

# BARRE TOWN DEVELOPMENT REVIEW BOARD MINUTES FOR SEPTEMBER 8, 2021

The Barre Town Development Review Board held a public meeting & hearings on **September 8, 2021**, beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

## MEMBERS

Cedric Sanborn, Angela Valentinetti, Mark Reaves, , Mike Gilbar, Jon Valsangiacomo (telephone-7:06) and Chris Neddo (arrived at 7:10 p.m.)

## ABSENT:

Jim Fecteau

## STAFF PRESENT

Chris Violette and Cindy Spaulding

## OTHERS PRESENT:

Benjamin and Samantha Hiscock /Rock Pile Properties and Linda Baker.

### **A. 7:00 P.M. – CALL TO ORDER**

Mr. Reaves called the meeting to order at 7:01 p.m. and swore all in.

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

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

### **APPROVE MINUTES –**

August 11, 2021

*On motion by Mr. Sanborn, seconded by Mr. Gilbar, the Development Review Board approved the minutes of August 11, 2021 as amended. Vote 4-0-0.*

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

There were no non-agenda items.

### **D. SUBDIVISION PRELIMINARY REVIEW**

APPLICANT: Mill Street Ventures, LLC – 2-lot subdivision

**Request by Mill Street Ventures, LLC preliminary review of a two-lot subdivision located at 179 Mill Street; Parcel ID: 025/029.00; Zoned high density residential: P-21000014**

Consultant: None

Date: September 2, 2021

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

This is a preliminary request followed by a final warned public hearing for a 2-lot subdivision of land. However, the survey is not ready at this time so there isn't anything to review. I recommend a continuation of both preliminary and final.

**COMMENTS:**

Mr. Violette provided his staff report as stated above and noted that the applicant was not ready to proceed due to the survey not being complete. He suggests continuing date certain October 13, 2021

*On motion by Mr. Sanborn, seconded by Ms. Valentinetti, the Development Review Board moved to continue the preliminary review (date certain October 13, 2021) a request by Mill Street Ventures, LLC preliminary review of a two-lot subdivision located at 179 Mill Street; Parcel ID: 025/029.00; Zoned high density residential: P-21000014. . Vote 4-0-0.*

**E. WARNED FINAL PUBLIC HEARINGS**

**Subdivision**

**APPLICANT: Mill Street Ventures, LLC – 2-lot subdivision**

**Request by Mill Street Ventures, LLC for final review and approval of a two-lot subdivision located at 179 Mill Street; Parcel ID: 025/029.00; Zoned high density residential: P-21000014.**

Consultant: None

Date: September 2, 2021

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

As noted during preliminary review, the application is not ready to move forward with a final public hearing because the survey work isn't complete. The hearing must be opened because it is warned but I recommend continuing it date certain to October 13, 2021.

**COMMENTS:**

Mr. Violette provided his staff report as stated above and noted that the applicant was not ready to proceed due to the survey not being complete. He suggests continuing date certain October 13, 2021

There were no further comments.

*On motion by Mr. Sanborn, seconded by Mr. Gilbar, the Development Review Board moved to continue the public hearing (date certain October 13, 2021) a request by Mill Street Ventures, LLC preliminary review of a two-lot subdivision located at 179 Mill Street; Parcel ID: 025/029.00; Zoned high density residential: P-21000014. . Vote 5-0-0.*

Conditional Use

**APPLICANT: Hiscock dba: Rock Pile Properties/ Conditional Use**

**Request by Samantha Hiscock dba: Rock Pile Properties 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-21000006.**

Consultant: None

Date: September 2, 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 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.

As a reminder and for historical reasons, CUP-21000004 for the same request was reviewed in August 2021 and ultimately denied due to concerns related to parking.

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 now, also an approved retail laundromat on the first floor of the existing building. While permitted, the laundromat has not been developed yet.

To date, the applicant hasn't submitted a new narrative addressing the review standards, but the request is the same as the first one, so I am including the original narrative. The one exception is a new parking plan has been created. Ms. Hiscock has told me that she tried, unsuccessfully, to get an engineer to design the parking for her. Apparently, everyone she contacted (which makes sense) was at least two or three months out from being able to help her.

The new parking plan is a bit more formal than the first, and she has tried to provide a true and accurate depiction of the lot. She acknowledges that ultimately a boundary survey is likely necessary, but she believes her measurements are pretty accurate. More about the parking plan later.

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 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 4 additional sewer units for this purpose will be required at \$1,500 per unit. The current 5<sup>th</sup> unit is reserved for the commercial use. 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 increased use.
  - e. **Conservation or other designated natural areas;** No impact.
  - f. **Solid waste disposal facilities;** Apartment houses are required to provide solid waste disposal. Likely a dumpster will be placed behind the building which is now shown on the parking plan. 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. Previously the applicant has indicated that there is enough parking for 9 vehicles 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 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 which potentially means fewer vehicles.

The DRB does have the ability to waive parking requirements, if the applicant makes a compelling case. You'll remember parking was the main topic of discussion during the previous conditional use application. In the end, the DRB indicated they were inclined to allow for a deviation from the parking requirement, allowing as few as one space per living unit, 8 in this case based on the applicant's testimony mentioned in the paragraph above and because of the limitation of one vehicle per unit.

However, while the DRB was willing to allow only 8 parking spaces, there was still great concern about where those spaces would be and was there going to be room for snow storage and a dumpster? A more detailed parking plan was suggested if the application was to be refiled.

Of course, the application has been refiled and as previously mentioned a new parking plan submitted. Having to account for only 8 parking spaces really brings down the threshold and you can clearly see on the map that 6 parking spaces seem to fit along the back boundary. The distance between the spaces and the rear of the building appears to indicate satisfactory turning radius, especially for the 3 spaces furthest from the driveway. The remaining two spaces are shown beside the building, between the subject building and the library. A snow storage area is shown as well as a dumpster location.

Is this sufficient, I will leave that for the board to decide but I think it is clear that 6 spaces are conceivable along the rear boundary as shown. I suggest there might be a concern about the two parking spaces between the buildings as this appears to double stack vehicles. While this is acceptable for 2 parking spaces per unit (it assumes the two spaces belong to the same unit and they can manage blocking), it is harder to manage if each unit only has one parking space. Further clarification as to how these two parking spaces will function is in order.

Snow removal will still be a key component of this. Regardless of whether there is a place to store snow, the entire area is still small, and it won't take long for snow to creep into travel or parking areas. Snow will have to be removed in a timely manner.

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

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

I think we all can agree that renovating this old building is in the best interest of the Town. Providing housing is as well, especially if truly affordable. Agreeing to only require 8 parking spaces is a huge victory for this cause.

I still have concerns about how well it is going to work, and for it to work will have to be managed by the applicant. There should be clear limits in the renter's agreement that only allows one vehicle per unit. There should also be an understanding that vehicles that are not operational or road legal cannot be allowed. No off-site parking should be allowed, especially in any public parking areas. Parking space must be clearly delineated regarding what units they belong to. Guest parking can utilize public parking as long as it isn't overnight. Snow will have to be removed off-site on a regular basis.

With the DRB finding that the 8 parking spaces are acceptable and with consideration to the recommend conditions below, I am supportive of the request, allowing a total of 8 living units in the building located at 130 Mill Street.

- 1) The applicant should contact a State of Vermont Permit specialist to ensure compliance with existing state regulations, what other ones may be applicable, and what other permits are necessary.
- 2) Four additional sewer units must be obtained to bring the building to a total of 8 residential sewer units. Permit cost is \$1,500 per unit.
- 3) The parking map included as part of this application is included as part of this decision and shall be adhered to at all times.
- 4) All parking spaces shall be clearly delineated with signage.
- 5) All residential parking shall be onsite, no off-site parking is permitted unless approved and secured with a long-term lease.
- 6) Only one vehicle is allowed per unit which shall be clearly stated in a renter's agreement or whatever form of contract is executed.
- 7) Vehicles attached to any unit shall be operational and road legal and if not shall become so within a reasonable amount of time but not exceeding 90 days.
- 8) Snow removed from property (discussion as to how often this should occur makes sense)
- 9) This permit is issued specific to this applicant and is not transferable, future owners shall appear before the Development Review Board to be re-approved.

## COMMENTS

Mr. Violette provided an overview of his staff report stated above. Ms. Hiscock provided a diagram proposing six parking spaces behind the building, two in the side aisleway (near the library) and where the trash dumpster and snow removal will be located.

Discussion ensued between Ms. Hiscock, members of the Development Review Board, Mr. Violette, and Ms. Baker (abutting property owner) with highlights on:

- Property boundary lines where proposed two parking spaces in aisleway will be located beside the library. Seems to be some question where the line is but that it has been maintained by the previous owner and has a deeded easement.
- Snow storage and removal during back-to-back winter storms. Ms. Hiscock testified that snow will be removed as soon as possible after a storm and removed off site by a hired contractor
- How many occupants per unit (1 or 2 in one bedroom and up to 4 in three-bedroom)
- It was suggested to change condition #9 so that the permit is non-transferable. Future owners would have to come before the Development Review Board.

*On motion by Mr. Neddo, seconded by Mr. Gilbar, 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 a request by Samantha Hiscock dba: Rock Pile Properties 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-21000006, contingent upon the following conditions:*

- 1) The applicant should contact a State of Vermont Permit specialist to ensure compliance with existing state regulations, what other ones may be applicable, and what other permits are necessary.*
- 2) Four additional sewer units must be obtained to bring the building to a total of 8 residential sewer units. Permit cost is \$1,500 per unit.*
- 3) The parking map included as part of this application is included as part of this decision and shall be adhered to at all times.*
- 4) All parking spaces shall be clearly delineated with signage.*
- 5) All residential parking shall be onsite, no off-site parking is permitted unless approved and secured with a long-term lease.*
- 6) Only one vehicle is allowed per unit which shall be clearly stated in a renter's agreement or whatever form of contract is executed.*
- 7) Vehicles attached to any unit shall be operational and road legal and if not shall become so within a reasonable amount of time but not exceeding 90 days.*
- 8) Snow removed from property*
- 9) This permit is non-transferable, future owners shall appear before the Development Review Board for reapproval.*

*Vote 4-2-0.*

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>ABSENT</u>	Chris Neddo	<u>YES</u>
Cedric Sanborn	<u>NO</u>	Angela Valentinetti	<u>NO</u>
Mike Gilbar	<u>YES</u>		

**J. FOLLOW-UPS**

Discussion about reviewing rules of procedure and conflict of interest policy

Members briefly discussed the DRB's rules of procedure and a few possible amendments like the oath. Mr. Violette mentioned that he would like the Board to review them further and discuss in more detail at the next meeting.

**K. ROUNDTABLE**

**L. ADJOURN!**

**On motion by Mr. Sanborn, seconded by Ms. Valentinetti, the Development Review Board adjourned at 8:18 p.m. Vote 6-0-0.**

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

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Mark Reaves, Chair

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Jon Valsangiacomo

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Angela Valentinetti

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Chris Neddo

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Cedric Sanborn

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Jim Fecteau