed here, zoning does limit the number to 20. Parking may or may not be a concern depending on how many residents have vehicles. Likely parking is fine but should be discussed further.

At this point I believe it makes sense to open the hearing and hear from Good Samaritan Haven. There will likely be a multitude of concerns and we really need to hear from the Police Chief. I believe the board may want to consider some very specific conditions and we should hear from the Town Attorney on these. While I have offered some potential conditions, they are just very basic in case the board decides to move forward. Otherwise, my recommendation is to take testimony but continue the hearing date certain to August 11, 2021.

1. The operation and residential selection process are done in accordance with the narrative provided with the application for Conditional Use review, specifically the "program summary for the former Phoenix House" Including staffing the facility for at least 20 hours a day.
2. Residency shall not exceed 20 per the Zoning Bylaw.
3. Consideration whether to restrict the use of the front porch like was done for the Phoenix House to help stay in character with the rest of the area.
4. If parking is insufficient, steps will be taken to increase the number of space available.

5. Applicant should consult with a State of Vermont Permit Specialist to ensure compliance with State permits and whether any other State permits are required.
6. Any other conditions the board may find appropriate.

COMMENTS:

Mr. Violette provided his staff report as stated above. Mr. Valsangiacomo expressed concerns that the MOU has conditions within it that do not necessarily become conditions contained within the Conditional Use Permit. By not having conditions, the DRB loses its own amendment review authority if something is changed later. This was experienced with the Phoenix house and led to frustration for the DRB. Mr. Violette agreed and suggested this time if there is an MOU that in addition to a condition regarding having the MOU, that items from the MOU, along with any other conditions the DRB feel a prudent, be added as conditions to the CUP. Discussion ensued concerning procedures for the MOU with Good Samaritan Haven. (Note: Mr. Reaves reminded new attendees to sign and to be sworn in if they were going to give testimony.) There were also many questions asked by board members.

Rick DeAngelis of the Good Samaritan Haven (GSH) provided an overview that the former Phoenix house would serve as long term transitional housing for adult individuals experiencing homelessness. The facility would provide a bridge between low barrier shelter options and permanent housing. He noted that this facility will not be a walk-in shelter and stressed that the focus will be on people they know already and are showing stability.

Discussion ensued with questions from DRB members: Reaves, Valsangiacomo, Valentinetti, and answered by Mr. DeAngelis. The questions and answers are only an overview not a transcript.

Q: There are four facilities: are they different levels that step up from one to another?

A: Each facility offers different services to clients. Clients may move from one facility to another—the goal is to get them into permanent housing.

Q: How is the Nest different than the proposed?

A: The nest is a slightly different model.

Q: How many staff are scheduled at the proposed former Phoenix House?

A: The 20 hours is an average for each day, broken out 17 hours of accumulated staff time with remaining three hours for case managers to provide services to the clients.

Q: What is the role of the staff members and how will they mitigate if law enforcement is needed?

A: There are two kinds of staff: to provide structure, to monitor and to make sure things are working smooth and resolve problems (this would be when they could notify law enforcement) (this is the 17 hours of staff time) and the other type is providing services to the clients.

Q: Is this program like a graduate school?

A: It is a motivator as the clients will have a semiprivate room with a living room and kitchen, which is very different than living in the shelter.

Q: How are the candidates screened?

A: The candidates will be screened using the tools that are available to him and his staff. The facility will provide complete background checks for anyone who is listed on the sex offender list and individuals who has been rejected from another facility. However, due to the fair-housing laws. Mr. DeAngelis made the decision not to provide criminal background checks on everyone, as this would need to be done across all facilities. He added that it is not right to exclude someone because of their criminal background and consideration must be tailored to individual circumstances.

Q: If there were sufficient housing available, what is the success rate?

A: At this time the housing market is too tight, we are working with partners for housing opportunities when available. It may take up to a year or more to move a client into permanent housing.

Q: What would be the turnover if the housing market was open at this time?

A: It would be about a 50% turnover.

Ms. Anderson of DownStreet stated that the homeless population in the area doubled this past year. She and Ms. Moulton of Washington County Mental Health provided testimony to support the Good Samaritan Haven's project. Mr. Rogers, Town Manager provided an overview of the MOU process. Members of the DRB expressed their concerns that all conditions are included in the MOU between the town and GSH.

For full testimony go to 20:43 of July 14, 2021, hearing recording located in the Planning & Zoning Office

Mr. Violette reiterated his recommendation that the DRB continue this request to the August meeting to allow

more time for a Memorandum of Understanding to be negotiated.

On motion by Mr. Gilbar, seconded by Ms. Valentinetti, the Development Review Board moved to continue the public hearing (date certain August 11, 2021) for a request by Downstreet Housing and Community Development for Conditional Use approval to lease the subject parcel to Good Samaritan Haven, revising a previous Conditional Use Permit (Phoenix House) to continue the operation of an existing shelter for the purpose of using the property for long-term transitional housing at 580 South Barre RD; Parcel ID 026/055.00; Zoned: Highway Commercial; CUP-21000003 . Vote 6-0-0.

MOTION BY: GILBAR
 SECOND BY: VALENTINETTI

ROLL CALL:

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

APPLICANT: Hiscock dba: Rock Pile Properties/ Conditional Use

Request by Samantha Hiscock dba: Rock Pile Properties (property owned by Pierre Gagnon) for Conditional Use approval to increase the number of living units in an existing multi-family dwelling to a total of eight (8) units (four (4) currently). Property is located at 130 Mill Street; Parcel ID 025/066.00; zoned East Barre Commercial; CUP-21000004.

Consultant: None
 Date: July 1, 2021

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
ZONING ADMINISTRATOR

This is a warned public hearing for the purpose of conditional use review in accordance with 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 subject parcel is located in the East Barre Commercial zone.

The proposed use is to expand an existing multi-family dwelling from 4 units to 8. Article 2, table 2.1 identifies multi-family dwellings as being allowed by Conditional Use Permit. Article 3, sec. 3.3 (e) allows an existing structure in the East Barre Commercial zone to have up to 8 units.

There is also a retail use on the first floor of the existing building.

The applicant submitted a narrative addressing the review standards and are included as an exhibit.

Conditional use review requires the following criteria to be used to help the DRB decide and apply conditions if necessary. The applicant submitted a narrative addressing the review standards and are included as an exhibit. My comments are below and unless altered by the DRB may be used in the formal decision letter.

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

- a. Emergency services:** Any time a use is changed or in this case adding residential units could add demand on emergency services. However, that is a normal process of growing and the number of units being proposed is not excessive. Emergency services have the ability to serve the expansion and it won't cause an undue burden on them.
- b. Educational facilities:** Adding housing may add more children to the school system. However, it sounds like the number of bedrooms in the apartments will be mostly be limited to 1 which isn't conducive to many occupants. In any case, the addition of 4 units will not add enough children to create an ability to serve issue with the educational institutions.
- c. Water, sewer, or other municipal utility systems;** Both water and sewer are provided by the Town of Barre. Both systems have the ability to serve 4 additional living units.

The building is currently being charged for 5 sewer units. Each living unit is required to have its own sewer unit (allocation) which means that 3 additional sewer units will be required at \$1,500 per unit. Sewer units are acquired by submitting a sewer permit application.

- d. **Recreational facilities:** The addition of 4 units may bring more demand for existing recreational facilities but current facilities are capable of handling any increase use.
- e. **Conservation or other designated natural areas;** No impact.
- f. **Solid waste disposal facilities;** Apartment houses are required to provide solid waste disposal. I'm not sure what the exact requirement is, maybe the applicant could explain. In any case the impact on solid waste haulers or solid waste facilities is minimal.

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;** East Barre Village is a mixed use area with residential and commercial both intertwined, especially on Mill Street. Apartment houses also dot the East Barre area. The subject property has been an apartment house for many years and has always fit in with the character of the area. The addition of 4 units will not adversely impact the character of the area.

3. **Traffic on roads and highways in the vicinity;** Mill Street is a Town paved class 3 road with a 25 MPH speed limit. Mill Street handles a fair amount of traffic on a daily basis. The addition of 4 living units should not create an issue for the highway in the vicinity.

4. **Bylaws and ordinances then in effect;** multi-family dwellings are allowed in the east Barre Commercial zone when a Conditional Use Permit is issued. Also, up to 8 units are allowed by zoning. If the CUP is issued, the use will comply with the current Zoning Bylaw.

5. **Utilization of renewable energy resources;** No renewable energy resources are currently being utilized or proposed. The applicant notes that an energy efficiency audit will be conducted.

6. **Minimum lot size;** The minimum lot size for this zone is 1/3 acre. The actual size of the subject lot is .23 acres which is a little below minimum lot size however this lot existed well before zoning was enacted and as such is grandfathered.

7. **Distance from adjacent or nearby uses;** Nearby uses consist of both residential and commercial and are in very close proximity.

8. **Criteria (as needed) adopted relating to site plan review pursuant to Article 5, Sec. 5.6 of this bylaw;** Not applicable

9. **Any other standards and factors (as needed) that the bylaw may require;** Not applicable.

10. **Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw;** Off-street parking requirements for a residential use is 2 parking spaces for each unit which in this case would be 18 spaces. The applicant has indicated that there is enough parking for only 9 spaces which is only half what is required. Article 3, sec. 3.9 (G) allows for a reduction in the number of parking spots required. The applicant is aware that parking does not meet the minimum requirement but make a case for a reduction.

The applicant notes that she has a lot of experience with renting apartments and indicates, based on her experience and typical clientele, that most won't have more than one car. This is especially true because she is providing "affordable housing" which typically means only one vehicle. She also points to the fact that the apartments are generally small potentially meaning less vehicles.

The DRB does have the ability to waive parking requirements if the applicant makes a compelling case.

11. **Loading/unloading facilities;** Not applicable.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Little doubt we need to create more housing, especially affordable housing. The building located at 130 Mill Street has had a mixed use for a very long time and likely at different times had more than the 4 units it currently has. The applicant has grant money to invest in this building and create more housing which is not hard to back and our zoning allows what is being proposed.

Parking is the main issue. Nine parking spaces is what is being proposed and look plausible on her map. Whether 9 is sufficient is the biggest question and as I pointed out to the applicant off-site parking cannot be counted. I also have a concern that parking in front of the building might get used which may be a problem when a retail use is established. Also, the public parking at the Fire Station should not be used, especially overnight which has been a problem in the past.

The DRB does have the ability to waive parking requirements.

With consideration to the condition below, I am supportive of the request over all but concerned about parking and what impact snow storage will have on the parking.

- 1) The applicant should contact a State of Vermont Permit specialist to ensure compliance with existing state rules and to ensure no other permit are necessary.
- 2) Three additional sewer units must be obtained to bring the building to a total of 8 sewer units. Permit cost is \$1,500 per unit.
- 3) All parking spaces shall be clearly delineated with signage.
- 4) All residential parking shall be onsite, no off-site parking is permitted.

COMMENTS

Mr. Violette provided his staff report as stated above. Ms. Hiscock provided an overview of her project adding four more rental units in the upstairs of the building in total there would be one three-bedroom unit and the remaining studio or one bedroom. She is proposing nine parking spaces earmarked behind the building and seven parking spaces in front of the building. She expressed that her experience with her other rental properties she has about nine of her current tenants do not have a vehicle.

Highlights of discussion and concerns amongst Ms. Hiscock, DRB Members (Reaves, Valsangiacomo, Sanborn, Fecteau, Valentinetti), Mr. Culver, and Ms. Somaini with highlight :

- Small parking area behind the building for nine parking spaces (per Zoning bylaws requires two parking spaces per rental unit)
- Tenants may have difficulties maneuvering vehicles within the back parking lot
- Parking spaces in front of the building would be used for the commercial business during the day; time hours.
- Federal Funding - five-year funding to rehab rental units and rent to low income residents
- There is public parking across the road with no overnight parking
- Lack of public parking in the East Barre area
- Landlord can restrict number of parking spaces per unit.
- Off-site winter snow removal
- Proposed two parking spaces behind the building are too close to Mr. Culver’s building.

For full testimony refer to 1:33:29 of the July 14, 2021, recording:

Mr. Violette suggested that a site visit may be justified so that DRB members can get a better idea of how the property is configured and limitation it has.

On motion by Mr. Sanborn, seconded by Mr. Reaves, the Development Review Board moved to continue the public hearing (date certain August 11, 2021) for a request by Samantha Hiscock dba: Rock Pile Properties (property owned by Pierre Gagnon) for Conditional Use approval to increase the number of living units in an existing multi-family dwelling to a total of eight (8) units (four (4) currently). Property is located at 130 Mill Street; Parcel ID 025/066.00; zoned East Barre Commercial; CUP-21000004; to August 11, 2021, with a site visit at 6:00 p.m.. Vote 6-0-0.

MOTION BY: SANBORN
 SECOND BY: REAVES

ROLL CALL:

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

F. CONCEPTUAL REVIEW

G. OTHER

H. FOLLOW-UPS

Discussion about reviewing rules of procedure and conflict of interest policy.

I. ROUNDTABLE

J. APPROVE MINUTES –

June 9, 2021

On motion by Mr. Gilbar, seconded by Mr. Valsangiacomo, the Development Review Board approved the minutes of June 9, 2021, as amended. Vote 6-0-0

K. ADJOURN!

On motion by Ms. Valentinetti, seconded by Mr. Fecteau, the Development Review Board adjourned at

9:20 p.m. Vote 6-0-0.

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

Mark Reaves, Chair

Jon Valsangiacomo

Angela Valentinetti

Chris Neddo

Cedric Sanborn

Michael Gilbar (Alternate)

Jim Fecteau

DRAFT