

BARRE TOWN DEVELOPMENT REVIEW BOARD MINUTES FOR OCTOBER 13, 2021

The Barre Town Development Review Board held a public meeting & hearings on **October 13, 2021**, beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

MEMBERS

In person: Cedric Sanborn, Mike Gilbar, Jim Fecteau, Chris Neddo, Angela Labrador (alt), and Michael Titus (alt).

Virtual (video): Jon Valsangiacomo, Angela Valentinetti and Mark Reaves

ABSENT:

STAFF PRESENT

Virtual (video): Chris Violette

OTHERS PRESENT:

In person: Gene and Dolly Bisson, Mark Booth, and Nicole Pelletier

Virtual (video): Jeff Olesky (for Jay Carr)

A. 7:00 P.M. – CALL TO ORDER

Mr. Reaves called the meeting to order at 7:00 p.m. and swore those providing testimony in.

B. CHANGES TO THE AGENDA

Mr. Reaves inquired whether there any changes to the agenda. Mr. Violette asked to make an announcement at the end of the meeting. There were no other changes.

APPROVE MINUTES –

September 8, 2021

On motion by Mr. Gilbar, seconded by Mr. Fecteau, the Development Review Board approved the minutes of September 8, 2021 as written. Vote 7-0-0.

C. NON-AGENDA ITEMS (max 10 minutes)

D. SUBDIVISION PRELIMINARY & FINAL REVIEW

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

Request by Mill Street Ventures, LLC preliminary review of a two-lot subdivision located at 179 Mill Street; Parcel ID: 025/029.00; Zoned high density residential: P-2100014

Consultant: Richard Bell

Date: October 7, 2021

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is request for preliminary review of a 2-lot subdivision of land located at the end of Mill Street in East Barre in accordance with the Barre Town Subdivision Ordinance (article 3, sec 302).

The subject parcel is located in a high-density residential zone where in accordance with the Barre Town Zoning Bylaw (Article 2, table 2.2) the dimensional minimums are 1/3-acre parcel size and 110' of road frontage when municipal water and sewer is available. The proposed use is residential. Preliminary review is followed by a final warned public hearing on this same agenda.

This proposal would create a .33-acre parcel of land out of an existing 1.34-acre parcel (corrected from 1.6 in assessing records).

The submitted plans show lot 1, which is proposed to reduce from 1.34 acres to 1.01 acres. This lot will retain 406' of Mill Street road frontage and as proposed remains conforming with both the Zoning Bylaw and the Subdivision Ordinance. There is an existing commercial/industrial building on the lot that likely dates back to the early 1900's. It has had many different uses over the years and I'm not 100% what it is being used for at this point. It is connected to municipal water and sewer.

Lot 2 is the proposed new lot and at .33 acres is at the minimum lot size. Road frontage for this lot is shown to be just shy of 126'. As proposed this lot is conforming. The proposed use will be residential which is a permitted use in this zone. While a proposed house location isn't shown, a building envelope is and is using high-density residential setbacks. What isn't shown is a proposed driveway location, however the applicant has also submitted applications for several permits including building and driveway. I've included the site plans for these in your packets to show the proposed driveway and building locations.

SUMMARY, RECOMMENDATIONS & PROPOSED CONDITIONS (if any):

I find no issue with granting preliminary subdivision approval for this 2-lot subdivision and moving this request to final (same agenda). The proposal is straight-forward and meets the minimum standards of both the Subdivision Ordinance and Zoning Bylaw. I have no recommend conditions for preliminary review.

COMMENTS:

Mr. Violette provided an overview of his staff report as stated above. Mr. Bisson stated the purpose for the subdivision is to create a building lot as a rental property.

On motion by Mr. Gilbar, seconded by Mr. Neddo the Development Review Board moved to close preliminary review. Vote 7-0-0.

On motion by Mr. Sanborn, seconded by Mr. Fecteau, the Development Review Board approved preliminary review and moved the request to a final public hearing. Vote 7-0-0.

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

Final

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

Consultant: Richard Bell

Date: October 7, 2021

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

This is a warned public hearing, continued date certain to this meeting from September 8, 2021, requesting final approval of a 2-lot subdivision of land located at the end of Mill Street in East Barre. The first hearing was continued to this date at the request of the applicant because the survey was incomplete. This request is in accordance with the Barre Town Subdivision Ordinance (article 3, sec 303). Final consideration assumes preliminary approval was previously granted.

As proposed, this subdivision will create a .33-acre parcel of land out of an existing 1.34-acre parcel (corrected from 1.6 in assessing records).

The subject parcel is located in a high-density residential zone where in accordance with the Barre Town Zoning Bylaw (Article 2, table 2.2) the dimensional minimums are 1/3-acre parcel size and 110' of road frontage when municipal water and sewer is available. The proposed use is residential.

The submitted plan shows lot 1 to reduce from 1.34 acres to 1.01 acres. This lot will retain 406' of Mill Street road frontage and as proposed remains conforming with both the Zoning Bylaw and the Subdivision Ordinance. There is an existing commercial/industrial building on the lot that likely dates back to the early 1900's. It has had many different uses over the years and I'm not 100% what it is being used for at this point. It is connected to municipal water and sewer.

Lot 2 is the proposed new lot and at .33 acres is at the minimum lot size. Road frontage for this lot is shown to be just shy of 126'. As proposed this lot is conforming. The proposed use will be residential which is a permitted use in this zone. While a proposed house location isn't shown, a building envelope is and is using high-density residential setbacks. What isn't shown is a proposed driveway location, however the applicant has also submitted applications for several permits including building and driveway. I've included the site plans for these in your packets to show the proposed driveway and building locations.

SUMMARY, RECOMMENDATIONS & PROPOSED CONDITIONS (if any):

This is a straightforward simple 2-lot subdivision request that conforms to the Zoning Bylaw and the Subdivision Ordinance. It will be developed with a residential use almost immediately (permit applications have already been submitted). With consideration to the recommended conditions below, I recommend final approval of this 2-lot subdivision for Mill Street Ventures, LLC.

- 1) The applicant shall contact a State of Vermont permit specialist, 802-505-5367 (pete.kopsco@vermont.gov) to review any potential state permits that may be required.
- 2) One (1) (18" x 24") recording plat must be submitted to the Planning office for filing in the Town of Barre land records in accordance with Barre Town subdivision regulation and state statute within 180-days of approval or this approval will be null and void.
- 3) Three (3) sets (24" x 36") paper copies of the final approved plan must be submitted to the Planning Office within 30-days of approval unless a request to extend is made and approved by staff.
- 4) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 5) The final plan, as stamped approved, shall be part of this decision and as such shall not be changed unless first reviewed by the Town Planning Director for a determination of significance.

If it is determined that a proposed change is significant, the plan will be required to go back before the Development Review Board for amended approval.

- 6) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

COMMENTS:

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

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

DELIBERATION:

Ms. Valentinetti asked why condition one was very specific. Mr. Violette explained, it is a requirement to notify applicants, and this is also a way to give them a resource.

On motion by Mr. Fecteau, seconded by Ms. Valentinetti, the Development Review Board approved a request by Mill Street Ventures, LLC for final review of a two-lot subdivision located at 179 Mill Street; Parcel ID: 025/029.00; Zoned high density residential: P-21000014; contingent upon the following conditions:

- 1. The applicant shall contact a State of Vermont permit specialist, 802-505-5367 (pete.kopsco@vermont.gov) to review any potential state permits that may be required.*
- 2. One (1) (18" x 24") recording plat must be submitted to the Planning office for filing in the Town of Barre land records in accordance with Barre Town subdivision regulation and state statute within 180-days of approval or this approval will be null and void.*
- 3. Three (3) sets (24" x 36") paper copies of the final approved plan must be submitted to the Planning Office within 30-days of approval unless a request to extend is made and approved by staff.*
- 4. An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.*
- 5. The final plan, as stamped approved, shall be part of this decision and as such shall not be changed unless first reviewed by the Town Planning Director for a determination of significance. If it is determined that a proposed change is significant, the plan will be required to go back before the Development Review Board for amended approval.*
- 6. Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision. Vote 7-0-0.*

CONDITIONS Yes X No

MOTION BY: Fecteau
SECOND BY: Valentinetti

ROLL CALL:

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

Mr. Valsangiacomo recused himself from the Booth subdivision preliminary and final hearings. Mr. Reaves appointed alternate Angela Labrador to participate. Mr. Valsangiacomo left the meeting.

2. **APPLICANT: Booth, Mark/ 3 lot Subdivision**
Preliminary

Request by Mark Booth (land owned by Gordon J. Booth Living Trust) for preliminary review of a 3-lot subdivision located on Airport Road; Parcel ID: 005/108.00; Zoned: low density residential; P-21000016.

Consultant: Thomas Otterman

Date: October 7, 2021

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is request for preliminary review of a 3-lot subdivision of land located off Airport Road at the Barre Town/Berlin town line. This request is in accordance with the Barre Town Subdivision Ordinance (article 3, sec 302).

This preliminary review is followed by a final warned public hearing on this same agenda.

The subject is parcel 76 ± acres in size and is in a low-density residential zone where in accordance with the Barre Town Zoning Bylaw (Article 2, table 2.2) the dimensional minimums include a 2.0-acre parcel size and 200' of road frontage when onsite water and sewer are being used. The parcel is undeveloped and almost entirely wooded and currently has over 1,000' of road frontage along Airport Road.

This proposal, if approved, will create lot 2, a 2.2-acre parcel that will be allotted 245' of road frontage along Airport Road. Access will be from Airport Road frontage. The parcel will use onsite water (drilled well) and an onsite septic system (mound). The proposed use is residential.

The second new lot is shown as lot 3, it is proposed to be 4.74 acres in size and will have 505' of frontage along Airport Road. Access will be from the Airport Road frontage. Like parcel 2, parcel 3 will use onsite water (drilled well) and an onsite septic system (mound). The proposed use is residential.

Lot 1, the remaining land, will decrease to just under 70 acres. The entire parcel was not surveyed so no definitive information is available as to the actual parcel size other than using the assessing records which indicates the parcel is 76.73 acres before subdivision, dropping to 69.72 acres after the two new parcels are subtracted.

As proposed all three lots are conforming with both the Barre Town Zoning Bylaw and Subdivision Ordinance.

SUMMARY, RECOMMENDATIONS & PROPOSED CONDITIONS (if any):

While a 3-lot subdivision, it is straightforward and meets both Zoning and Subdivision regulations. The new development shown is permitted. I recommend preliminary approval of this 3-lot subdivision, moving it to the final review. No proposed conditions at this time.

COMMENTS:

Mr. Violette provided an overview of his staff report as stated above. Mr. Booth (Trustee of Gordon J. Booth Living Trust) explained the purpose of the subdivision.

On motion by Mr. Fecteau, seconded by Mr. Neddo, the Development Review Board moved to close preliminary review. Vote 7-0-0.

On motion by Mr. Sanborn, seconded by Mr. Neddo, the Development Review Board approved the preliminary request and moved it to final public hearing. Vote 7-0-0.

E. WARNED APPLICANT: Booth, Mark/ 3 lot Subdivision

Request by Mark Booth (land owned by Gordon J. Booth Living Trust) for final review of a 3-lot subdivision located on Airport Road; Parcel ID: 005/108.00; Zoned: low density residential; P-21000016.

Consultant: Thomas Otterman

Date: October 7, 2021

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

This is a warned public hearing, requesting final review and approval of a 3-lot subdivision of land located along Airport Road, just before Barre Town's common boundary with Berlin. This request is in accordance with the Barre Town Subdivision Ordinance (article 3, sec 304).

Final consideration assumes preliminary approval was previously granted.

The subject parcel is 76 ± acres in size and is in a low-density residential zone where in accordance with the Barre Town Zoning Bylaw (Article 2, table 2.2) the dimensional minimums include a 2.0-acre parcel size and 200' of road frontage when onsite water and sewer is being used. The parcel is undeveloped and almost entirely wooded and currently has over 1,000' of road frontage along Airport Road.

This proposal, if approved, will create lot 2, a 2.2-acre parcel that will be allotted 245' of road frontage along Airport Road. Access will be from Airport Road frontage. The parcel will use onsite water (drilled well) and an onsite septic system (mound). The proposed use is residential.

The second new lot is shown as lot 3, it is proposed to be 4.74 acres in size and will have 505' of frontage along Airport Road. Access will be from the Airport Road frontage. Like parcel 2, parcel 3 will use onsite water (drilled well) and an onsite septic system (mound). The proposed use is residential.

Lot 1, the remaining land, will decrease to just under 70 acres. The entire parcel was not surveyed so no definitive information is available as to the actual parcel size other than using the assessing records which indicates the parcel is 76.73 acres before subdivision, dropping to 69.72 acres after the two new parcels are subtracted.

As proposed all three lots are conforming with both the Barre Town Zoning Bylaw and Subdivision Ordinance.

SUMMARY, RECOMMENDATIONS & PROPOSED CONDITIONS (if any):

This is a straightforward 3-lot subdivision request that conforms to the Zoning Bylaw and the Subdivision Ordinance. The two new lots will be developed with a residential use that is permitted. All three lots are conforming. With consideration to the recommended conditions below, I recommend final approval of this 3-lot subdivision for Mark Booth (Booth Living Trust).

- 1) The applicant shall contact a State of Vermont permit specialist, 802-505-5367 (pete.kopsco@vermont.gov) to review any potential state permits that may be required.
- 2) One (1) (18" x 24") recording plat must be submitted to the Planning office for filing in the Town of Barre land records in accordance with Barre Town subdivision regulation and state statute within 180-days of approval or this approval will be null and void.
- 3) Three (3) sets (24" x 36") paper copies of the final approved plan must be submitted to the Planning Office within 30-days of approval unless a request to extend is made and approved by staff.
- 4) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 5) The final plan, as stamped approved, shall be part of this decision and as such shall not be changed unless first reviewed by the Town Planning Director for a determination of significance. If it is determined that a proposed change is significant, the plan will be required to go back before the Development Review Board for amended approval.
- 6) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

COMMENTS

Mr. Violette provided his staff report verbally as stated above.

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

DELIBERATION:

Mr. Fecteau asked if condition one was requested by the state to be included. Mr. Violette explained it is a requirement to inform the application to check with the state for potential permit on the State level.

On motion by Mr. Sanborn, seconded by Mr. Fecteau, the Development Review Board approved a request by Mark Booth (land owned by Gordon J. Booth Living Trust) for final review of a 3-lot subdivision located on Airport Road; Parcel ID: 005/108.00; Zoned: low density residential; P-21000016, contingent upon the following conditions:

- 1) The applicant shall contact a State of Vermont permit specialist, 802-505-5367 (pete.kopsco@vermont.gov) to review any potential state permits that may be required.
- 2) One (1) (18" x 24") recording plat must be submitted to the Planning office for filing in the Town of Barre land records in accordance with Barre Town subdivision regulation and state statute within 180-days of approval or this approval will be null and void.
- 3) Three (3) sets (24" x 36") paper copies of the final approved plan must be submitted to the Planning Office within 30-days of approval unless a request to extend is made and approved by staff.
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- 5) The final plan, as stamped approved, shall be part of this decision and as such shall not be changed unless first reviewed by the Town Planning Director for a determination of significance. If it is determined that a proposed change is significant, the plan will be required to go back before the Development Review Board for amended approval.
- 6) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision. **Vote 7-0.**

CONDITIONS Yes X No

MOTION BY: Sanborn
SECOND BY: Fecteau

ROLL CALL:

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

Mr. Valsangiacomo returned to the meeting as participating member. Ms. Labrador returned as an audience member.

F. CONCEPTUAL REVIEW

Mr. Fecteau recused himself from the conceptual review as he has had conversations with the applicant. Mr. Reaves appointed alternate Michael Titus to participate. Mr. Fecteau went into the audience.

G. APPLICANT: **Jay Carr/PUD 9-Lot**

Request by Jay Carr for a conceptual review of a 9-lot Planned Unit Development located at 6 Tanglewood Drive; Parcel ID: 006/095.01; Zoned: low density residential; P-21000015

Consultant: Jeff Olesky

Date: October 7, 2021

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

This is a conceptual review allowed for by the Barre Town Subdivision Ordinance, Article 3, sec 301.

There has been a little confusion over this one revolving around the applicant's intent to seek preliminary review or conceptual. The applicant has paid the fee for preliminary review however given the nature of this request being a Planned Unit Development (PUD) vs a conventional subdivision, the plans and information presented are not ready for preliminary consideration. I moved the application to conceptual because there are many things to discuss for a PUD.

COMMENTS:

Mr. Violette provided an overview of his staff report as stated above. Mr. Olesky provided background history of a conceptual subdivision a few months ago; proposed zoning change with the Planning commission which had opposition from the abutting neighbors.

Mr. Olesky (Agent for Jay Carr) presented a conceptual proposed residential PUD located at 6 Tanglewood Drive. The PUD would involve the creation of eight new lots in addition to the existing one for a total of nine lots.

Highlights of conceptual PUD presentation:

- Eight single-family lots about 1 to 1.25 acres each
- Lot 3 would come off West Cobble Hill Road
- Private Road off Tanglewood Drive, lots served would be part of a homeowner's association.
- No impact to the Class II Wetlands from Lot 2 to the culvert
- Potential requirements for a Wetland and Wastewater discharge permits
- Lot 2 would be sacrificed for the 25% open space requirements for the PUD

Highlights of discussion with DRB members & Mr. Violette:

Q: Mr. Gilbar

- The abutting neighbors were concerned about water runoff from the property.

A Mr. Olesky: There is poor drainage along Tamarack Lane. Mr. Olesky explained that there would have to be a plan for storm water runoff for a new development. He stated that he did not feel that what is being proposed would help or hurt any existing conditions in the Tamarack neighborhood.

Q: Mr. Sanborn

- Twenty-five percent open land as part of the PUD means it must be useable. The wetlands and the ravine are not usable land.
- Private roads need to be built to town standards, why go to the expense of building the road to standards only to maintain it instead of turning it over to the town.
- Road design may want to consider cul-de-sac or a hammerhead (town preference is a hammerhead).

- Lot 3 does not have enough road frontage

A: Mr. Olesky referred to the PUD standards for open land and asked if the open field with the Class 2 wetland with 50' buffers would be considered as the open field requirements. He will investigate other areas of the property further.

Mr. Violette

Mr. Violette provided historic background on the property and potential proposed zoning change to the Planning Commission. There was opposition for a zone change from the residents of the area.

- Subdivision best instead of PUD with a zoning change from low density to high density to match the rest of the area zoning.
- Density standards proposed to be reduced is road frontage off West Cobble Hill Road
- PUD dimensional standards chart with acreage vs how many dwellings
- Proposed lot count doesn't conform with the density requirement within the PUD section of the Zoning Bylaw and there is a conflict within the bylaw regarding whether a Conditional Use Permit is required for a PUD. Discussion about the proposed development meeting the PUD standards ensued amongst members of the DRB, Mr. Violette and Mr. Olesky.

Overall, there was a lot of concern by members of the DRB and the Planning Director as to whether a PUD was the best path forward or whether it would even comply with zoning standards. Many felt a zone change was still the best route.

H. OTHER

Mr. Violette announced to the DRB members that the Selectboard is filing an appeal in Environmental Court on the decision to issue a Conditional Use Permit to Rock Pile Properties for the 8-unit apartment building. The waiver of the parking requirement appears to be the reason for the appeal. It hasn't been filed as of yet but is likely forth coming. He advised that the Development Review is unlikely to play a role in this matter.

I. FOLLOW-UPS

J. ROUNDTABLE

K. ADJOURN!

On motion by Mr. Sanborn, seconded by Mr. Neddo, the Development Review Board adjourned at 8:43 p.m. Vote: 7-0-0.

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

Mark Reaves, Chair

Angela Valentinetti

Cedric Sanborn

Jim Fecteau

Michael Titus (Alternate)

Jon Valsangiacomo

Chris Neddo

Michael Gilbar

Angela Labrador (Alternate)

DRAFT