

BARRE TOWN DEVELOPMENT REVIEW BOARD MINUTES FOR AUGUST 11, 2021

The Barre Town Development Review Board held a public meeting & hearings on **August 11, 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 Chris Neddo

ABSENT:

Angela Valentinetti

STAFF PRESENT

Chris Violette and Cindy Spaulding

OTHERS PRESENT:

Melissa Battah (Good Samaritan Haven), Julie Curtin (DownStreet Housing), Craig Chase (Chase & Chase), Samantha Hiscock /Rock Pile Properties; Terry Culver (Last Time Around) and Norma Malone.

A. 7:00 P.M. – CALL TO ORDER

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

B. CHANGES TO THE AGENDA

Mr. Reaves inquired whether there any changes to the agenda, none were noted.

APPROVE MINUTES –

July 14, 2021

On motion by Mr. Gilbar, seconded by Mr. Sanborn, the Development Review Board approved the minutes of July 14, 2021 as amended. Vote 6-0-0.

C. NON-AGENDA ITEMS (max 10 minutes)

There were no non-agenda items.

D. SUBDIVISION PRELIMINARY REVIEW

APPLICANT: Bailey/ 2 lot subdivision

Request by Brian & Shannon Bailey preliminary review of a two-lot subdivision located on Sunset & Neddo Roads; Parcel ID: 010/037.00; Zoned low density residential: P-2100011.

Consultant: Chase & Chase

Date: August 4, 2021

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is preliminary review of a 2-lot subdivision of land (by deferral) that proposes to take a 26.72-acre parcel of land and create two lots. The subject parcel has a little over 1,000' of road frontage along Neddo Road and 1,284' of frontage along Sunset Road. Being in a low-density residential zone, the minimum lots size is 2.0 acres (onsite water and sewer). Low density zoning requires a minimum of 200' of road frontage. The predominant development in this area is residential on large lots. The subject parcel is developed with a single-family dwelling and accessory buildings but also has a substantial amount of open field. Final approval is also warned on this month's meeting agenda.

The proposal calls for the creation of lot 2 which will be 9.09 acres in size and will consist of mostly the open field portion of this parcel. It will have over 402' of road frontage on Neddo Road. The applicant will retain this parcel and no development plans are shown thus requiring a deferral of development be placed on the lot. Future development will have to come back to the Development Review Board for approval.

Lot 1, the remaining land, will decrease in size to 17.63 acres and mostly open field. Lot 1 will retain over 1284' of road frontage along Sunset Road and 625' of road frontage along Neddo Road

As proposed, both lots conform to both minimum lot standards within the Zoning Bylaw and requirements of the Subdivision Ordinance.

It should be noted that also on this month's agenda is a boundary line adjustment (P-21000012 & P-21000013) that will increase the proposed new parcel to 10.04 acres.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

This is a simple subdivision request that meets both Zoning and Subdivision regulations. No new development is shown at this time. I recommend preliminary approval and move this request for final consideration.

COMMENTS:

Mr. Violette provided his staff report as stated above. Mr. Chase mentioned that they would be coming back before the board at a future date to lift the development deferral.

On motion by Mr. Sanborn, seconded by Mr. Fecteau, the Development Review Board approved moving the prelim to final public hearing. Vote 6-0-0.

E. WARNED FINAL PUBLIC HEARINGS

Subdivision

1. APPLICANT: Bailey/Two-lot Subdivision

Request by Brian & Shannon Bailey for final review and approval of a two-lot subdivision located on Sunset & Neddo Roads; Parcel ID: 010/037.00; Zoned low density residential: P-21000011.

Consultant: Chase & Chase

Date: August 4, 2021

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

This is warned public hearing for the purpose of considering final approval of a 2-lot subdivision of land and assumes preliminary approval was granted earlier. This proposed subdivision creates one new lot (by deferral) out of an existing 26.72-acre parcel. The subject parcel has a little over 1,000' of road frontage along Neddo Road and 1,284' of frontage along Sunset Road. Being in a low-density residential zone, the minimum lots size is 2.0 acres (onsite water and sewer). Low density zoning requires a minimum of 200' of road frontage. The predominant development in this area is residential on large lots. The subject parcel is developed with a single-family dwelling and accessory buildings but also has a substantial amount of open field. Final approval is also warned on this month's meeting agenda.

The proposal calls for the creation of lot 2 which will be 9.09 acres in size and will consist of mostly the open field portion of this parcel. It will have over 402' of road frontage on Neddo Road. The applicant will retain this parcel and no development plans are shown thus requiring a deferral of development be placed on the lot. Future development will have to come back to the Development Review Board for approval.

Lot 1, the remaining land, will decrease in size to 17.63 acres and mostly open field. Lot 1 will retain over 1284' of road frontage along Sunset Road and 625' of road frontage along Neddo Road

As proposed, both lots conform to both minimum lot standards within the Zoning Bylaw and requirements of the Subdivision Ordinance.

It should be noted that also on this month's agenda is a boundary line adjustment (P-21000012 & P-21000013) that will increase the proposed new parcel to 10.04 acres.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

As proposed this subdivision meets both Zoning and Subdivision regulations. Development on the new lot is not shown so will be considered deferred to a later time. With consideration to the proposed conditions below, I recommend final approval of this 2-lot subdivision for Brain and Shannon Bailey.

- 1) This subdivision is approved by deferral meaning that to fully comply with the subdivision ordinance, any proposed development of lot 2 must come back to the Development Review Board for review and approval.
- 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 Planning Officer, 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 an overview of his staff comments as presented above.

There was no further comment.

On motion by Mr. Gilbar, seconded by Mr. Sanborn, the Development Review Board closed the Public Hearing. Vote 6-0-0.

DELIBERATION:

No comments during deliberations.

On motion by Mr. Fecteau, seconded by Mr. Valsangiacomo, the Development Review Board approved the request by Brian & Shannon Bailey for final review and approval of a two-lot subdivision located on Sunset & Neddo Roads; Parcel ID: 010/037.00; Zoned low density residential: P-2100011., contingent upon conditions 1-6 as stated above. Vote 6-0-0

CONDITIONS Yes X No ___

MOTION BY: FECTEAU
SECOND BY: VALSANGIACOMO

ROLL CALL:

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

2. Bailey/ BLA

Request by Brian & Shannon Bailey for final review and approval of a boundary line adjustment between abutting properties that they own with frontage on Barclay, Sunset, and Neddo Roads, Parcel IDS: 010/038.01 and 010/037.00; Zoned low density residential; P-2100012 & P-2100013.

Consultant: Chase & Chase Surveyors & Septic Designers
Date: July 21, 2021

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a warned public hearing for the purpose of a boundary line adjustment (BLA) between two parcels owned by the applicant. The applicant would like to alter a small portion of the property line between the two parcels. The subject parcels are located in low density residential

zone. Low 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).

The larger parcel impacted by this BLA is 9.09 acres and assumes that it was approved as lot-2 from the earlier 2-lot subdivision this evening (P-21000011). The applicants are proposing to move .95 acres from other lands that they own (010/038.01) that is shown as lot 3 on the plan. Lot-3 is also undeveloped.

Moving the .95 acres will increase lot 2 to 10.04 acres and will remain undeveloped at this point. Lot-3 will decrease in size to 15.26 acres from 16.21. No road frontage is impacted by the BLA or setbacks to buildings.

Both lots are conforming as proposed.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The proposed boundary line adjustment will move .95 acres from one lot (lot-3) owned by the applicant to another (lot-2). Both lots are conforming as proposed. With consideration to the proposed conditions below, I recommend approval of this boundary line adjustment for

- 1) To complete this boundary line adjustment, a deed conveying the .95-acres must be executed, language in the deed shall make it clear that the intent is to merge the .95-acres with lot-2 into one undivided parcel of 10.04-acres. Conveyance shall occur within 180 days unless approved by the Planning Director.
- 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 Planning Officer, 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 an overview of his staff report stated above. Mr. Chase asked if Condition 1 could be included in one deed. Mr. Violette confirmed it could.

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

DELIBERATION:

There were no further comments during deliberation.

On motion by Mr. Gilbar, seconded by Mr. Neddo, the Development Review Board approved the request by Brian & Shannon Bailey for final review of a boundary line adjustment between abutting properties that they own with frontage on Barclay, Sunset, and Neddo Roads, Parcel IDs: 010/038.01 and 010/037.00; Zoned low density residential; P-21000012 & P-21000013; contingent upon conditions 1-6 as stated above. Vote 6-0-0.

CONDITIONS Yes X No ___

MOTION BY: GILBAR
SECOND BY: NEDDO

ROLL CALL:

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

3. APPLICANT: Downstreet Housing/ Conditional Use (Continued from July 14th)

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,
PLANNING OFFICER**

New comments are in bold.

This is a warned public hearing, **continued from July 14, 2021**, 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 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.

Good Samaritan Haven has testified that the new shelter would serve not as an overnight shelter but as a long-term transitional housing for homeless individuals. 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.

During last month's meeting the DRB heard testimony from Rick DeAngelis, Executive Director of the Good Samaritan Haven. There was a lot of information provided and good back and forth discussion. During discussion it was noted that the Barre Town Selectboard is negotiating a Memorandum of Understanding (MOU) with the Good Samaritan Haven, similar to the one they had with the Phoenix House. After testimony and discussion ended the DRB made the decision to allow more time for the two parties to continue working on an MOU, thus a motion was made to continue the hearing, date certain, to this meeting.

A MOU has been finalized and signed and is included in your packets.

Having an MOU is very helpful in the sense that it can go beyond the authority of the DRB when it comes to conditions that can be added. For example, it would be difficult for the DRB to put a condition on a permit that restricts where a resident comes from, the MOU does that. In addition, details of the operation are outlined in the MOU as well and would probably be hard to incorporate into a condition. The question is what conditions the DRB might want to add beyond adding a conditions that incorporates the MOU as a requirement.

Below is a reiteration of my responses to the CUP criterion from last month. 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.

When it comes to conditions, remember any conditions have to relate to concerns as a result of the criteria below. Responses to the criteria will likely end up in the final approval letter so if there are concerns about the way something is worded it would be good to point that out now.

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

A Emergency services: It is 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 (during the Covid Pandemic) 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 that 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 had input with negotiating the MOU and while still having concerns he is hopeful that things will go according to plan it will not become a burden to the Town’s Police Department.

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. With only 15 residents there shouldn’t be an overburden on the Barre Town EMS Department.

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 were 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 than 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 could create a burden on a municipality, especially public safety. 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. Testimony has been provided that there will not be any more than 15 residents. Parking may or may not be a concern depending on how many residents have vehicles. Likely parking is fine.

The continued hearing must be reconvened, and any new testimony taken before potentially closing public testimony and going into deliberative session. The DRB may want to consider a private deliberation for this particular application to discuss potential conditions, the Town's land use Attorney may want to be consulted.

I have proposed a few potential conditions,

- 1) The operation of the shelter owned by Downstreet Housing and Community Development and operated by the Good Samaritan Haven is subject to the Memorandum of Understanding (MOU) between the Barre Town Selectboard and the Good Samaritan Haven dated August 6, 2021. Failure to Obey or extinguishment of the MOU shall be a violation of this permit and enforced accordingly.
- 2) Upon amendment of the Memorandum of Understanding, Good Samaritan Haven shall file for amended Conditional Use Review.
- 3) This permit shall not run with the land and is issued to Downstreet Housing and Community Development for the purpose of a shelter operated by the Good Samaritan Haven.
- 4) Residency shall not exceed 15 people per testimony of Mr. DeAngelis.

- 5) To help maintain character of the area, no gathering of residents on the front porch or steps is allowed and the rear yard shall be screened from adjoining properties.
- 6) No offsite parking shall be allowed.
- 7) Applicant should consult with a State of Vermont Permit Specialist to ensure compliance with State permits and whether any other State permits are required.

Comments

Mr. Violette provided an overview of his staff report as stated above with additions as this was a continuation from last month's meeting.

Julie Curtain CEO/CFO of Down Street Housing and Community Development and Melissa Battah, Chairman of the Board for Good Samaritan Haven introduced themselves and did not have anything to add.

Highlights of discussion amongst Mr. Valsangiacomo, Mr. Violette, Mr. Reaves and Mr. Fecteau regarding proposed conditions and MOU between the Selectboard and DownStreet/Good Samaritan Haven:

- concerns that the proposed conditions and MOU may be an unjust to the population served (homeless).
- Impact the shelter may have on Emergency Services, especially law enforcement.
- Reference in the MOU tied to the Conditional Use permit.
- Concern enforceability of the MOU and proposed conditions.

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

On motion by Mr. Gilbar, seconded by Mr. Sanborn, the Development Review Board moved to go into private deliberative session at the end of the meeting. Vote 6-0-0.

4. ***APPLICANT: Hiscock dba: Rock Pile Properties/ Conditional Use (continued from July 14th)**

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,
PLANNING OFFICER**

New comments are in bold

This is a warned public hearing, **continued to this month from July 14, 2021** 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 7 less than 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 must 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.

During testimony last month, Ms. Hiscock gave the DRB an overview of her proposal. She noted that overall, there would only be one three-bedroom apartment, the rest would be studio or one bedroom. She testified to the board that there would be 9 parking spaces as opposed to the 16 required. Ms. Hiscock believes based on past experience that 9 parking spaces will be enough because many tenants won't have more than one vehicle or maybe even none at all. She also noted that there is parking out front that could be used at night when a future commercial use is closed.

During discussion it was noted that while there may be 9 spaces, where would snow be stored or even how would tenant's vehicles be able to be moved for plowing? Ms. Hiscock testified that she would have snow removed from the site and tenants would be notified to move their vehicles.

Abutter Terry Culver has concerns with regard to the proposed parking as it relates to the close proximity of his property.

It was also noted during discussion that there is a parking shortage in the Mill Street area already and there is concern that if Ms. Hiscock's apartment house didn't have enough on-site parking, then it exacerbates the problem.

While there is public parking across the street at the fire station, it is used regularly and often full and should not be used by tenants of the apartment house. Has been a problem before.

I reached out to Ms. Hiscock and suggested that maybe she contact Robert and Terry Somaini with regard to leasing some spaces from their overflow parking lot (Antique Mall) which is just down the road. Secured offsite parking is permissible as long as is secured long term.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Little changes with my comments below from last month but I do share many of the concerns about parking and if enough onsite parking can't be solidified, where would overflow go? There may be some truth to limited number of cars that tenants may have, but as noted last month, the solution really must be long term. Ms. Hiscock also mentioned recently that she may have a couple of spaces below the building in a garage. I told her we could all look at that together during the site visit.

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.

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 unless approved and secured with a long-term lease.

COMMENTS

Mr. Violette mentioned there was a site visit at 6:00 p.m. which members of the Board, Mr. Rogers, and Mr. Violette took a tour inside and outside of the property. He then provided an overview of his staff report with additional comments as this was a continuation from last month's meeting.

Highlights of discussion between Ms. Hiscock, Mr. Violette, and members of the Development Review Board.

- Concerns carbon monoxide, fire safety and the steep grade of the ramp, if proposed two parking spaces are allowed in the basement of the building
- Plowing and snow removal will be off site
- Criteria requirements for parking spaces
- Need a better parking plan for spaces with dimensions of the spaces including location of dumpster and snow removal
- Options for the conditions be contingent upon ownership/management; with any changes would have to come back to the DRB

Mr. Culver expressed his concerns with tenants or their guests parking on his property. He provided an example that he didn't want to have the tenants/guests retaliate if he has the vehicles towed.

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

DELIBERATION:

On motion by Mr. Sanborn, seconded by Mr. Gilbar, the Development Review Board moved to deliberate at the end of the meeting. Vote 6-0-0

5. APPLICANT: Websterville Baptist Church/Conditional Use

Conditional Use

Request by Websterville Baptist Church for Conditional Use approval to convert the former Bond Warehouse (barn) to a private educational institute at 272 Morrison Road; PID: 005/115.01; Zoned: Low Density Residential; CUP- 21000005.

Consultant: None

Date: June 30, 2021

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

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 private educational institute. Article 2, table 2.1 identifies Educational Institutes as being allowed by Conditional Use Permit in a low-density residential zone.

The applicant is proposing to convert the former Bond Warehouse (offices) located at 272 Morrison Road to a private educational institute. By receiving a conditional use permit at this location, the applicant feels that they will be able to expand their existing educational institute and nurse/ pre-school. Currently

Websterville Baptist Church operates a Christian Academy at 143 Church Hill Road in Websterville along with a nursery/pre-school at the same location known as Little Flock Nursery.

The former Bond Warehouse and offices sit on 2.1 acres of land on Morrison Road, approximately 700' below the Upper Prospect Street/Morrison Road intersection. The building is approximately 18,000 s.f. consisting of numerous offices and open space. The applicant mentions that there is considerable space available almost immediately without a lot of renovation and the open space provides many new opportunities in the future.

The building is not presently served by municipal utilities such as water and sewer. Water is supplied by a spring and well that is located on an adjacent property (William and Elizebth Bond, 260 Morrison Rd.) Sewer is currently onsite. The applicant's narrative proposes to connect to municipal water (Barre City) which is potentially available less than 1,000' away. Drilling and onsite well is also a potential.

The applicant mistakenly provides a narrative for an Allowed Use Determination (AUD) which they had recently been before the Planning Commission for. The criterion used for the AUD are similar to those used for CUP.

Conditional use review requires the following criteria to be used to help the DRB make a decision and apply conditions if necessary. My comments follow the heading.

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

Emergency services: Will be provided by Barre Town Police, Fire, and EMS.

Much of what will be conducted at the proposed new site already exist in Websterville. The stated intension though is to increase both the academic portion of their function as well as the nursery/pre-school. An expansion of these services could impact all emergency services, the question is by how much? It is my belief that whatever expansion is realized by the applicant it will not be substantial enough to create a hardship for any of Barre Town's emergency services.

Educational facilities: The proposed use is educational in nature and will increase educational opportunities for the public. Could this use have an impact on public educational facilities, possibly, but not like a new housing developed would. Being an educational institute itself, some people may choose to send their children to this private school as opposed to the public school which can impact funding. However, it is unlikely that this would be significant beyond existing impacts.

Water, sewer, or other municipal utility systems; As mentioned in the introduction above, no municipal services related to water or sewer are being impacted to start. Water and sewer are currently onsite. There is the potential to connect to the nearby Barre City water system at some point.

A State of Vermont Wastewater permit will have to be obtained and the permit will review will consider the existing onsite service for adequacy. It is likely that the proposed use will include more people than what may have been there with the previous use and that an upgrade is likely. I do not believe the board needs to get too in depth about this beyond a condition that a State Wastewater permit is obtained. This would also review availability of water.

Recreational facilities: Impacts to the Town's recreational facilities should be minimal. The people that the proposed use will serve already live in the area and likely utilize Barre Town's facilities already. The school will likely have their own onsite recreation opportunities such as those at their existing location.

Conservation or other designated natural areas; No impact.

Solid waste disposal facilities: Solid waste will be generated but unlikely that it will be substantial and certainly manageable. The applicant will be responsible for contracting with a solid waste removal company and there is no reason to believe that the proposed use can't be served.

- 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 subject parcel is located in a low-density residential zone. The purpose statement for this zone is as follows:

This district is limited to non-intensive land uses. The purpose of this district is to prevent premature development of land, retain certain areas for non-intensive uses, prevent development where it would be a burden on the community, and retain areas for open space. Since the rural character of these lands depends on open space and natural areas, protection of these features should be considered when evaluating proposed conditional uses. Municipal water and sewer may or may not be available.

The character of the area around Morrison Road is mixed between residential on fairly large lots and industrial. The proposed site for the school could have been described once as light industrial/commercial itself. This site, along with the large existing auto parts warehouse across the street from the proposed site to a large degree, set the tone for the character of the area. This land was once zoned industrial which allowed these uses to begin with. Single-family dwellings, farm uses, along with the H.P. Hood milk processing and packaging plant are nearby as well.

While questionable whether any of the existing industrial/commercial uses would be allowed today based on current zoning, they all pre-exist as does the subject site. The subject site may have a difficult time reestablishing itself as an industrial/commercial use and the potential use of it for educational purposes may be well suited and allowed for by zoning.

I think it is also important to note that the Town Plan states the following with regard to educational facilities:

Educational opportunities and school quality are, perhaps the two most significant basic services to make available to residents of a community. Real estate professionals attest to the importance most buyers attach to the reputation of local educational facilities. Whether potential property owners have school-age children or not, they acknowledge the importance of good schools in the stability of the community; the viability of taxes paid; and, salability of real property.

- 3. Traffic on roads and highways in the vicinity;** Morrison Road is a Town class III paved road. About 700' or so above the site is the intersection of Morrison Road and Upper Prospect Street. Both roads see considerable traffic from all types of uses and both are well suited to handle it. The

intersection has good sight distances in both directions and while there may be an accident on occasion, it is not a high accident location.

While the proposed school use will increase traffic, the biggest impact will generally be two times a day, pickup and drop off times. How much of an increase is hard to determine and there is a substantial parking area for vehicles to pull off the road. I believe traffic or congestion at the site won't be more substantial than what the roads in the vicinity can handle.

4. **Bylaws and ordinances then in effect;** A private school is a use considered within the Barre Town Zoning Bylaw, allowed by issuance of a Conditional Use Permit, Article 2, section 2.5, table 2.1.
5. **Utilization of renewable energy resources;** No renewable energy resources are currently being utilized or proposed. The applicant notes that they are not opposed and are in favor of exploring renewable energy resources in the future.
6. **Minimum lot size;** The minimum lot size for a low density residential zone is 2.0-acre. The subject parcel is 2.1-acres which makes it conforming with regard to size.
7. **Distance from adjacent or nearby uses;** Nearby uses consist of residential, industrial/commercial and farming. While there is an light industrial/commercial use across the street, the next closest use is residential 300' or so away.
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 private educational institute are not specifically noted within the Zoning Bylaw Article 3, section 3.9 (G). Both commercial and professional/medical uses would call for one space for every 200 s.f. of building size. The building size is shown to be 18,000 s..f which at face value using the two mentioned types of use would mean roughly 90 parking spaces. The applicant notes that there is likely parking available for 25 vehicles now.

Obviously, a school is not a commercial use or a professional office and likely doesn't have the same parking needs, but it is still important to have adequate parking. Staff will use up some of the 25 parking spaces but how much is unknown. Will there be school functions that will require more than the 25 spaces? That is likely a good topic for discussion! The applicant has indicated it has space and plans to build more parking.

What is adequate for parking here I think needs to be determined and of course Article 3, sec. 3.9 (G) allows for a reduction in the number of parking spots required.

11. **Loading/unloading facilities;** For this use, I guess loading and unloading would mean for students. While there is the large parking lot, more discussion about what kind of internal traffic flow is warranted. In the end, we don't want pick up, drop off, or parking to occur on the road.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicant proposes convert the existing warehouse/office building into a private educational institute. The Barre Town Zoning Bylaw supports this by allowing the use as a conditional use. The Town Plan supports it by noting how having access to good educational facilities is important for a community to thrive and expanding daycare is necessary as well.

Websterville Baptist Church and Ministries has been in search for several months for a suitable location to expand their services. These efforts have been frustrating at times for them with good locations that just didn't work out. This is a good location because it is still relatively close to their existing campus, has facilities already suitable for them, and offers the ability to grow.

Finding another suitable use for this location may proof difficult given the current zoning designation. I think answers to water, sewer, and parking are the most important items to work through. Assuming that can be done, with consideration to the conditions below I recommend approval of this request for a Conditional Use Permit to Websterville Baptist Ministries.

- 1) A State of Vermont Permit Specialist, 802-505-5367 should be contacted to determine what State Permits may be required.
- 2) A State of Vermont Wastewater permit must be obtained for a suitable onsite septic disposal.
- 3) As a public building, the Division of Fire Protection shall be consulted for fire safety related issues.

Adequate parking is required, no parking on Morrison Road for school related events is allowed.

COMMENT

Mr. Valsangiacomo recused himself and went into the audience. Mr. Violette informed the Board that the Websterville Baptist Church has withdrawn their application due to inadequate space for a septic system through the State of Vermont.

On motion by Mr. Gilbar, seconded by Mr. Neddo, the Development Review Board closed the public hearing. Vote 5-0-0

DELIBERATION:

Mr. Gilbar made a motion to approve (board decision are made in the affirmative) the request by Websterville Baptist Church, seconded by Mr. Fecteau, all members voted no, not approving the request to convert the former Bond Warehouse (barn) to a private educational institute at 272 Morrison Road: PID 005/115.01; Zoned: Low Density Residential: CUP-21000005, without prejudice. Vote 0-5-0.

CONDITIONS Yes ___ No X

MOTION BY: GILBAR
SECOND BY: FECTEAU

ROLL CALL:

Mark Reaves	<u>NO</u>	Jon Valsangiacomo	<u>NO</u>
Jim Fecteau	<u>NO</u>	Chris Neddo	<u>NO</u>
Cedric Sanborn	<u>NO</u>	Angela Valentinetti	<u>ABSENT</u>

Mike Gilbar

NO

Mr. Valsangiacomo returned to the meeting as a member of the DRB.

6. OTHER

A. DELIBERATIVE SESSION

On motion by Mr. Gilbar, seconded by Sanborn, the Development Review Board entered into closed deliberative session at 8:01 p.m. to discuss DownStreet & Rock Pile. Vote 6-0-0

Attendees of deliberative session: Reaves, Valsangiacomo, Gilbar, Sanborn, Neddo, Fecteau and Violette.

On motion by Mr. Gilbar, seconded by Mr. Neddo, the Development Review Board returned to open session at 9:10 p.m. Vote 6-0-0.

B. ACTION FROM DELIBERATIVE SESSION

DOWNSTREET/GOOD SAMARITAN HAVEN

On motion by Mr. Fecteau, seconded by Mr. Neddo, the Development Review Board approved 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; contingent upon the following conditions:

- 1) The operation of the shelter owned by Downstreet Housing and Community Development and operated by the Good Samaritan Haven is subject to the Memorandum of Understanding (MOU) between the Barre Town Selectboard and the Good Samaritan Haven dated August 6, 2021. The MOU is a condition of this conditional use permit. Breach of the MOU may be a violation of the conditional use permit and may be cause for zoning enforcement and/or repeal of the conditional use permit.*
- 2) Upon amendment of the Memorandum of Understanding, Downstreet Housing and Community Development shall file for an amended conditional use permit.*
- 3) This permit shall not run with the land and is issued to Downstreet Housing and Community Development for the purpose of a shelter operated by the Good Samaritan Haven.*
- 4) Downstreet Housing should consult with a State of Vermont Permit Specialist to ensure compliance with State permits and whether any other State permits are required. Vote 5-1-0.*

CONDITIONS Yes X No

MOTION BY: FECTEAU
SECOND BY: NEDDO

ROLL CALL:

Mark Reaves	<u>YES</u>	Jon Valsangiacomo	<u>NO</u>
Jim Fecteau	<u>YES</u>	Chris Neddo	<u>YES</u>
Cedric Sanborn	<u>YES</u>	Angela Valentinetti	<u>ABSENT</u>

Mike Gilbar YES

ROCK PILE LLC

Mr. Sanborn made a motion to approve (board decisions are made in the affirmative) the 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), second by Mr. Gilbar, all members voted no, not approving the request for property located at 130 Mill Street; Parcel ID 025/066.00; zoned East Barre Commercial; CUP-21000004. Vote: 0-5-0

MOTION BY: SANBORN
SECOND BY: GILBAR

ROLL CALL:

Mark Reaves	<u>NO</u>	Jon Valsangiacomo	<u>NO</u>
Jim Fecteau	<u>NO</u>	Chris Neddo	<u>NO</u>
Cedric Sanborn	<u>NO</u>	Angela Valentinetti	<u>ABSENT</u>
Mike Gilbar	<u>NO</u>		

The Board informed Ms. Hiscock of Rock Pile Properties, that it has denied her application without prejudice. It was recommended that she reapply and show a detailed schematic with dimensions of the eight parking spaces behind the building, including turning radius for vehicles, location of the dumpster and snow storage.

7. FOLLOW-UPS

8. ROUNDTABLE

9. ADJOURN!

On motion by Mr. Fecteau, seconded by Mr. Reaves, the Development Review Board adjourned at 9:30 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

Jim Fecteau

DRAFT