

BARRE TOWN DEVELOPMENT REVIEW BOARD MINUTES FOR OCTOBER 14, 2020

The Barre Town Development Review Board held a public hearing on **Wednesday, October 14, 2020** beginning at 7:00 p.m. in-person at 149 Websterville Road, by teleconference and zoom video conferencing.

MEMBERS

Mark Reaves, Jon Valsangiacomo (joined Zoom approximately 7:13 p.m.) , Chris Neddo, Jim Fecteau, Cedric Sanborn, and Angela Valentinetti, and alternates: Craig Chase, and Michael Gilbar (observing)

MEMBERS ABSENT:

Charles Thygesen, Sr.

STAFF PRESENT

Chris Violette (Zoom)

OTHERS PRESENT:

Ed Bisson and Dustin Scott (in-person) and Cristina Burt (Zoom)

CHANGES TO THE AGENDA:

No changes to agenda

WARNED PUBLIC HEARINGS

APPLICANT: **Bisson – Conditional Use Review**

Request by Edward & Margaret Bisson for Conditional Use approval to construct a two-family residential dwelling on property located off West Cobble Hill Road (behind 275 Hill Street); parcel ID: 033/081.01; zoned high density residential; CUP-20000001.

Consultant: None

Date: October 9, 2020

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 the Barre Town Zoning Bylaw, article 5, sec. 5.4 whereas the applicant would like to conduct a use that is only allowed by a Development Review Board (DRB) issued Conditional Use Permit. The proposed use is a multi-family dwelling located in a high-density residential zone. Article 2, table 2.1 identifies multi-family dwellings as being allowed by Conditional Use Permit.

The applicant is proposing to construct a duplex on a vacant parcel on West Cobble Hill Road just beyond the Hill Street intersection. Article 3, sec. 3.3 under equal treatment of housing, subsection E allows up to two living units in a new structure.

The applicant's narrative addressing the review standards were minimal but given the nature of the request I can adequately provide information that will be helpful.

Conditional use review requires the following criteria to be used to help the DRB make a decision and apply conditions if necessary. My comments are in bold

1. The impact on the capacity of existing or planned community facilities, to include but not limited to:
 - a. Emergency services
 - b. Educational facilities
 - c. Water, sewer, or other municipal utility systems
 - d. Recreational facilities
 - e. Conservation or other designated natural areas
 - f. Solid waste disposal facilities

The addition of two residential living units will not create a significant impact on any of the above community owned facilities.

Emergency services and educational facilities both have the resources to support the limited number of people likely to live in these two dwellings.

Both Barre Town's sewer system and Barre City's water system have the ability to serve. The applicant must obtain a sewer permit from the Town of Barre for two sewer units (\$3,000 fee). In addition, a water permit will be required from the City of Barre (fee unknown).

Existing recreational facilities can handle the limited impacted created by this use.

Solid waste will be handled via many common solid waste disposal companies.

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;

The immediate area surrounding the subject parcel is residential. There is a small neighborhood store adjacent to this parcel (owned by the applicant). Single and multi-family residential is mixed throughout the area. This area is zoned for and planned for within the Town Plan and zoning.

3. Traffic on roads and highways in the vicinity.

The subject parcel is located West Cobble Hill Road, a Town class 3 paved road. Traffic is moderate at certain times of the day and at the Hill Street/Windywood/West Cobble Hill intersection. The center of the lot subject to this request is approximately 250' from the intersection with good sight distance in both directions. The addition of two residential living units should not have significant impact on either.

4. Bylaws and ordinances then in effect.

The Barre Town Zoning Bylaw allows multi-family dwellings in a high-density residential zone in accordance with Article 2, table 2.1 after issuance of a Conditional Use Permit. Issuance of a permit will satisfy standard.

5. Utilization of renewable energy resources.

No renewable energy generation is proposed with this project nor should it interfere with any potential future renewable energy production.

6. Minimum lot size;

The minimum lot size for high density residential is 1/3 acres. The size of the subject parcel is .34 acres meeting the minimum standard.

7. Distance from adjacent or nearby uses;

Adjacent use is residential and are in relatively close proximity. One commercial use, the neighborhood store owned by the applicant is approximately 200' away.

8. Criteria (as needed) adopted relating to site plan review pursuant to Article 5, Sec. 5.6 of this bylaw;

Not applicable

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

Not applicable

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

The Zoning Bylaw, Article 3.9 (G) requires two parking spaces for each living unit. No site plan was submitted showing the layout, but the development of the lot will be required to ensure a total of four parking spaces.

11. Loading/unloading facilities.

Being a residential use there will be no need for loading/unloading facilities.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicant proposes to take a vacant lot and construct a duplex (two living units). The Hill Street area is highly residential and a good area to promote more of it. Zoning supports it.

With consideration to the conditions below, I recommend approval of this conditional use review, allowing the construction of a duplex, multi-family dwelling (two living units)

- 1) All municipal and state permits shall be obtained including but not necessarily limited to, building permit, driveway permit, sewer permit (2-units), digging in the right-of-way (if necessary), water supply permit (Barre City), wastewater permit (State).
- 2) In accordance with Article 3, section 3.9 (G) of the Barre Town Zoning Bylaw, four identifiable parking spaces must be available (two for each unit).

COMMENTS/MOTION

Mr. Violette reviewed his staff comments and provided his recommendation for Mr. & Mrs. Bisson's request for conditional use.

On motion by Mr. Fecteau, seconded by Mr. Sanborn, the Development Review Board approved the request by Edward & Margaret Bisson for Conditional Use approval to construct a two-family residential dwelling on property located off West Cobble Hill Road (behind 275 Hill Street); parcel ID: 033/081.01; zoned high density residential; CUP-20000001 All members voted in the affirmative.

APPLICANT: **Scott/Larose – Boundary Line Adjustment**

Request by Dustin Scott and John & Joyce Larose for Boundary Line Adjustment on land located at 21 Garden Street and 22 Summer Street; Parcel ID's 025/060.00 & 025/074.00; Zoned very high density residential; P-20000010 & P-20000011.

Consultant: American Consulting

Date: October 9, 2020

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a warned public hearing for the purpose of subdivision review, a boundary line adjustment. The subject parcels are in a high-density residential zone. High density residential zoning requires a minimum lot size of 1/3 acre when both off-site water and sewer is being used and 110' of road frontage.

The joint applicants own abutting parcels of .14 acre (Scott) and .29 acre (Larose). The Scott parcel is developed with a single-family residential use and has 90' of road frontage along Garden Street and 66' off of High Street. The Larose parcel is developed with a three-unit residential dwelling and garage with 140' of road frontage along High Street and 90' along Summer Street.

The proposed boundary line adjustment will slide the common boundary approximately 43' away from the Scott property, closer to the Larose property. A garage on the Larose property will be part of this and will become part of what Scott will own. The location of the new property is placed to ensure the garage complies with the 8' setback requirement.

It is clear neither lot conforms to today's zoning standards. However, both lots pre-exist zoning and while they do not conform, the boundary line adjustment is not going to allow either to do so, the land is not there. The degree of nonconformance changes accordingly.

The Scott property increases to .24 acres with a total of 200' of split road frontage. The Larose lots decreases to .19 acres with 187' of split road frontage.

Mr. Scott presented this plan many months ago and generally received favorable feedback.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Simple relocation of boundary line, no new parcel being created, one structure impacted going from one ownership to the other.

With consideration to the conditions below, I recommend approval of this boundary line adjustment, moving .1 acres of land from land owned by John and Joyce Larose, to land owned by Dustin Scott.

- 1) To complete this boundary line adjustment, a deed conveying the .1 acres from Larose to Scott must be executed within 180 days. Said deed or a subsequent quit claim deed must also clearly state that this land is merged, combined into one parcel of .24 acres.
- 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.
- 3) Three (3) sets (24" x 36") paper copies of the final approved plan must be submitted to the Planning Office within 90-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) No changes to the approved plan can be made unless first reviewed by either the Town Planning Officer, or the Town Engineer for a determination of significance. If it is determined that a proposed change is significant, the plan will be required to go back before the Development Review Board for approval of the proposed change.
- 6) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

COMMENTS/MOTION

Mr. Violette provided an overview of Mr. Scott and Mr. & Mrs. Larose's request for a boundary line adjustment.

On motion by Mr. Fecteau, seconded by Mr. Sanborn, the Development Review Board approved the Request by Dustin Scott and John & Joyce Larose for Boundary Line Adjustment on land located at 21 Garden Street and 22 Summer Street; Parcel ID's 025/060.00 & 025/074.00; Zoned very high density residential; P-20000010 & P-20000011 subject to conditions 1-6. All members voted in the affirmative.

APPLICANT:

Burt / Variance

Request by Cristina Burt for a 10' variance of right-of-way setback (Cogswell Street) in accordance Article 7, section 7.9 for the construction of an attached front deck 5' from the edge of the right-of-way on property located at 2 McHugh Road; zoned very high density residential; V-20000006.

Consultant: None

Date: October 9, 2020

**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 after the applicant filed a building permit request that the proposed project will not meet the required street setback.

The applicant is proposing to construct an 8' x 22' deck attached to the front of her existing house. The lot in question is small and irregularly shaped. The original developer of this lot was granted two variances for the house to begin with. A 2' variance to the right-of-way to McHugh Road and a 2' variance to an abutting property owner were issued in December of 2016.

Ms. Burt submitted responses, noted below adjacent to each question. Each was addressed answering yes to all. I have provided my thoughts on it as well in italics.

- 1) Are there unique physical circumstances or conditions as to: **Yes**
 - 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?

The lot is all these according to the applicant.

Hard not to agree with the applicant and that the hardship is created as a result. The lot is .1 acres and irregular shaped and subject to setbacks of two Town Roads, Cogswell Street and McHugh Road.

- 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**

I think a small deck is a reasonable use of my property and a variance is necessary.

I agree that having a deck, especially where there is not one, is a reasonable use of the property. Putting a deck on the back is not possible and problematic if it was. Physical circumstances prevent conformity. The only question I might raise is whether a 22' deck is necessary? Can the size of the deck be reduced? In any case, a variance is still necessary.

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

I just bought the house, and I did not place it there thus creating the issue of conformance.

As the applicant states, she did not develop this lot.

4) Is it true that a variance will not: **Yes, to all.**

- 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?

This is a residential area; we have a stone wall already and the deck will not go beyond it. It will not impair the use of any neighbor's property or be detrimental to the welfare of the public. I have talked to all the neighbors and no one has an issue with it.

While close to the road, I agree, it is behind an existing stone wall that is at one point is right on the edge of the right-of-way but falls away based on the angle of the property line. The area is entirely residential mixed between single and multifamily dwellings. Most are close to the road given the village of Upper Graniteville dates back into the mid 1800's. The essential character of the neighborhood is not negatively impacted by this deck. The stone wall protects is from the road itself thus not being detrimental to the public welfare.

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

I would like a small deck and this request is the minimum in order to provide relief.

Again, I agree that desiring a deck is reasonable. A variance is required regardless but as I mentioned would a smaller deck make the impact a little less.

SUMMARY, RECOMMENDATIONS & CONDITIONS:

Ms. Burt's request for a deck is reasonable. She has a property that is small, irregular, with physical circumstances that prevent conformity. A deck will not be out of character in this dense tightly backed residential area. Because it is behind an existing stone wall, I do not believe it will be hazardous to the traveling public because of its proximity to Cogswell Street. The way the right-of-way line is angled, while a variance is necessary regardless, the deck may be setback a little bit more if the deck was not quite so long. However, either way the impact is minimal.

COMMENTS/MOTION –

(Note: Mr. Valsangiacomo joined via Zoom approximately 7:13 p.m.)

Mr. Violette provided an overview and his recommendations as outlined above. Ms. Valentinetti asked if there would be an issue with the location of the steps to the property. Mr. Violette explained it would not be an issue as they are not in the right of way. Mr. Reaves asked Ms. Burt the variance criteria questions and Ms. Burt answered yes to all questions.

On motion by Mr. Sanborn seconded by Ms. Valentinetti, the Development Review Board approved the Request by Cristina Burt for a 10' variance of right-of-way setback (Cogswell Street) in accordance Article 7, section 7.9 for the construction of an attached front deck 5' from the edge of the right-of-way on property located at 2 McHugh Road; zoned very high density residential; V-20000006. All voted in the affirmative.

OTHER BUSINESS

Ms. Valentinetti mentioned that the next DRB meeting is on November 11, which is a holiday. Discussion ensued to keep the regular meeting date or move it to another date. Consensus of members is to keep regular meeting schedule for November.

MINUTES

A motion made by Mr. Valsangiacomo, seconded by Mr. Chase, the Development Review Board approved the minutes of September 9, 2020 as written. Four voted in the affirmative (Reaves, Neddo, Valsangiacomo, Neddo & Chase) and three abstained (Fecteau, Sanborn & Valentinetti)

ADJOURN:

A MOTION was made by Mr. Chase to adjourn the meeting. Mr. Sanborn seconded the motion and the Board voted unanimously to adjourn the meeting at 7:28 p.m. All voted in the affirmative.

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

Mark Reaves, Chair

Craig Chase (Alternate)

Jon Valsangiacomo, Vice Chair

Angela Valentinetti

Cedric Sanborn

Chris Neddo

Jim Fecteau