

# **BARRE TOWN DEVELOPMENT REVIEW BOARD MINUTES FOR SEPTEMBER 11, 2019**

The Barre Town Development Review Board held a public meeting & hearings on September 11, 2019 beginning at 7:00 p.m. at the **Municipal Offices**, 149 Websterville Road, Websterville, Vermont.

## **MEMBERS PRESENT:**

Cedric Sanborn (Vice Chair), Jon Valsangiacomo, Chris Neddo, Angela Valentinetti, Mark Reaves

## **MEMBERS ABSENT:**

Mark Nicholson, Charlie Thygesen

## **STAFF PRESENT:**

Chris Violette, Harry Hinrichsen

## **OTHERS PRESENT:**

Mike Rubalcaba, Rob Townsend

## **CHANGES TO THE AGENDA:**

Mr. Sanborn asked whether there were any changes to the agenda. Hearing none he moved on with the printed agenda.

## **APPROVAL OF MINUTES:**

**A MOTION was made by Mr. Valsangiacomo, seconded by Ms. Valentinetti, the board unanimously approved the July 10, 2019 meeting minutes. Mr. Sanborn abstained due to not attending the meeting.**

**A MOTION was made by Mr. Valsangiacomo, seconded by Mr. Neddo, the board unanimously approved the August 14, 2019 meeting minutes.**

Discussion:

Mr. Reaves asked whether he could sign the minutes if he wasn't present at the meeting. A brief discussion took place regarding the fact meeting minutes don't actually even have to be signed, so no, there is no requirement for a board member to have been present at the meeting for the minutes that are being signed. However, some have decided it is best practice to abstain from voting on minutes where they weren't present.

## **WARNED PUBLIC HEARINGS:     **Subdivision****

### **Agenda item 8 a: Rubalcaba / 2-lot subdivision**

**Request by Michael Rubalcaba for final subdivision review of a 2-lot subdivision located at 540 Cutler Corner Road; Parcel ID 010/017.00; zoned low density residential; P-19000002**

Consultant:     American Survey Company

Date:             September 6, 2019

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

This is a warned public hearing continued from August 14, 2019. The application is for a proposed 2-lot subdivision of land. The subject parcel is located at 540 Cutler Corner Road, is 26.6 acres in size, has slightly less than 400' of road frontage along Cutler Corner Road and is zoned low density residential. The applicant's house is located on this parcel. This parcel is identified as lot 1 on the subdivision map prepared by American Consulting Engineers and Surveyors.

The proposed subdivision shows the creation of lot 3, a 2.4-acre parcel that will not have road frontage along Cutler Corner Road but is proposed to be served by a 25' right-a-way across lot 1 for access and utilities. Lot 3 is shown to have an onsite sewer system as well as onsite water.

A previous subdivision, lot 2 (created 2000, P-00-06-28, plan 1919) created 544 Cutler Corner Road, a 1.9-acre parcel now developed with a single-family dwelling. This lot also does not have road frontage, it is accessed by an easement across lot 1. Lot 1 also has an easement across lot 2 because of the shared driveway. The septic system that serves lot 2 is currently located on lot 1 and secured by an easement. As proposed, lot 2's septic will now be located on lot 3.

As has been discussed at length, 540 and 544 Cutler Corner Road share a common driveway.

This application was granted preliminary approval during the August 14, 2019 meeting but final was continued date certain to this meeting.

Originally access to the new lot (lot 3) was going to be by the same shared driveway that 540 and 544 use. That driveway has been the biggest focus of attention. Access is now shown to be a separate driveway on the new plan.

At the August meeting the applicant's consultant presented his findings regarding stormwater runoff impacts. His determination was that the increase in runoff at a rate of 3% or less and in his professional opinion given several factors that any additional runoff won't have a negative impact to abutting properties.

After having Town Engineer, Harry Hinrichsen look at the situation it was noted that the existing driveway has erosion problems which doesn't help anybody. After the August meeting, Harry and Mr. Townsend met at the site and agreed on a few mitigation measures. The new plans reflect what the two decided would be helpful. First, a new stand-alone driveway for lot 3 is shown. Harry has reviewed the proposed location and is satisfied with it. Second, the plans show water bars being added along with stone lined discharge swales to allow water to exit the gravel driveway on regular intervals and disperse. Third, that the existing culvert under the driveway to 540 and 544 Cutler Corner Road be upgraded to a 15" culvert.

Finally, a question was raised about whether there is a shared driveway agreement between 540 and 544 Cutler Corner Road. Mr. Rubalcaba has provided what is entitled "easement agreement, 540 and 544 Cutler Corner Road, Barre Town, Vermont. Said document is recorded in the Barre Town land records. The easement agreement outlines the various easement each lot is subject to and also notes that the cost of and expense of construction, repair, replacement or maintenance, including snow removal, shall be shared based on the basis of proportional usage.

While the agreement is a bit vague on how much either lot should contribute to the maintenance of the driveway and how that contribution is distributed, I'm not sure how relevant it is any more if the shared driveway is no longer being considered as the access to lot 3. Regardless, I've included a copy of the agreement in board member packets for your review.

It is my hope that after conducting a site visit and the measures now proposed to help existing erosion, that we can move this plan forward. The one additional concern I have is if approved, some mechanism has to be in place to ensure compliance with the approved plans.

#### **REVIEW COMMENTS FROM HARRY HINRICHSEN, TOWN ENGINEER**

I have reviewed the revised proposal requesting a subdivision of the existing property and creating a 2-lot subdivision for development.

As we had stated before, the two abutting parcels from the parent parcel currently share the existing driveway. With slightly less than 400' of total frontage, the parcel wouldn't have sufficient frontage to create two lots with the Town required minimum without getting approval of the Town. One of the existing parcels does not have any frontage.

The proposal continues to indicate the new lot would retain the entire frontage while the two interior lots would have easements and a shared driveway for access. A new driveway would extend to a new dwelling located near the front of a third parcel. Available sight distance in both directions for the new driveway should be provided.

Drainage from the existing gravel driveway currently shows signs of significant wash and erosion for a good section, particularly in the lower section of the hill. The revised plan shows the existing driveway culvert as slated for an upgrade from 12" in diameter to a minimum of 15" diameter as previously requested.

The water bars, leadoffs and gravel catchment areas as recommended in the details should help to reduce the type of current erosion. Measures such as those shown in the newly provided details should also reduce the amount of gravel or sediment lost from the driveway to the ditch at the bottom of the hill. The stone apron appears to have a word missing. If run-off could be dispersed into the grassy areas of the lower lot, it would certainly reduce the rate of runoff at the bottom of the hill. I would suggest the details have one or more locations downhill of the pond indicated on the plan.

Once again, the concern over the frontage is a matter for the DRB to review and consider. I would recommend the frontage be shown with the proposed front lot having easements going to the other two lots. This doesn't preclude the use of a common driveway. If it does, however, allow for the use of that common driveway by two or more different parties, there should be a legal agreement in place for upkeep and maintenance signed by both parties and recorded.

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

##### **Zoning Administrator**

Obviously, more discussion will need to take place regarding the mitigation measures. Whether any of the measures will help abutter Haldane who raised the drainage question to begin with is unknown. But if some of

the erosion can be limited it should help everybody involved. If the new plan are found to be acceptable and we can come up with a way to ensure compliance I think this subdivision should be approved subject to the following conditions:

- 1) ~~A plan to ensure compliance with the approval to ensure measures shown on the plan are taken.~~  
Condition revised by the DRB to read as follows: Final plans as approved are incorporated into this decision and that no development on lot 3 shall take place until compliance with this decision and approved plans that upgrade the existing curb-cut making it a conforming shared curb-cut 20' wide 30' deep and paved with a new 15" culvert installed.
- 2) All easements and/or rights-of-way, as shown on the final (stamped approved) plans by American Consulting Engineers and Surveyors, dated August 8, 2019 (or as dated amended before final) shall be created when the need arises in order to fulfill the development as proposed and approved.
- 3) ~~Final plans need clarification regarding details as to where water bars should be installed.~~  
Condition revised by the DRB to read as follows: Final plans shall show details as to water management regarding the existing driveway serving 540 and 544 Cutler Corner Road.
- 4) ~~Sight distances for the proposed driveway to lot 3 shall be shown on the final plans.~~ Conditions eliminated by the DRB, no longer necessary.
- 5) 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.
- 6) 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.
- 7) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 8) 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 an proposed change is significant, the plan will be required to go back before the Development Review Board for approval of the proposed change.
- 9) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.
- 10) A common paved curb-cut shall be used that includes lot 3 created herein, 540 and 544 Cutler Corner Road and that the driveway to lot 3 shall exit the common drive as soon as it can to clear the existing tree line. Said shared curb-cut shall be upgraded to include a new 15" culvert at such time is lot 3 is developed and further, deeds for lot 3 shall include language stipulating lot 3's shared maintenance arrangement.

#### **ADDITIONAL COMMENTS:**

Chairman Sanborn noted that the Development Review Board had just had a site visit at Mr. Rubalcaba's land on Cutler Corner Road to see the proposed subdivision site and associated existing and potential drainage concerns.

Mr. Sanborn asked Mr. Violette to offer an overview.

Mr. Violette reminded all present that this is a warned public hearing continued from August. He also noted as did Mr. Sanborn that the board had just conducted a site visit at 540 Cutler Corner Road and that along with himself, the following people were present; Cedric Sanborn (Vice Chair), Jon Valsangiacomo, Chris Neddo, Angela Valentinetti, Mark Reaves, Town Engineer, Harry Hinrichsen, Mike Rubalcaba, Rob Townsend from American Consulting (applicants Engineer) and briefly, abutter Charlie Harding.

At the site visit Mr. Violette told all present that no testimony should be accepted, that the purpose of the visit is to see what the proposal is and what the current conditions are. Mr. Rubalcaba, Mr. Townsend and Mr. Hinrichsen led the review of the site. Mr. Violette noted that it was noticed that Mr. Rubalcaba has been making an effort to improve the existing driveway and has installed a few "waterbars" to help mitigate erosion of the driveway. The site visit also included looking at the existing curb-cut and the location of the proposed curb-cut. The area where Mr. Rubalcaba and Mr. Harding's property meet along Cutler Corner Road and further down where Mr. Harding's curb-cut to his homestead is located.

Mr. Violette then proceeded to summarize his staff comments printed herein noting that the plan has been updated to show efforts to help with stormwater management and erosion. He also noted that Mr. Rubalcaba has provided a document regarding the shared use of the existing driveway.

Mr. Violette recommends approval with conditions and that maybe the board would like to discuss a shared curb-cut for the proposed new lot whereas the existing two way shared curb-cut would become a three-way

shared curb-cut however the existing driveway would not be shared, the new driveway would branch off as soon as possible.

Mr. Valsangiacamo began the discussion about the possibility of making the new lot use a shared curb-cut as opposed to creating a new curb-cut, doesn't seem to make sense to him. Mr. Rubalcaba stated that he would prefer to do that. Mr. Townsend noted that while the site distances are acceptable at the proposed location for a new driveway, site distances would be better with at the existing curb-cut

Discussion took place as to the benefit of the shard curb-cut and how soon the new driveway could branch off given the existing landscape. The board as whole is supportive of the shared curb-cut. Mr. Sanborn asked Mr. Hinrichsen whether the culvert under the existing curb-cut should be 15". Mr. Hinrichsen said yes, it appears as though there is currently a 12" culvert that should be replaced anyway.

Mr. Violette asked for clarification as to when the culvert and curb-cut should be upgraded. The consensus of the board was to allow the upgrade to wait until the new lot is developed.

Mr. Violette also wanted to add to condition one, or revise it, that incorporates the approved plans into the decision which shows the proposed drainage, so everything is clear for future enforcement.

**Mr. Reaves made a MOTION to approve the request for a two lot subdivision with the 10 conditions as noted above under the Mr. Violette's comments, as revised, and that the changes discussed during discussion will be reviewed and approved by Town staff for compliance, Angela Valentinetti seconded the motion, there was no further discussion and all voted in favor of the motion.**

The following participated during this hearing:

Mike Rubalcaba, Rob Townsend

**OTHER:**

**ADJOURN:**

*A MOTION was made by Mr. Valsangiacomo to adjourn the meeting, Mr. Reaves seconded the motion and the Board voted unanimously to adjourn the meeting.*

Respectfully submitted,  
Chris Violette

---

Mark Nicholson, Chair

---

Chris Neddo

---

Angela Valentinetti

---

Jon Valsangiacomo

---

Charles Thygesen Sr.

---

Cedric Sanborn

---

Mark Reaves