

BARRE TOWN DEVELOPMENT REVIEW BOARD MINUTES FOR OCTOBER 9, 2019

The Barre Town Development Review Board held a public meeting & hearings on October 9, 2019 beginning at 7:00 p.m. at the **Municipal Offices**, 149 Websterville Road, Websterville, Vermont.

MEMBERS PRESENT:

Cedric Sanborn, Mark Nicholson, Charlie Thygesen , Chris Neddo, Angela Valentinetti, William Wolfe

MEMBERS ABSENT:

Jon Valsangiacomo, Mark Reaves

STAFF PRESENT:

Chris Violette

OTHERS PRESENT:

Greg & Bonnie Parker

CHANGES TO THE AGENDA:

Mr. Nicholson 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. Sanborn, seconded by Mr. Thygesen, the board unanimously approved the September 11, 2019 meeting minutes.

WARNED PUBLIC HEARINGS: Variance

Agenda item 6a: Parker 21' Variance

Request by Gregory Parker for a variance of side yard setback (21') to allow for the construction of a rear deck within 4' of the property line. The subject parcel is located at 722 Graniteville Road; parcel ID: 018/044.00; zoned industrial.

Consultant: None

Date: October 4, 2019

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

This is a warned public hearing for the purpose of hearing a variance request in accordance with Article 7, section 7.9 of the Barre Town Zoning Bylaw whereas it was determined upon the applicant filing a building permit request that the proposed project wouldn't meet setback. The building permit was not acted on and is currently on hold pending this proceeding.

The applicant is George Parker and he owns the house at 722 Graniteville Road which is at the intersection of Graniteville and Church Hill Road across the street from the Green Mt. Power electrical substation. The parcel is in an industrial zone but is grandfathered from current zoning use and dimensional standards. The house existed long before Barre Town enacted zoning. Graniteville Road is a Town class III pave highway. Municipal water and sewer serve the house.

Mr. Parker submitted a building permit (Z-19000108) for the construction of 14'x16' deck attached to the rear of the house. Upon my initial review of the application and familiarity with the property, it was clear to me that the proposed deck would not meet the minimum side yard setback. Being a pre-existing, nonconforming use in an industrial zone, the side yard setback for in an industrial zone is 25' (primary structure). Mr. Parkers house is likely a little less than 4' from the side property line.

The proposed deck will be attached to the rear of the house, of an existing mud room. The deck will be set in from the end of the house slightly, making it 4' from the side property line of abutter Andrew McAvoy. With the required 25' setback, a 4' setback means a 21' variance is necessary and is what Mr. Parker is requesting.

Mr. Parker has submitted a narrative addressing the 5 variance criteria. Mr. McAvoy submitted a letter expressing his support.

Below are the five criteria and a summary of Mr. Parker's responses and comments that I may add.

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?**

Essentially Mr. Parker is stating that the physical circumstances preventing conformity are all related to the house being built so close to the line to begin with in 1902 and that it is an unnecessary hardship to him at this point in time. There isn't really an irregularity in the lot so it is hard to imagine why the house was built in this location to begin with, but it was, maybe there weren't property lines then and then the second house was built also very close to the line. Hard to know what when on here.

- 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?**

For this criterion Mr. Parker notes that the physical circumstance preventing conformity is that the house was built, or the line was added to close to each other long before zoning.

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

Mr. Parker did not build this house, so he clearly did not create the hardship.

- 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?**

Mr. Parker answer this question and I agree that the character of the neighborhood won't change, the adjacent property won't be impaired for appropriate use or development, and it won't be detrimental to the public welfare.

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

Mr. Parker has stated to me that and in his narrative that this is the minimum deviation that he believes is necessary. If this parcel was a 1,000' to the Northeast (towards Lower Graniteville), the variance being requested would only be 6'.

SUMMARY, RECOMMENDATIONS & CONDITIONS:

Mr. Parkers house was apparently built in 1902 when the granite industry was booming. I suspect this house may have been a boarding house or something along those lines. At some point a second house was added and a subdivision of some sort was created. I suspect the second house came before the subdivision and somebody thought it was a good idea to place them 8' apart from one another. At some point in order to place the two dwellings on their own lot, a subdivision occurred (likely by deed before subdivision regulations), and the line was placed so that it split the difference between the houses. Then came zoning which made both houses nonconforming.

The lot doesn't reflect some of the criteria's purpose but there is no doubt there is a hardship created for a reasonable use of the property and that the applicant didn't create the hardship. It also is clear to me that having this residential property zoned industrial is a hardship as well given a variance in a very high-density residential zone would only be 6'.

ADDITIONAL COMMENTS:

Mr. Nicholson asked Mr. Parker the answer the 5 variance criteria which he did all in the affirmative upon being asked each question.

Mr. Sanborn made a MOTION to approve the request for a 21' variance of side yard setback, noting that the applicant had answered the 5 criteria in the affirmative, Mr. Wolfe seconded the motion, there was no further discussion and all voted in favor of the motion.

The following participated during this hearing:

Greg Parker

Agenda item 6b: Benoit/Morse BLA

Request by John/Pam Benoit and Morse, Walter (Home Trust) for a boundary line adjustment between the two abutting properties, transferring land from Morse to Benoit. Said properties are located off Airport Road and Jensen Road; parcel ID's: 005/109.04 & 008/001.00; zoned low density residential; P-19000005 & P-19000006.

Consultant: Chase and Chase Land Surveyors and Septic Design

Date: October 4, 2019

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a warned public hearing for the purpose of a boundary line adjustment (BLA) between abutting property owners. The subject parcels are located off Airport Road and Jensen Road and are both zoned low density residential (LDR). LDR zoning requires minimum lots sizes of 2.0 acres and 200' of road frontage.

The applicants are John and Pam Benoit and Walter Morse Home Trust. Mr. & Mrs. Benoit's parcel is currently 82.97 acres in size with road frontage along Airport Road. Mr. Morse's property has road frontage on Jensen Road and is over 100 acres in size. The proposed boundary line adjustment moves 7.78 acres of land from Morse to Benoit as shown on the plans by Chase and Chase.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

This is a simple BLA with not structures or road frontage being impacted. Both lots will be conforming after the BLA and I see no reason not to approve.

ADDITIONAL COMMENTS:

Mr. Violette summarized his staff comments adding that both lots are large and remain conforming from both a lot size and road frontage standpoint, no structures are involved. Mr. Violette recommended approval.

Mr. Sanborn commented that the proposed configuration of the new boundary line is not right angles and quite irregular and wondered why it must be this way.

Because there was nobody in the audience to present the plan and explain why the configuration is the way it is there wasn't an answer available to Mr. Sanborn's questions.

Mr. Sanborn suggested a continuance to allow either the lines to be edited or somebody to come explain why it must be that way.

Mr. Sanborn made a MOTION to continue this hearing, date certain November 13, 2019, Mr. Thygesen seconded the motion, there was no further discussion, and all voted in favor of the motion.

The following participated during this hearing:

None

OTHER:

Mr. Nicholson announced to the board that this was likely going to be his last meeting, he has sold his house and will be moving out of Town. He expressed his appreciation to working with such a good group and for the Town of Barre and the work that this board and the Planning Commission before it had done.

Many board members wished him well and thanked him.

Mr. Violette, on his behalf and the Town of Barre, thanked Mr. Nicholson for his many years of service and expressed how much he liked working with him.

ADJOURN:

A MOTION was made by Mr. Wolfe to adjourn the meeting, Mr. Sanborn seconded the motion and the Board voted unanimously to adjourn the meeting @ 7:17 P.M.

Respectfully submitted,
Chris Violette

Mark Nicholson, Chair

Chris Neddo

Angela Valentinetti

Jon Valsangiacomo

Charles Thygesen Sr.

Cedric Sanborn

Mark Reaves

William Wolfe