

# BARRE TOWN DEVELOPMENT REVIEW BOARD

## MINUTES FOR SEPTEMBER 14, 2022

The Barre Town Development Review Board held a public meeting & hearings on **September 14, 2022**, beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

### **MEMBERS**

In person: Mark Reaves, Jon Valsangiacomo, Chris Neddo, Angela Labrador, Cedric Sanborn, Jim Fecteau and Gina Galfetti (alt).

\*Remote: Angela Valentinetti

### **ABSENT:**

Gerry Otis (alt)

### **STAFF PRESENT**

In person: Chris Violette

\*Remote (video): Cindy Spaulding

### **OTHERS PRESENT:**

In person: Lori & Brian Bibeau; Brian & Wendy Holt, Pearl Hoyt, Susan Talmadge, James and Janis Carrier, Kristen Martin (Montessori School), Ben & Darcy Hammond, Ernie Parsons, Robert Thompson (Velie Ave LLC), Hunter Thompson (Velie Ave LLC), and Paul Pennoyer.

\*Remote (Video) Pat Smart (MSK Engineers)

\*Due to technical difficulties with video equipment Spaulding, Valentinetti & Smart were not able to participate left at 7:20 p.m.

### **A. 7:00 P.M. – CALL TO ORDER**

Mr. Reaves called the meeting to order at 7:00 p.m.

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

Mr. Reaves asked if there were any changes to the agenda. There were none.

### **C. APPROVE MINUTES –**

August 10, 2022

*On motion by Mr. Neddo, seconded by Mr. Sanborn, the Development Review Board approved the minutes of August 10, 2022 as written. Vote 7-0-0.*

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

There were no none-agenda items

### **E. SUBDIVISION PRELIMINARY REVIEW**

Request by Brian & Lori Bibeau for preliminary review of a two-lot (2) subdivision of land located at 453 Graniteville Road; PID: 006/004.00; zoned high density residential; P-22000008.

Consultant: Chase & Chase Surveyors & Septic Design  
Tom Otterman: Engineer

Date: September 8, 2022

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

This is a preliminary subdivision review, whereas the applicant is requesting review of a proposed 2-lot subdivision of land for a parcel owned by the applicants. The parcel subject to this request is located at 453 Graniteville Rd. which is located in a high density residential zone with minimum lot size of 1.5 acres and 110' of road frontage. Municipal water is available at this site, municipal sewer is not.

The subject parcel is 18.5 acres in size and is developed with a single-family dwelling. Currently the parcel has over 1,700' of road frontage along Graniteville Road. The existing dwelling is served by municipal water and an onsite-septic system.

The applicant is proposing to create two lots, identified as lots 1 and 2 on the plan submitted by Chase & Chase Surveyors & Septic Designers. Lot 1 is shown to be the remaining land and will reduce to 16.87 acres in size. Lot 1 will retain over 1,400' of road frontage. Lot 2 will be created and will contain the existing single-family dwelling at 1.63 acres. Lot 2 will be left with 313.34' of road frontage.

Lot 1 development is deferred for lack of a designed septic system. There are no plans at this time to develop.

As submitted, both lots conform to both the Subdivision Ordinance and Zoning Bylaw.

A final warned hearing is warned for this agenda and assumes preliminary approval being granted.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

The applicants propose to subdivide their 18.5-acre parcel into lot 2 (1.63-acres with existing single-family dwelling) and lot 1(16.87 acres) placing the existing single-family dwelling on a smaller parcel of land.

There are no significant issues with this request, I recommend granting preliminary approval and moving it to a final hearing which is warned on this same agenda.

**COMMENTS:**

Mr. Violette provided an overview of his staff report as stated above.

**MOTION**

*On motion by Mr. Neddo, seconded by Mr. Valsangicom, the Development Review Board closed the preliminary review. Vote 7-0-0.*

*On motion by Mr. Sanborn, seconded by Mr. Fecteau, the Development Review Board approved a request by Brian & Lori Bibeau for preliminary review of a two-lot (2) subdivision of land located at 453 Graniteville Road; PID: 006/004.00; zoned high density residential; P-22000008, and moved it to final review. Vote 7-0-0.*

**F. WARNED FINAL PUBLIC HEARINGS**

**1) APPLICANT: Montessori School of Central Vermont/Major Site Plan**

Request by Montessori School of Central Vermont for **major site plan review** (second of two public hearings – first one was approved August 10, 2022) for the construction of a 6,500 s.f. addition to their existing school building, along with associate site improvements. The subject parcel is located at 84 Pine

Hill Road; parcel ID: 009/020.00; zoned medium density residential; SP-22000003.

Consultant: MSK Engineers

Date: September 8, 2022

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

This is a **warned public hearing** (second of two) for major site plan review. This request required site plan review in accordance with Article 5, section 5.6 of the Barre Town Zoning Bylaw whereas the applicant is proposing a 6,500 s.f. building expansion. This request is being considered as a site plan major because the proposal includes the construction of a new structure and expansion of an existing structure that exceeds 2,500 square feet (s.f.). This is the second of two required public hearing, the first one was approved on August 10, 2022.

During the first public hearing in August, there was very little discussion because the plans are detailed and support the project well. Kristen Martin provided testimony that there are only a few occasions, such as graduation, where overflow parking may be required. She noted that there is additional parking in the grass field which is adjacent to the parking lot. Ms. Martin also testified that there are 16 full-time staff which are supplemented with a few part-time staff.

Below are my original comments from the first public hearing and with the exception of 10 (parking) nothing has changed.

The applicant currently operates a private educational facility at 84 Pine Hill Road. The existing building encompasses approximately 5,595 s.f. (plus a basement) on a parcel that is 9.8 acres in size. The zoning for this area is medium density residential. The applicant received a conditional use permit (CUP-14000002) in May of 2014 to allow a private educational institution.

Detailed plans have been submitted that appear to meet the requirements of Article 5, section 5.6 for major site plan review. Plans submitted by MSK Engineers of Bennington, detail the existing conditions, proposed conditions, building elevations, building sections, exterior renderings, and a landscape plan. In addition, a narrative dated June 30, 2022 was also include with the timely submission.

In addition to the plan showing the proposed addition, the plans show a reconfigured parking area where now there is just a large parking lot. The main entrance remains the same but a more traditional loop with an island is created to provide better vehicular access to the school that will certainly enhance student drop off. The plan detail parking enough for 41 vehicles which includes two ADA spaces. The plans detail a much more robust landscape of the parcel than exists today which I think is beneficial to all. MSK includes a traffic generation detail with their submission as well.

This parcel is not served by municipal services such as sewer and potable water. Sewer is onsite and water is provided by a drilled well and an added (as a result of this project) 1,000-gallon precast concrete water storage tank. The proposed improvements will of course necessitate state permitting for an expansion of the use with regard to wastewater and water supply. Conditions that state permits be obtained will be added to the site plan permit.

Barre Town Zoning Bylaw requires that the DRB conduct site plan review with respect to the criteria below. The DRB may impose appropriate conditions, modifications, and protections where deemed necessary to eliminate or minimize potential problems and/or nuisances:

**1. The proposed land development as it complies with or compliments the policies, regulations, standards, and goals of the Town’s Zoning Bylaw and its most recently adopted Town Plan;**

The proposed development conforms with the Zoning Bylaw by issuance of a conditional use permit (CUP) in 2014 allowing the private educational institution. The 2014 CUP did not place a limit on the size of the school or the student body or employees.

The proposed development conforms to the Town Plan in that the plan discussion education as an essential component of a community and educational opportunity and school quality are two significant basic services to make available to residents of a community. Strong educational facilities are key components to economic development and important to people that may be looking to move to our area. Strong educational facilities is noted as important throughout the Town Plan.

**2. The convenience and safety of vehicular movement within the site, and in relation to adjacent areas of vehicular movement. This includes consideration of access management in regard to entrances and exits for the subject site;**

The proposed plans likely greatly improve on the safety of vehicular movement within the site. As mentioned in the introduction, the proposed layout of the entry to the building provides a much safer and more efficient means for vehicles to ingress and egress. Also eliminates the existing wide open paved parking area that doesn’t provide any guidance for vehicular movement within the site. The parcel is served by one curb-cut from Pine Hill Road, there is no need for additional access management.

**3. The convenience and safety of pedestrian movement within the site, and in relation to adjacent areas of pedestrian movement. Also included for consideration is the relationship to any pedestrian access deemed necessary for adjacent properties and along public roads;**

Like vehicular movement, the proposed plans with the new looped drop off area and a better defined parking area greatly improve the safety of pedestrians within the site. Because this site is located in a rural area of town and not close to a downtown or a center, it is unlikely students, employees, or visitors will access the property by foot. As such, there is no need for pedestrian access above and beyond the existing driveway and no need for access to adjacent property.

**4. Storm water and drainage to ensure adequate consideration of storm water runoff and drainage issues in order to minimize the impacts of any development project on the adjacent property, the environment, and the Town. The applicant shall bear the responsibility for obtaining and meeting any and all permitting requirements of the appropriate state agency. The Town Engineer shall review the storm water runoff and drainage plan and shall approve the site plan and sign off on the design before the project may be approved;**

A grading and drainage plan is included with the submissions provided by MSK. MSK also notes in their narrative that the existing conditions do not fall under an Operational Stormwater Permit from the State of Vermont. Because of the existing large, paved parking lot, the addition isn’t creating additional impervious conditions. MSK notes that a State of Vermont Operational

Stormwater permit is still not required for the proposed project, less than 1-acre of impervious surface is being disturbed. The applicant has submitted an application for a Construction General Stormwater Permit from the state and will have to abide that permit and industry standards and best practices during construction.

**5. The protection of historic or natural environmental features on the property under review, as well as on the adjacent areas;**

There are no known historic or natural environmental features on the property and the applicant hasn't noted any either.

**6. The impact of new development on public utilities such as water and sewer infrastructure and on other users/consumers;**

This project does not propose utilizing public utilities such as water and sewer. Neither is readily available for this site. Onsite water and sewer will be used.

**7. Signage that meets or exceeds the criteria established in this Bylaw, Article 7, Sec. 7.5.**

Any signage will have to be permitted in accordance with Article 7, section 7.5

**8. The utilization of renewable energy resources;**

Nothing noted at this point.

**9. Landscaping and/or screening to assist in mitigating undue impact of the proposed land development upon neighboring landowners;**

The applicant has provided a fairly robust landscaping plan that adds numerous plantings throughout the site.

**10. The adequacy of parking as well as loading and unloading facilities including their impact on surrounding traffic patterns, in accordance with the provisions established in Article 3, Sec. 3.6 of this bylaw.**

According to MSK, there is currently parking for 85 vehicles. The proposed plans reduce parking to 41 parking spaces.

Based on discussion and testimony during the first public hearing, because of the availability of overflow parking, 41 parking spaces is adequate.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

I think the plans submitted are very detailed for our purpose and the proposed addition and site improvements will be beneficial in many ways and will greatly enhance the aesthetics of the property. I believe all pertinent areas for site plan review have been met and along with state permits that will be required the proposal meets or exceeds Barre Town's requirements for site plan approval. With consideration to the conditions below, I recommend **approval of this second public hearing** for site plan review, which creates a 6,500 s.f. addition to the existing building along with site improvements.

- 1) The applicant is hereby notified that State of Vermont Permits will be required. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what other State of Vermont permits are necessary for this development. The applicant shall obtain said permits prior to development of the lot and in accordance with any requirements of said permits, shall be complied with.
- 2) Issuance of a site plan permits does not imply approval of any other town required permits.
- 3) Submitted plans used for review of this application shall become part of the approval and shall not be altered unless first reviewed by town staff for a determination of significance. Significant changes may require further review and approval of the DRB.
- 4) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision

**ADDITIONAL COMMENTS:**

Mr. Reaves asked members if anyone had a conflict or Ex-parte communications with the applicant. Mr. Valsangiacomo recused himself and went into the audience. Mr. Reaves appointed Ms. Galfetti as an alternate was designated to replace Ms. Valentinetti's as a member of the DRB during the remainder of the meeting. Mr. Reaves swore Ms. Martin and Mr. Violette in for testimony.

Mr. Violette provided an overview of his staff report as stated above. Mr. Reaves asked if Ms. Martin had anything else to add. She stated she did not have anything more to add.

**MOTION:**

*On motion by Ms. Labrador, seconded by Mr. Neddo, the Development Review Board approved closing the public hearing. Vote 6-0-0.*

**DELIBERATION**

*On motion by Mr. Fecteau, seconded by Mr. Neddo, the Development Review Board approved the request by Montessori School of Central Vermont for major site plan review for the construction of a 6,500 s.f. addition to their existing school building, along with associate site improvements. The subject parcel is located at 84 Pine Hill Road; parcel ID: 009/020.00; zoned medium density residential; SP-22000003 with the following conditions:*

- 1) *The applicant is hereby notified that State of Vermont Permits will be required. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what other State of Vermont permits are necessary for this development. The applicant shall obtain said permits prior to development of the lot and in accordance with any requirements of said permits, shall be complied with.*
- 2) *Issuance of a site plan permits does not imply approval of any other town required permits.*
- 3) *Submitted plans used for review of this application shall become part of the approval and shall not be altered unless first reviewed by town staff for a determination of significance. Significant changes may require further review and approval of the DRB.*

4) *Failure to comply with any conditions as stated herein, could lead to nullification of this site plan: to the second public hearing scheduled for September 14, 2022. Vote 6-0-0.*

CONDITIONS    Yes X    No    \_\_\_\_\_  
 MOTION BY:                      Fecteau  
 SECOND BY:                      Neddo

**ROLL CALL:**

Mark Reaves	<u>Yes</u>	Chris Neddo	<u>Yes</u>
Jon Valsangiacomo	<u>Recused</u>	Angela Labrador	<u>Yes</u>
Cedric Sanborn	<u>Yes</u>	Jim Fecteau	<u>Yes</u>
Gina Galfetti			_____

**PARTICIPANTS:** Violette and Martin.

*Mr. Valsangiacomo returned to the meeting as a member of the Development Review Board.*

**2) APPLICANT: Bibeau/ Final Review 2-lot subdivision**

**Request by Brian & Lori Bibeau for final review and possible of a two-lot (2) lot subdivision of land located at 453 Graniteville Road; PID: 006/004.00; zoned high density residential; P-22000008.**

Consultant:        Chase & Chase Surveyors & Septic Design  
                             Tom Otterman: Engineer

Date:                      September 8, 2022

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

This is a warned public hearing, whereas the applicant is requesting review of a proposed 2-lot subdivision of land for a parcel owned by the applicants. The parcel subject to this request is located at 453 Graniteville Rd. which is located in a high density residential which requires a minimum lot size of 1.5 acres and 110’ of road frontage. Municipal water is available at this site, municipal sewer is not.

Consideration to final approval assumes preliminary approval was granted earlier.

The subject parcel is 18.5 acres in size and is developed with a single-family dwelling. Currently the parcel has over 1,700’ of road frontage along Graniteville Road. The existing dwelling is served by municipal water and an onsite-septic system.

The applicant is proposing to create two lots, identified as lots 1 and 2 on the plan submitted by Chase & Chase Surveyors & Septic Designers. Lot 1 is shown to be the remaining land and will reduce to 16.87 acres in size. Lot 1 will retain over 1,400’ of road frontage. Lot 2 will be created and will contain the existing single-family dwelling at 1.63 acres. Lot 2 will be left with 313.34’ of road frontage.

Lot 1 development is deferred for lack of a designed septic system. There are no plans at this time to develop.

As submitted, both lots conform to both the Subdivision Ordinance and Zoning Bylaw.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

The applicants propose to subdivide their 18.5-acre parcel into lot 2 (1.63-acres with existing single-family dwelling) and lot 1(16.87 acres) placing the existing single-family dwelling on a smaller parcel of land.

There are no significant issues with this request, with consideration to the conditions below, I recommend granting final approval to this 2-lot subdivision.

- 1) The applicants are hereby notified that State of Vermont Permits may be required. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what other State of Vermont permits are necessary for this development. The applicant shall obtain said permits prior to development of the lot and in accordance with any requirements of said permits, shall be complied with.
- 2) Issuance of the subdivision permit does not imply approval of any other town permits.
- 3) Plans submitted used for review of this permit shall become part of the approval and shall not be altered unless first reviewed by town staff for a determination of significance. Significant changes may require further review and approval of the DRB.
- 4) 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 Town of Barre Subdivision Ordinance and State Statute within 180-days of approval.
- 5) Three (3) sets (24" x 36") paper copies of the final approved plan must be submitted to the Planning Office within 45-days of approval unless extended by staff due to extenuating circumstances.
- 6) An electronic copy of the final approved plan must be provided to the Planning and Zoning Office within 30-days of final approval.
- 7) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

**COMMENTS:**

Mr. Reaves asked members if anyone had a conflict or Ex-parte communications with the applicant, there were none. Mr. Reaves swore Mr. & Mrs. Bibeau and Mr. Violette in for testimony.

Mr. Violette provided an overview of his staff report as stated above. Mr. Reaves asked if there was anything to add or any questions from the Board. There were none.

**MOTION:**

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





### 3) APPLICANT: Parsons/Variance

Request by Ernest Parsons Jr for a **25' variance** of right-of-way setback (Bolster Road) allowing for the construction of a front porch w/roof on property located at 26 Bolster Road; PID 028/016.00, zoned high density residential; V-22000005.

Consultant: None

Date: September 9, 2022

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

This is a **warned public hearing** for the purpose of considering a request by the applicant for a 25' variance of right-of-way setback (Bolster Road) to allow for the construction of a deck and roof attached to his existing single-family dwelling with a 0' setback. The applicant owns this parcel of land and is shown to be .25 acres in size and developed with the applicant's homestead, a single-family dwelling. The parcel is located in a high-density residential zone with a minimum lot size of 1/3 acre and 110' of road frontage. The minimum right-of-way setback is 25'.

The applicant approached me about obtaining a permit for a deck that will have a roof over it. The applicant hopes to build this deck to replace the existing small deck and concrete pad that is in disrepair and uneven. He'd like to have a roof over it to keep snow off the deck. Apparently not realizing at first that a permit was needed, Mr. Parsons constructed the roof before contacting me.

Upon my initial review, it was clear that complying with setback was going to be an issue. It was obvious that the house itself is very close to the road and likely non-conforming with the 25' setback requirement. After further review and determining the right-of-way location, I concluded that the deck, as proposed, will set right at the edge of the right-of-way and wouldn't have any setback at all. I advised Mr. Parsons that I was unable to issue a building permit that didn't meet setback and informed him that the only path forward would be a variance.

Minimum setback is 25', deck and roof will have 0' setback, means a 25' variance request.

The applicant has submitted responses to the five variance criteria and as part of that response answered the questions in the affirmative believing for the reasons mentioned, that a variance is reasonable and necessary to provide relief.

Below are the 5 variance criteria in accordance with the Barre Town Zoning Bylaw and 24 V.S.A. § 4469.

- 1) **Are there unique physical circumstances or conditions as to:**
  - a. **Irregularity, narrowness or shallowness of lot size or shape;**
  - b. **Exceptional topography or physical conditions peculiar to a particular property;**
  - c. **Unnecessary hardship due to the above?**

Applicant: Too close to the road in front of the house and in back of house the hill is a steep bank. The house can't go backwards and front of house is too close. Needs the roof to keep snow off the walkway for safety.

Z.A.: Mr. Parson is saying that even though his parcel is .25 acres in size, the brook and the corresponding bank prevented the house from being setback any further from the road than it is. This lends itself to having exceptional topography and creates the hardship for him now.

**2) Are there physical circumstances or conditions that prevent conformity to zoning regulations; And, a variance is necessary to enable “reasonable use” of the property.**

Applicant: A cement slab prevents from having smaller roof and porch.

Z.A.: Mr. Parson is stating that the existing slab didn't allow for the roof supports to be any closer to the house, thus is dictating the size of the deck. In addition, I'd add that placement of the house that, along with the brook and bank, is a physical circumstance created so that in order to construct the deck and roof, which is a reasonable use of the property, a variance is necessary.

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

Applicant: yes

Z.A.: Mr. Parsons didn't develop this lot or place the house in this location. In fact, the house is likely over 100 years old and I'm sure the road and area looked much different.

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

- a. Alter the essential character of the neighborhood?
- b. Substantially or permanently impair appropriate use or development of adjacent property?
- c. Reduce access to renewable energy sources?
- d. Be detrimental to the public welfare?

Applicant: Yes because it blends in with the other houses in the neighborhood.

Z.A.: The character of the area along Bolster Road is residential. The West side of the road abuts the brook and was also the side that was developed first and with small lots. The houses on this side of the road are considerably older than the other side likely to preserve farm fields. Many of the structures on the West side of Bolster Road, including the house immediately adjacent (as the picture shows) are as close, or closer than Mr. Parsons house and as close as the proposed deck and roof would be. The deck and roof will still have 6-7' of setback from the traveled way and because of the slow speed of bolster road, it is unlikely a structure this close to the road will be detrimental to the public welfare.

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

Applicant – yes, so we are in regulation of the size of the house, cement is in the way and the hill in the back of the house.

Z.A.: Mr. Parsons is saying that he believes this is the minimum deviation from the regulation to provide relief that because of the concrete slab, the deck and roof can't go back further.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

When going through the criteria, there are many reasons why this parcel could be eligible for a variance. It is likely that it can be argued in this case. The parcel is impacted by a brook and bank that bisects it and prevented the house from being placed back further from the road, which of course 100 years ago wasn't an issue anyway.

Mr. Parsons on several occasions' points to the concrete slab as being a limiting factor in making the deck smaller (doesn't give size at all). Any size deck would need a variance and I believe the size of the deck Mr. Parsons in hoping to construct isn't excessive. I believe there is enough justification as outlined in my responses above to issue a variance (25' Bolster Road) of Article 2, table 2.2 (high density residential zone) allowing a 0' setback for a deck and roof.

**COMMENTS:**

Mr. Reaves asked members if anyone had a conflict or Ex-parte communications with the applicant, there were none. Mr. Reaves swore Mr. Parsons and Mr. Violette in for testimony.

Mr. Violette provided an overview of his staff report stated above. Mr. Reaves asked Mr. Parsons if he had anything else to add. Mr. Parsons stated he had nothing to add.

Mr. Reaves asked Mr. Parsons the criteria questions below: (answer in bold)

1. Are there unique physical circumstances or conditions as to:
  - a. Irregularity, narrowness or shallowness of lot size or shape; **Yes**
  - b. Exceptional topography or physical conditions peculiar to a particular property; **Yes**
  - c. Unnecessary hardship due to the above? **Yes**
2. Are there physical circumstances or conditions that prevent conformity to zoning regulations; And, a variance is necessary to enable "reasonable use" of the property. **Yes**
3. Is it true that no unnecessary hardship was created by the applicant? **Yes**
4. Is it true that a variance will not:
  - a. Alter the essential character of the neighborhood? **Yes**
  - b. Substantially or permanently impair appropriate use or development of adjacent property? **Yes**
  - c. Reduce access to renewable energy sources? **Yes**
  - d. Be detrimental to the public welfare? **Yes**
5. Is it true the variance represents the minimum deviation from regulation and plan to provide relief? **Yes**

Mr. Sanborn commented that Mr. Parsons' structure is in character with other dwellings on Bolster Road.

Generally the board agreed with the key points made by staff which support the issuance of the variance.

**DELIBERATION**

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

***On motion by Mr. Sanborn, seconded by Mr. Neddo, Development Review Board approved a request by Ernest Parsons Jr for a 25' variance of right-of-way setback (Bolster Road) allowing for the construction of a front porch w/roof on property located at 26 Bolster Road; PID 028/016.00, zoned high density residential; V-22000005. Vote 7-0-0.***

CONDITIONS Yes \_\_\_\_\_ No X

MOTION BY: SANBORN  
SECOND BY: NEDDO

**ROLL CALL:**

Mark Reaves	<u>Yes</u>	Chris Neddo	<u>Yes</u>
Jon Valsangiacomo	<u>Yes</u>	Angela Labrador	<u>Yes</u>
Cedric Sanborn	<u>Yes</u>	Jim Fecteau	<u>Yes</u>
Gina Galfetti	<u>Yes</u>		

**PARTICIPANTS:** Chris Violette and Ernie Parsons

#### 4) Applicant - Velie Ave, LLC./Conditional Use Review

**Request by Velie Ave, LLC for Conditional Use Review (possible approval) to allow up to eight (8) apartments in a new structure (to be constructed) on property located off Barclay Quarry Road; PID 014/007.00; CUP-22000003.**

Consultant: None

Date: July 29, 2022

**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, section 5.5 whereas the applicant would like to conduct a use that is only allowed by a Development Review Board (DRB) issued Conditional Use Permit (CUP).

This is the second hearing, the first hearing on August 10, 2022, was continued to this meeting. Below is an overing of the project, much of which is the same as last month. But where something changed and edited my comments.

The parcel in question is currently vacant (once had a dwelling on it) located on Barclay Quarry Road in the Upper Graniteville section of Barre Town. The zoning of this parcel is very high density residential which is consistent with the rest of the village. The minimum lot size for a very high density residential is 8,500 square feet (s.f.) (with off-site water and sewer) and 85' of road frontage is required. Barclay Quarry Road is a dead-end town, class III pave road with a bit of a grade to it.

The applicant is proposing to construct a new building that will have eight (8) residential apartments. Along with the application filing, the applicant submitted a brief narrative trying to address the conditional use criteria. A narrative providing more detail of the project was not included and the responses to the criteria are minimal. I did include for this packet a narrative submitted for the site plan application.

The property is served by municipal sewer and water. The property previously had a dwelling on the property. The house was very dilapidated and torn down several years ago.

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

The applicants' responses are provided in italics. My comments are in normal font following.

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

*"No foreseeable strains on local municipalities or emergency services for they are well equipped for this project".*

**a. Emergency services:**

I agree with the applicant here, Barre Town emergency services have the ability to serve a proposed eight-unit residential dwelling.

**b. Educational facilities:**

Barre Town is part of the Barre Unified Union School District and children residing in Barre Town can attend Barre Town Middle and Elementary School (grades P-8) in Websterville. Likewise, the district also operates a grade 9-12 high school in Barre City. Both are public schools. There is also numerous private middle, elementary, and high school options in the area.

It is not anticipated that this proposed development will create a burden to the educational facilities in the area.

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

Regarding municipal sewer and water, Barre Town has capacity to serve this proposed development. This parcel was previously served by municipal sewer and Town Engineer has confirmed (memo attached) access to the town sewer line.

The potable water is provided by the Graniteville Fire District. Mr. Thompson has had initial conversations with the district's operator. It appears based on my own conversations with the operator that the fire district can serve the parcel but there are details to work out. The fire district meets on Monday, September 12<sup>th</sup> and I suggested that the applicant attend that meeting to get a solid answer and to make sure he understands any concerns or requirements that they may have.

While the Graniteville Fire District will have fees associated with water connections, they will handle that directly. Regarding town sewer fees, each unit will be required to obtain its own sewer allocation via a sewer permit and paying the \$1,500 fee.

**d. Recreational facilities:**

There are numerous recreational facilities and opportunities in the greater Barre area. Barre Town owns and operates a recreational facility adjacent to the Barre Town Middle and Elementary School in Websterville. In addition, the town also owns and operates a 300 plus acre forest with numerous walking, biking, disc golf, and other recreational opportunities. In addition, multiple neighborhood playgrounds are scattered around town.

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

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

While the subject parcel is directly adjacent to the Barre Town Forest, there are no known conservation or other designated natural areas that impact this project.

**f. Solid waste disposal facilities:**

Solid waste is not addressed within the application provided by the applicant. Solid waste is managed via local haulers and is disposed of at approved landfills. The applicant will have to provide receptacles or dumpsters to each unit for trash and recycling.

It is not anticipated that this proposed development will overburden the existing solid waste system.

**2) The character of the area affected as defined by the purpose(s) of the zone within which the project is located, and specifically stated policies and standards of the municipal plan;**

*“Lower Graniteville already has many multi-unit properties within hundreds of yards”*

The Barre Town Zoning Bylaw states that the very high-density zone is “designated for land centrally located where town water and sewer facilities are available and where, due to reasons of utilities, location and existing intensive development, higher density is appropriate. The purpose of this district is to permit a continuation of residential and related uses where consistent with the objectives on the Barre Town Municipal Plan”.

The applicant attempts to point out (I believe) that Graniteville already has dense development and multi-family dwellings. That statement is true, and the overall area of the proposed development is predominately dense residential uses (with the exception the industrial uses nearby). However, that is not the case in the immediate area along Barclay Quarry Road and adjacent Clermont Street. In total, there are seven (7) single-family dwellings, with the furthest away is only 300’.

Expanding upon our existing dense development areas is supported by both zoning (it allows what is being proposed) and the Town Plan where it encourages “in-fill” development, taking advantage of existing municipal utilities etc. And, while there is no doubt that both Upper and Lower Graniteville have dense development and multi-family dwellings, this will most definitely be a character change for the residents that live along Barclay Quarry Road and Clermont Street. But overall is highly supported.

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

*“The road is well built and able to withstand the minimal expansion of new vehicles”.*

Barclay Quarry Road is a Town paved, class III road that is approximately 600’ long and appears to be a two-rod (33’ wide) right-of-way as opposed to three-rods (49.5’ wide). While the width of the right-of-way likely doesn’t come in to play, the paved portion of the road may be slightly less wide than more heavily travelled roads. The road does have the appearance of being narrow. The center of the subject parcel is approximately 350’ from its the intersection of Graniteville Road, which is the only road that will feed this development. Clermont Street, a town road that only serves a few dwellings in close proximity.

Barclay Quarry Road provides access to 7 single-family dwellings. In addition, the road provides access to one of two parking areas for the Town Forest. Adding eight additional living units more than doubles the amount of residential vehicular traffic which will also be an impact to the neighborhood. However, from purely a road standpoint it appears the road itself, and its intersection with Graniteville Road, can accommodate the additional traffic. Josh Martineau, Barre Town’s Engineer provided a memo attesting to this point.

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

*“This is already permitted for high density residential”*

Article 2, table 2.1 of the Barre Town Zoning Bylaw provides guidance on uses that are either “permitted” (reviewed and permitted by the Zoning Administrator) or “conditional” (reviewed by the Development Review Board as a conditional use). The table (on page 7) allows multi-family dwellings in a very-high density residential zone. This section refers to Article 3, section 3.3 (e) for density considerations.

Article 3, section 3.3 is the equal treatment of housing section with the Zoning Bylaw. Subsection, (E) specifically relates to multi-family dwellings and density based on whether an existing structure or a new structure. Under new structure for very-high density residential, a new structure can have up to eight units. Of course, this is what the applicant is proposing.

Based on the above, the project conforms to the Zoning Bylaw with regard to use and density.

In accordance with Article 2, table 2.2 of the Barre Town Zoning Bylaw, percent of lot coverage related to the building shall not exceed 35%. The parcel is 21,780 s.f. in size the proposed building will be 5,500 s.f. which equates to a 25% lot coverage. Because this parcel existed prior to the 2008 zoning amendment, parking and other impervious surfaces are not included in the calculation.

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

*“This is a new build in which we will be utilizing energy efficient products”.*



Always good to use energy efficient products. It does not appear that any renewable energy resources are being proposed.

**6) Minimum lot size:**

The minimum lot size for very-high density residential is 8,500 s.f. The subject parcel exceeds the minimum lot size at 21,780 s.f.

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

Adjacent nearby uses are residential and are within less than 100' away.

**8) Site Plan Review:**

Site plan review is not specifically required for residential uses, the exception to this is for commercial residential uses more than two-units. Combined with (A) under section 5.6 of Article 5 of the Zoning Bylaw, which states "any proposed land development that has a significant impact on either traffic patterns or traffic generation in the areas around the development, and/or would create an added negative impact in an existing heavy traffic area" requires site plan review.

Since the first conditional use review, the applicant did file an application for site plan review (SP-22000004) and that review is running concurrently with this review.

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

There may be other factors to consider but reviewing this project as both a conditional use and site plan should cover most everything.

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

Article 3, section 3.9 (Off-Street Parking...) (G) (minimum parking chart) requires that all residential dwellings have two (2) parking spaces for each dwelling unit. In this case, eight (8) dwellings are being proposed which means 16 parking spaces will be required.

While the applicant didn't address parking in his application, it was discussed during the first hearing in August. Since then, a basic site plan has been submitted showing the site will have 16 parking spaces.

**11. Loading/unloading facilities.**

Likely not applicable.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

The proposed use is clearly allowed by the Zoning Bylaw as the criteria above support. While we know that there will be an impact on the character of the area, the use conforms. How might concerns be mitigated is a fair question but might be hard to realize? This month we have answers to the sewer and road questions and mostly for water as well. However, we still do not have written confirmation

regarding the Graniteville Fire Districts ability to serve. Maybe that will be in hand prior to the DRB's meeting after the district meeting on the 12<sup>th</sup>.

The site plan review will hopefully take care of site development concerns such as stormwater runoff, lighting etc.

There are still likely things to be discussed and worked through and conditions added, but generally at this point I believe the project conforms to the Town of Barre Zoning Bylaw and should be approved subject to the suggested conditions below and any other conditions that may come out of discussion during the public hearing on the 14<sup>th</sup>.

- 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) The site plan submitted (and any update to it) as part of the site plan application (SP-22000004) is hereby attached to this approval. The site plan, especially the parking plan, shall be adhered to or will be subject to enforcement.
- 3) Parking spaces shall be clearly delineated with signage for each unit year-round.
- 4) Vehicles shall be operational and road legal and if not shall become so within a reasonable amount of time but not exceeding 90 days.
- 5) Approval of this Conditional Use Permit shall not imply approval of any other municipal permits.
- 6) Each unit will require a sewer permit which reserves capacity at the Barre City sewer treatment plant. The sewer permit fee currently \$1,500 and subject to change by action of the Barre Town Selectboard.
- 7) Final confirmation that the Graniteville Fire District has the ability to provide adequate water service to this building.

**ADDITIONAL COMMENTS:**

Mr. Reaves asked members if anyone had a conflict or Ex-parte communications with the applicant. There were none. Mr. Reaves swore Mr. R. Thompson, Mr. H. Thompson, members from the audience and Mr. Violette in for testimony.

Mr. Violette provided an overview of his staff report as stated above. He also introduced an impact statement of Barclay Quarry Road/Clermont Street submitted as written testimony signed by Caroline Pennoyer, Paul Pennoyer, Brian Holt, Wendy Holt, Pearl Hoyt, Ben Hammond, Darcy Hammond, James Carrier and Janis Carrier. (This is for public hearings)

**Q&A**

Mr. Pennoyer asked about the zoning regulations as to very high density.

Mr. Violette explained the types of zoning in the area. The zoning districts can be viewed on the town's website.

Mr. Pennoyer asked about the condition of the sewer and water pipes on the property.

Mr. Violette explained that would be looked at when the municipalities receive permit requests for sewer and water. If the pipes are not in good condition or unable to carry the capacity, they would be replaced by the applicant.

Mr. R. Thompson stated they would be replacing the water line to get the max capacity of 100 gpd. If the sewer lines are bad or cannot carry the capacity, they will be replaced as well.

Mr. Violette further explained that if there is digging in the right of way, a permit would also be required through the Town Engineer so that would be a deeper review of the project.

Ms. Holt expressed her concerns the additional water usage at an 8-unit apartment could be a negative impact to water service and pressure to residents above.

Mr. Reaves referred the question to the Graniteville Fire District.

Mr. Thompson explained the pipe size and how many gallons per minute that would flow through.

Mr. Violette stated that Graniteville Fire District 4 has addressed this in their correspondence and that a certain pressure is required to be maintained and if the system could not handle it, they'd note that and would require upgrades.

Mr. Hammond expressed his concerns the character of the neighborhood would have a negative impact having an apartment house in the area.

Mr. Reaves stated that the DRB does not judge who or where someone lives and will not take it into consideration.

Mr. Violette explained the process the DRB considers the "character of the neighborhood" as outlined in the law.

Ms. Holt expressed her concern that of potential hazards with additional traffic to pedestrian and vehicle use of Barclay Quarry Road as there is a blind spot going in or out of the property. She gave examples of near misses with vehicles and pedestrians as the road is narrow and has no sidewalks.

Mr. Violette explained there is a process for additional signage and correction of site distance.

Mr. Thompson stated the trees along the road frontage would be removed to alleviate the issue of a blind spot.

Mr. Fecteau stated that the Town Engineer would review the roadway to make sure it follows AOT standards.

Mr. Valsangiacomo mentioned the concerns about the roadway could be reviewed by the Traffic Safety Advisory Committee. He further explained the process of the DRB for compliance.

Mr. Violette mentioned that the neighbors of Barclay Quarry Rd/Clermont Street have submitted an impact statement to the Board with their concerns.

Mr. Violette explained the requirements for erosion control that would impact the property and town road. Mr. Thompson mentioned that he would be putting silt fencing up and he does not need an erosion permit as the property is less than an acre. He provided an overview of the type of materials he will be using to prevent erosion.

Ms. Carrier mentioned that water does come down the road from up above during rain fall or spring thaw, the water goes into adjacent driveways. She is concern that the new construction will exacerbate the problem.

Ms. Carrier mentioned (from ANR) once the applicant applies for a state wastewater permit, it would possibly generate other permits that are needed. She questioned if the town oversees to ensure the permits are applied for and followed.

Mr. Violette stated the town does have requirement to be notified during the building permit process and what state permits would be required. He also stated it is part of the conditions the DRB approves.

Mr. Thompson stated the Division of Fire Safety would make sure that all State permits have been met before it issues an occupancy permit.

Mr. Fecteau explained that when wastewater permit is applied for all agencies are notified and given a chance to weigh in on it.

Mr. Sanborn read the proposed conditions for the DRB to consider. The first condition is: 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.

Mr. Thompson stated that coming before the DRB is the first step, he will ensure that all permits will be in place.

Mr. Reaves asked if there any other questions from the Board or audience. There were none.

**MOTION:**

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

**DELIBERATION:**

*On motion by Mr. Sanborn, seconded by Mr. Fecteau, the Development Review Board approved request by Velie Ave, LLC for Conditional Use Review (possible approval) to allow up to eight (8) apartments in a new structure (to be constructed) on property located off Barclay Quarry Road; PID 014/007.00; CUP-22000003. 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) The site plan submitted (and any update to it) as part of the site plan application (SP-22000004) is hereby attached to this approval. The site plan, especially the parking plan, shall be adhered to or will be subject to enforcement.*
- 3) Parking spaces shall be clearly delineated with signage for each unit year-round.*
- 4) Vehicles shall be operational and road legal and if not shall become so within a reasonable amount of time but not exceeding 90 days.*
- 5) Approval of this Conditional Use Permit shall not imply approval of any other municipal permits.*
- 6) Each unit will require a sewer permit which reserves capacity at the Barre City sewer treatment plant. The sewer permit fee currently \$1,500 and subject to change by action of the Barre Town Selectboard.*

*Final confirmation that the Graniteville Fire District has the ability to provide adequate water service to this building. Vote 7-0-0*

CONDITIONS    Yes X    No \_\_\_\_\_  
 MOTION BY:                    Sanborn  
 SECOND BY:                    Fecteau

**ROLL CALL:**

Mark Reaves	<u>Yes</u>	Chris Neddo	<u>Yes</u>
Jon Valsangiacomo	<u>Yes</u>	Angela Labrador	<u>Yes</u>
Cedric Sanborn	<u>Yes</u>	Jim Fecteau	<u>Yes</u>
Gina Galfetti	<u>Yes</u>		<u>          </u>

**PARTICIPANTS:** Pennoyer, Holt, Hammond, Carrier, R. Thompson, and Violette

**5) APPLICANT: Velie Ave, LLC Minor Site Plan**

Request by Velie Ave, LLC for **minor site plan** review to construct a 5,500 s.f. residential building (8 units) along with site improvements on property located off Barclay Quarry Road; PID 014/007.00; zoned very high density residential; SP-22000004.

Consultant:     None

Date:             September 8, 2022

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

This is a **warned public hearing** for minor site plan review. This request required site plan review in accordance with Article 5, section 5.6 of the Barre Town Zoning Bylaw whereas the applicant is proposing a 5,500 s.f. commercial residential building (8 units) along with associated site improvements. A corresponding conditional use application (CUP-22000003) is being considered simultaneously.

The applicant is proposing construction of a 110' x 50' (5,500s.f) two story building that will sit approximately in the middle of the .5 acre (21,780s.f.) parcel that sits on the Northwestern side of Barclay Quarry Road. Barclay Quarry Road is a two-rod (33') wide class III paved town road. In addition to the construction of the building, the applicant will be doing site improvements that will allow for either a paved or gravel (applicant hasn't specified) drive and parking area. Considerable site shaping (including cut and fill) is also necessary.

The applicant has submitted a narrative describing the project. The narrative also addresses many of the items required for minor site plan submittal such as showing the building envelope, setbacks, parking area and parking spot size, context to scale may be lacking. In addition, there is no indication of drainage patterns, current and alterations that will impact any changes to the drainage pattern.

It is important to note that this lot formally had a house located on it, however, that was demolished a few years ago.

Barre Town Zoning Bylaw requires that the DRB conduct site plan review with respect to the criteria below. The DRB may impose appropriate conditions, modifications, and protections where deemed necessary to

eliminate or minimize potential problems and/or nuisances. Below are the criteria and my comments related to them and if provided, the applicants response as well:

**1. The proposed land development as it complies with or compliments the policies, regulations, standards, and goals of the Town’s Zoning Bylaw and its most recently adopted Town Plan;**

Article 2, table 2.1 of the Barre Town Zoning Bylaw provides guidance on uses that are either “permitted” (reviewed and permitted by the Zoning Administrator) or “conditional” (reviewed by the Development Review Board as a conditional use). The table (on page 7) allows multi-family dwellings in a very-high density residential zone. This section refers to Article 3, section 3.3 (e) for density considerations.

Article 3, section 3.3 is the equal treatment of housing section with the Zoning Bylaw. Subsection, (E) specifically relates to multi-family dwellings and density based on whether an existing structure or a new structure. Under new structure for very-high density residential, a new structure can have up to eight units. Of course, this is what the applicant is proposing.

Based on the above, the project conforms to the Zoning Bylaw with regard to use and density. The project also conforms with the Town Plan which supports housing creating in general, especially multi-family housing in in-fill situations.

**2. The convenience and safety of vehicular movement within the site, and in relation to adjacent areas of vehicular movement. This includes consideration of access management in regard to entrances and exits for the subject site;**

The site plan shows the site being accessed from an existing driveway that was used previously for the dwelling. Beyond that, the site plan submitted doesn’t show traffic patterns etc. The assumption based on the parking plan and narrative is that traffic will be able to maneuver completely around the building for access to the parking spaces.

**3. The convenience and safety of pedestrian movement within the site, and in relation to adjacent areas of pedestrian movement. Also included for consideration is the relationship to any pedestrian access deemed necessary for adjacent properties and along public roads;**

The site plan doesn’t provide indication of how pedestrians will move within the site. The assumption would be that because parking is essentially in front of each unit, pedestrians exiting vehicles would go from their vehicle to the building. It doesn’t appear as though there would be much need for other pedestrian movement from within the site.

No exterior lighting is shown on the plan but of course lighting should be required.

**4. Storm water and drainage to ensure adequate consideration of storm water runoff and drainage issues in order to minimize the impacts of any development project on the adjacent property, the environment, and the Town. The applicant shall bear the responsibility for obtaining and meeting any and all permitting requirements of the appropriate state agency. The Town Engineer shall review the storm water runoff and drainage plan and shall approve the site plan and sign off on the design before the project may be approved;**

As mentioned in the opening remarks, no information is provided regarding drainage and how stormwater management is being impacted from how it exists today and how it will be altered. The project is small enough that a State Operational Stormwater Permit isn't required (under 1 acre impervious) and onsite treatment won't be necessary either. However, it is important to understand how stormwater is being impacted and how it will be handled.

**5. The protection of historic or natural environmental features on the property under review, as well as on the adjacent areas;**

No known historic or natural environmental features exist or being impacted.

**6. The impact of new development on public utilities such as water and sewer infrastructure and on other users/consumers;**

The site was previously served by both municipal sewer (town) and municipal water (Graniteville FD#4). Both services are available to serve the proposed project. Both the Town Engineer and the Fire Districts operator have been contacted. While I'm still waiting for written confirmation from both, both have indicated that ability to serve. I should have written responses from both before the meeting.

**7. Signage that meets or exceeds the criteria established in this Bylaw, Article 7, Sec. 7.5.**

No signage proposed or expected.

**8. The utilization of renewable energy resources;**

No renewable energy resources impacted or being proposed.

**9. Landscaping and/or screening to assist in mitigating undue impact of the proposed land development upon neighboring landowners;**

No landscaping plan has been included and no verbal indication of proposed landscaping.

**10. The adequacy of parking as well as loading and unloading facilities including their impact on surrounding traffic patterns, in accordance with the provisions established in Article 3, Sec. 3.6 of this bylaw.**

Article 3, section 3.9 (Off-Street Parking...) (G) (minimum parking chart) requires that all residential dwellings have two (2) parking spaces for each dwelling unit. In this case, eight (8) dwellings are being proposed which means 16 parking spaces will be required.

The applicant is aware of the importance of adequate parking and meeting the parking requirements of the Zoning Bylaw. The site plan submitted show 16 -10'x20' parking spaces as proposed.

The applicant indicates that parking spots will have at least 5' "buffer" between the road and the start of parking, Article 3, sec. 3.9 (F) actually requires parking to have a setback of 10'. The applicant should look at this and reassess.

While the applicant mentions snow removal and the fact that there is room, a little more clarification should be made as to where snow storage will go. Also, solid waste disposal receptacles, where will they be placed?

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

So as a minor site plan application, architectural and engineered plans are not required. The applicant has put together a plan using the town's GIS system. The plan shows a building envelope and parking. Little else is shown on the plan such as:

- Relationship to scale
- stormwater management
- Lighting
- Answer questions about how snow removal and storage is being handled
- Waste receptacle location
- Parking setback

Finally, getting final indications from both the town and the Fire District on abilities to serve this property as expected is required.

Below are initial proposed conditions but these could change or more added after the hearing:

- 1) The applicant is hereby notified that State of Vermont Permits are required. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what State of Vermont permits are necessary for this development. The applicant shall obtain said permits prior to development of the lot and in accordance with any requirements of said permits, shall be complied with.
- 2) Plans submitted and reviewed during the public hearings and used to make this determination shall become part of this decision and shall not be altered without review by the planning staff for a determination of significance. If it is determined that a significant change is being made, review by the DRB and amended approval may be required.
- 3) Best practice methods shall be used to mitigate erosion and sediment control to include, at a minimum, silt fencing etc. Erosion mitigation measures shall be inspected regularly and repaired if not performing accordingly.
- 4) Due to the change of use, a new town issued driveway permit may be required.
- 5) Issuance of a site plan permits does not imply approval of any other town required permits.

**ADDITIONAL COMMENTS:**

Mr. Reaves asked members if anyone had a conflict or Ex-parte communications with the applicant. There were none. Those sworn in for the previous hearing are still under oath to provide testimony.

Mr. Violette provided an overview of his staff report as stated above, with highlights on stormwater runoff, movement of vehicle traffic within driveway, parking setbacks, waste storage containers, proposed lighting, and snow storage. He also introduced an impact statement of Barclay Quarry Road/Clermont Street submitted as written testimony signed by Caroline Pennoyer, Paul Pennoyer, Brian Holt, Wendy



Holt, Pearl Hoyt, Ben Hammond, Darcy Hammond, James Carrier and Janis Carrier. (This is for public hearings)

Mr. Thompson stated that he spoke with the Town Engineer regarding the storm water runoff, the property is below the road and will not be built up that much. The storm water should run off towards the back of the property. The parking lot and driveway will be paved. He further explained the process for storm water run-off at the property. He also stated that there will be trash receptacles provided, during snow removal they will be moved, and the lighting will be LED down-casting throughout the parking lot and outside of the building.

Mr. Valsangiacomo asked if there would be any landscaping since the area will be paved. Mr. Thompson state there would be grass as a buffer along the driveway to keep people from using the entire area as an open driveway.

Mr. Pennoyer asked if the builder is required to maintain 25% of the land?

Mr. Violette explained the percentage is used mostly for planned unit developments. He provided examples such as Windy Wood and Wildersburgh, and that a planned unit development is a different process and is not required for the current request.

Mr. Pennoyer asked for clarification of the building size as the site plan is different than the building plans. Mr. Thompson explained the size of the building and why the plans were different as it shows the actual living space within the building and gave the dimensions. Mr. Pennoyer questioned if the building size would be 55' x 110'. Mr. Thompson confirmed those dimensions.

Ms. Carrier stated she was confused with the map showing a 5' buffer from the edge of the road and the site plan shows 25'.

Mr. Violette commented that the first site plan in the packet is superseded by the newest one which shows the 25' buffer. He stated that it should be on the site plan showing the driveway with the swales/buffer below the driveway on the street side.

Ms. Carrier asked will there still be foliage/treelined along the back of the property near the town forest to separate properties. She wanted to ensure that individuals using the town forest will still enjoy the quietness of the area.

Mr. Thompson stated there are no trees in the area just a berm.

Ms. Carrier stated she noticed that some of the plans indicate three bedrooms or two bedrooms and an office. Will they need to come back to make any changes in the use.

Mr. Violette stated that the approval would be for residential dwellings. He stated that a lot of developers now are creating a space for an office, since many people now work remote, that would not require a commercial or home occupancy permit.

Mr. Thompson stated whether it is a two or three bedroom with an office it is for interior walls, they are not changing the outside of the building.

Mr. Violette explained the State wastewater permit issued would be based on a certain number of bedrooms. The town's concern would be based on a certain amount of flow.

Discussion ensued among members, Mr. Thompson and Mr. Violette regarding how many people would be living in each unit. It was stated that is not part of the DRB process.

Ms. Carrier commented the residents in the area are not against the applicants or housing. They just feel that an apartment house in not a good fit for the area.

Mr. Sanborn commented, he doesn't have a problem as it is needed, but he feels that the DRB is not ready for final approval for the site plan. The minor site plan presented is missing information to make a determination. Highlighted what he would like to see on the site plan.

- 16 parking spaces/plan shows 21 or 22
- Show where waste receptacles are going to be placed
- Screen waste receptacles
- Driveway needs to be defined along with parking or vehicular movement areas within the site.
- Stormwater management schematics
- Lighting placement

Ms. Labrador suggested to have the narrative rewritten to address the highlights Mr. Sanborn mentioned. That way there is a paper trail if the decision was appealed. Mr. Thompson rebutted that the meeting is being recorded and felt that it was redundant to repeat it in writing.

Discussion ensued regarding the need to have it in writing and documented is to protect the applicant, DRB and individuals who have voiced their concerns. It was suggested to put them as conditions within the motion.

Mr. Reaves requested to have a narrative outlining the project and actual plans showing the dimensions of the building.

Ms. Carrier asked if the project was going to be multi-year construction project.

Mr. Thompson stated it should not, but it depends on obtaining capital funds.

Discussion ensued for clarification; the project will not be a phase project. It will take about a year to complete.

**MOTION:**

*On motion by Mr. Neddo, seconded by Mr. Sanborn, the Development Review Board entered into closed deliberative session at 8:54 p.m. Vote 7-0-0.*

*Mr. Reaves invited Mr. Violette to attend the closed deliberative session, all other attendees left the room.*

*On motion by Mr. Valsangicom, seconded by Ms. Labrador, the Development Review Board returned to open session at 9:41 p.m. Vote 7-0-0.*

**DELIBERATION:**

*On motion by Mr. Sanborn, seconded by Mr. Neddo, the Development Review Board moved to continue the request by Velie Ave, LLC for minor site plan review to construct a 5,500 s.f. residential building (8 units) along with site improvements on property located off Barclay Quarry Road; PID 014/007.00; zoned very high density residential; SP-22000004, date certain to October 12, 2022. Vote 7-0-0*

CONDITIONS    Yes \_\_\_\_    No X

MOTION BY: Sanborn  
 SECOND BY: Neddo

**ROLL CALL:**

Mark Reaves	<u>Yes</u>	Chris Neddo	<u>Yes</u>
Jon Valsangiacomo	<u>Yes</u>	Angela Labrador	<u>Yes</u>
Cedric Sanborn	<u>Yes</u>	Jim Fecteau	<u>Yes</u>
Gina Galfetti	<u>Yes</u>		<u>          </u>

**PARTICIPANTS:** Pennyor, Carrier, R. Thompson, and Violette

Mr. Reaves explained that the Board felt that the minor site plan was not complete. He outlined what was needed the following: actual size of building, driveway and flow of traffic, drainage with a report from the town engineer, exterior lighting.

**G. OTHER - NONE**

**H. FOLLOW-UPS - NONE**

**I. ROUNDTABLE**

Mr. Violette advised if a board member was not present for a public hearing that is continued, that member should not participate in the following month’s continuance. However, he did check with the Town Attorney who said if the absent member reviewed a recording (video or audio) and had all the same material that the present board members had, then they could participate at the next public hearing. It would however be advisable for the chair to point out in public that is what is occurring and make sure nobody objects.

**J. ADJOURN!**

*On motion by Mr. Galfetti, seconded by Mr. Fecteau, the Development Review Board adjourned at 9:47 p.m. Vote: 7-0-0.*

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

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

