

**BARRE TOWN DEVELOPMENT REVIEW BOARD
MINUTES FOR NOVEMBER 14, 2018**

The Barre Town Development Review Board held a public meeting & hearings on **Wednesday, November 14, 2018** beginning at 7:00 p.m. at the **Municipal Offices**, 149 Websterville Road, Websterville, Vermont.

MEMBERS PRESENT:

Chris Neddo, Mark Reaves, Cedric Sanborn, Angela Valentinetti

MEMBERS ABSENT:

Mark Nicholson, Charles Thygesen, Sr., Jon Valsangiacomo

STAFF PRESENT:

Harry Hinrichsen, Julie Kimball

OTHERS PRESENT:

Brian Lane-Karnas, Allison Mindel

CHANGES TO THE AGENDA:

None

APPROVAL OF MINUTES:

Mr. Sanborn asked for a MOTION to approve the minutes from September 12, 2018. Mr. Reaves moved to approve the minutes. Ms. Valentinetti seconded the motion, and all were in favor.

WARNED PUBLIC HEARING:

Agenda Item 1: **Vermont Creamery, LLC – Major Site Plan Approval**

Request by Vermont Creamery, LLC for major site plan approval for 3 additions totaling 8,113 S.F. on property located at 20 and 40 Pitman Road in the Wilson Industrial Park; Parcel ID: 006/033.00; Zoned Industrial; SP-18000004.

Consultant: Civil Engineering Associates, Inc.

Date: November 8, 2018

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a warned public hearing for what was supposed to be for major site plan review. However, the applicant has asked for this application to be withdrawn. So, I am not providing the plans or comments regarding this request.

Do dispose of, the board will have to make a motion to deny this request without prejudice. The DRB commonly makes motions in the affirmative but it is more complicated to do that when your denying without prejudice.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Deny without prejudice

ADDITIONAL COMMENTS:

Mr. Sanborn indicated that Vermont Creamery, LLC decided to withdraw their application according to the notes reported by Mr. Violette. A motion is now needed from the Board to deny the request without prejudice.

A MOTION was made by Mr. Reaves to deny the request without prejudice. Mr. Neddo seconded the motion, which was unanimous by the DRB.

Agenda Item 2: **Vermont Foodbank**

Request by Vermont Foodbank for major site plan approval for the construction of a 4,950 S.F. addition, a 676 S.F. garage, expanded parking, and storm water treatment practices on property located at 33 Parker Road in the Wilson Industrial Park; Parcel ID: 006/034.06; Zoned Industrial; SP-18000005.

Consultant: DeWolfe Engineering Associates

Date: November 8, 2018

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a warned public hearing for the purpose of site plan review in accordance with Article 5, Sec. 5.6 (Site Plan Review) and is considered a major application because the size of the existing building and the proposed expansion exceed 3,500 S.F. This is the first of two required hearings. The subject parcel is in an industrial zone within the Wilson Industrial Park.

The Vermont Foodbank has been in the Wilson Industrial Park since 2000 when it relocated there from South Barre. The Vermont Foodbank, as most of you likely know, is the largest anti-hunger organization in Vermont. Started in 1986, the Vermont Foodbank provides charitable food to more than 280 food shelves, meal sites, shelters, senior centers and after-school programs throughout Vermont.

The Foodbank is working towards efficiency improvements within their building. These improvements include several exterior projects as well as reorganization inside the building. Projects outside include a 4,950 S.F. addition that will house a new freezer/cooler, a 676 S.F. garage, addition of a loading dock door, a canopy over the loading docks, and an on-site stormwater treatment area. The project will also expand their on-site parking as well.

DeWolfe Engineering has supplied detailed engineering plans that show all the improvements. They also included a narrative for the board to review addressing the site plan criteria. Both the plans and narrative are enclosed in your packets for review.

Below are the review standards, and my comments, for site plan approval in accordance with Article 5, Section 5.6 (F). I copied and pasted Brian Lane-Karnas' comments on the standards; he did a very good job addressing them. I couldn't find much to change or add.

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 purpose of the Industrial District is defined in part in the Town of Barre Zoning Bylaw as follows:

This district is designed to provide location for the establishment of industry, and to provide employment opportunities and a broadening of the tax base in Barre Town... A variety of types of manufacturing and warehousing is permitted.

The proposed project will provide additional cold food storage space for the existing, approved Vermont Foodbank building. Per Table 2.1 of the Bylaw, the Foodbank is best categorized as Light Industrial and therefore is a permitted use in the Industrial District. The proposed project will meet the intent of the district by continuing to provide employment opportunities in the Town.

The project is located in the Industrial area of the Town Plan Land Use Map. The light industrial use is existing and compatible with the existing industrial uses in Wilson Park. The project is not anticipated to result in any additional impact to municipal services. The project will provide expanded warehouse space for the Vermont Foodbank which provides employment and supports the local community. There are no known significant environmental features on the site.

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 regarding entrances and exits for the subject site;

Vehicular access and circulation will remain largely unchanged from the existing conditions. The proposed project involves expansion of the parking areas on both sides of the building but has no effect on curb cuts or the internal circulation pattern. The parking spaces are 10' x 20' with a minimum of a 20' aisle. This layout provides adequate room for two-way circulation along the parking area. Truck access to the site will remain at the northerly curb cut and no change to the existing truck access or circulation is proposed.

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;

Sidewalks are provided on the Vermont Foodbank site from the office portion of the building to the parking area. Pedestrians will continue to access the building by sharing the parking aisle. The proposed expansion of the parking area is limited to the eastern ends of the existing parking lots and will be the furthest parking from the building, thereby limiting the opportunity to add pedestrian elements to the site. There are no existing pedestrian facilities within the Wilson Industrial Park. Adjacent lands are undeveloped or contain similar industrial developments with limited pedestrian facilities. There are no known plans for pedestrian, bicycle, or public transit networks in the Wilson Industrial Park.

4. Storm water and drainage to insure 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;

The project has been designed to meet the requirements of the 2017 Vermont Stormwater Management Manual. A new infiltration basin is proposed behind the freezer/cooler addition. This infiltration basin will be used to meet the Water Quality Treatment Standard, Channel Protection Standard, and Overbank (10-year) Flood Protection Standards for the expanded impervious area as required by the Manual.

We acknowledge that the stormwater runoff from the Foodbank site drains to the Town owned stormwater pond in the northeast corner of the Wilson Industrial Park. The pond was originally designed to pass the stormwater flow from the existing Foodbank development. We are also aware of the erosion issues downstream of the pond. Due to this, the infiltration basin is designed to meet the Extreme (100-year) Flood Protection Standard of the Manual in order to mitigate impacts to the Town pond and downstream area.

A draft of the State stormwater application is included with this application.

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 features on the site.

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

The proposed project will have no significant impact on public utilities or infrastructure. The building is served by existing connections to municipal water and sewer and no new connections are proposed. We have received a letter from the Town confirming the ability to serve the small increase in sewer demand as a result of the proposed project, see attached letter From Harry Hinrichsen.

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

There is no new signage proposed with this project.

8. The utilization of renewable energy resources;

The project will have no effect on the utilization of renewable energy resources on site or on adjacent properties.

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

The existing lot is developed with a building, parking areas, and landscaping. Since the project is located in an industrial park adjacent to industrial uses and far from nearby residences, screening of the project is not necessary. The tree line between the project and the parcel to the southeast will be maintained. There is no new landscaping proposed as part of this project, the existing landscaping on-site is adequate for the proposed expansion. The intent of the landscaping is to improve the aesthetics of the site and to conform to the Foodbank's food, safety and pest control program, which is a requirement of their third-party auditor.

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.

The Vermont Foodbank requires 48 parking spaces based on 30,626 gross sf of industrial use.

$2 \text{ spaces} + 1.5 \text{ space}/1,000 \text{ sf gross} * 30,626 \text{ sf} = 48 \text{ spaces}$

There are 50 existing spaces on site and 19 more are proposed for a total of 69 spaces. The Vermont Foodbank requires this amount of parking to accommodate the 55 employees and volunteers and have additional parking for visitors and accessible spaces. One new loading dock door is proposed between two of the existing doors, for a proposed total of 5 loading dock doors. There will be no change to the manner in which trucks access or circulate on the site. A canopy is proposed over the loading docks. The columns for this canopy will not interfere with the existing truck circulation pattern on the site.

New exterior lighting is proposed under the truck canopy, along the edge of the canopy, and at two new pole light locations. The pole lights will be located at the northern parking expansion and southern parking expansion. The lights are proposed to be mounted on 15' poles, with a total mounting height of approximately 18' above grade, similar to the existing site lights. Three building mounted lights are proposed along the edge of the canopy. These lights will replace three existing building mounted lights along the north face of the building. One additional building mounted light is proposed at the north face of the building addition. All building mounted lights will be mounted at 19' in height.

The proposed exterior lights are intended to provide a similar level of light as currently in the parking area. All exterior lights are downcast with cutoff optics. See attached exterior lighting cut sheets.

STAFF REPORT/REVIEW COMMENTS FROM HARRY HINRICHSEN, TOWN ENGINEER

This plan is presented by Brian Lane-Karnas, P.E., of the consulting firm of DeWolfe Engineering. The applicant is proposing a new cooler/freezer addition as well as several additional parking spaces. There is a specifically designed stormwater run-off system which modifies the previous stormwater plan directing water to the Town's detention basin at the northerly edge of the Wilson Industrial Park without prior treatment.

- 1- The land development in this case is primarily a freezer/cooler addition along with an expansion of the existing northerly & southerly parking areas. A new canopy will cover the existing loading dock along with a new loading dock entrance. A new on-site stormwater treatment and detention area has also been designed to mitigate the stormwater run-off and erosion.
- 2- Vehicular Access – This project site remains essentially unchanged in its access off Parker Rd. For the convenience of employee parking additional spaces have been provided.
- 3- Pedestrians have been provided with a concrete sidewalk for the main (southerly entrance) and ample walking space within each parking area.
- 4- Stormwater and drainage calculations have been prepared in the form of an application for a revised DEC Storm Water Permit to the State of Vermont (3-9015). These calculations call for erosion control in the form of several stone check dams in the drainage outfall as well as an on-site two-bay detention system along the easterly side of the property.
- 5- I have no comment on the historical or natural features of the site other than to say this area of Wilson Industrial Park (Phase 2) was previously a portion of a farm field and pasture.
- 6- I have previously issued an allocation letter for this project. The previous DEC Wastewater permit (WW-5-1497) provided for 2006 gallons per day (gpd) of sewer flow. The revised permit will allow for and additional sewer flow of 187 gpd or a total of 2,193 gpd.

The water consumption will be reduced slightly based on low volume fixtures by 45 gpd for a new total of 1961 gpd. I am not sure this water figure properly accounts for the water use in the refrigeration (cooling) units, however that amount will most likely be minimal.

- 7- Signage – No comment
- 8- Utilization of Renewable Energy Sources – No comment
- 9- Landscaping and screening to mitigate undue impacts to abutting properties – There are minimal landscaping improvements proposed at this time for the site.
- 10- Adequacy of Parking and Traffic Patterns – There will be no real change in the traffic patterns or access to the property. Trucks will continue to utilize the northerly entrance and loading dock area, while most employees will primarily use the southerly parking are and main entrance.

By my count, there were 48 spaces originally. With 3 new ADA spaces near the southerly entrance, 12 new spaces on the south side of the building and 6 new spaces to the north (21 new spaces) there will now be a total of 69 available parking spaces.

Once I have the stormwater calculations and draft Storm Water permit application from Brian, I should be able to complete my comments on this project.

CHRIS VIOLETTE'S SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Exterior additions are minor. Site improvements are more substantial when factoring in the additional parking and the stormwater system. However, the plans are very detailed with regard to the project and DeWolfe has done a good job presenting it. There is no impact to Parker Road or other Town interest. The additional parking will actually improve safety on Parker Road because often cars had to park on the road because there wasn't sufficient parking on-site. The addition of the freezer/cooler will allow more efficiency inside the building helping to improve the distribution of food to the needy.

Because this is warned as a site plan major, a second hearing is required, and I would suggest it be date certain December 12, 2018. I recommend moving it to that date for final review. The below conditions are suggested to be incorporated into the final decision in December.

1. The plans submitted for review by DeWolfe Engineering Associates dated October 18, 2018 (and any subsequent revision) and shown as project 18090 shall be incorporated into this decision and said plans shall be adhered to unless approved by the Town Engineer and Planner. If determined to be significant, further review by the Development Review Board may be necessary at the discretion of Town staff.
2. If the plans are revised after approval, the applicant shall make the Town aware of those revisions. Said revisions shall be reviewed and approved by the Town Engineer and the Planner. If the revisions are determined to be significant, further review by the Development Review Board may be necessary at the discretion of Town staff.

3. Best practice methods shall be used to mitigate erosion as shown of the plans and erosion mitigation measures shall be inspected regularly and repaired if not performing accordingly.

ADDITIONAL COMMENTS:

Mr. Sanborn addressed Agenda Item #2 in which Mr. Hinrichsen substituted in Chris Violette's absence. Mr. Hinrichsen introduced Brian Lane-Karnas from DeWolfe Engineering Associates to explain the project. He also indicated the outline was included in the Board package. Mr. Reaves read the Staff Report prepared by both Mr. Violette and Mr. Hinrichsen. Ms. Valentinetti confirmed there were 48 minimum parking spaces currently, and Mr. Reaves indicated the proposed will allow for 69 spaces. Mr. Sanborn mentioned the stormwater drainage previously addressed in Mr. Hinrichsen's comments. Mr. Hinrichsen reviewed the logistics and some on-site treatment of such. It will exit the property to the roadside drainage. He further stated, it will significantly assist in the drainage that is in the detention area and eliminate potential problems elsewhere. Mr. Hinrichsen has reviewed the plan and indicated it looks good and will also be going before the State for a stormwater permit amendment.

Mr. Lane-Karnas introduced Allison Mindel from the Vermont Foodbank. He presented an overview of the site plan. He explained where the new freezer addition would be as well as the new canopy, open structure, and small garage addition. Mr. Sanborn inquired about the addition of a new loading bay, and Mr. Lane-Karnas affirmed one bay and explained the layout. Ms. Mindel added safety issues currently due to staff climbing on top of trucks to shovel snow off. Hence, the canopy would serve as coverage in inclement weather. Mr. Lane-Karnas reviewed the stormwater system proposal. He indicated currently it is collected in a shallow swale that runs along the back of the building and the northern portion of the property line. He explained the flow of the current system and how it was originally covered under the Phase II General stormwater permit. The new infrastructure is intended to treat the expanded impervious areas. Proposal includes infiltration basin which will infiltrate stormwater back into the ground and mimic natural patterns. Mr. Sanborn asked where the water would be directed. Mr. Lane-Karnas indicated the water generally goes down until it hits the water table, then small amount of mounding. Also, they have evaluated where the groundwater table is, and it is low enough to prohibit problems. The new system will meet the 10-year storm flood standards which are required under the state permit. Its also designed to meet the State's 100-year flood criteria, even though not required. More discussion followed regarding particulars.

Mr. Hinrichsen noted in addition to the infiltration plan there were a series of stone check dams. Mr. Lane-Karnas indicated those would be temporary and will come out after the site is stabilized. In the hydraulic modeling he evaluated the velocity and its well below for grass line swales.

Ms. Valentinetti indicated she is not familiar with the ANR permit process but assumes they do a very thorough review. Mr. Lane-Karnas indicated a very big package was submitted to the State which takes about 30-60 days for review. He said he has been through this process numerous times and does not anticipate any significant comments from the State. Mr. Hinrichsen indicated a copy of the submittal was provided to Mr. Violette and himself.

Mr. Reaves made a MOTION to approve the 1st Phase and move it forward to the December 12, 2018 meeting for Phase II final approval. Mr. Neddo seconded the motion. All in favor; none opposed.

Mr. Sanborn asked the timeframe to complete the new project. Ms. Mindel indicated the project will begin in April 2019 and will take about 6-months.

Mr. Lane-Karnas and Ms. Mindel exited the meeting.

APPEALS OF ZONING ADMINISTRATORS DECISIONS:

Agenda Item 3: Lacroix vs. Chris Violette

Appeal by David and Nancy LaCroix at 38 Goldsbury Woods Road of the Zoning Administrators decision not to take enforcement action regarding the discharge of firearms for target practice on property located at 196 Richardson Road.

Consultant: N/A

Date: November 8, 2018

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, ZONING ADMINISTRATOR

This is a warned public hearing for the purpose of hearing an appeal of my decision as the Zoning Administrator. As Zoning Administrator, pretty much everything I do or don't do is appealable. If I take and action, that can be appealed, if I don't take action, that can also be appealed. In this case, I was asked to take

enforcement action against a group of individuals using property adjacent to the appellant for target practicing using firearms.

Before I go further, I want to be clear on how the proceeding should work for this appeal.

After an appeal of a Zoning Administrators action, a hearing must be held by the Development Review Board within 60 days (24 VSA § 4468). The appeal was filed on September 24, 2018. The 60th day is November 23, 2018. The reason this important is that the appellant can't make the hearing on the 14th but the hearing must be heard before the 23rd. I spoke to both Mark Nicholson (Chair) and Cedric Sanborn (Vice Chair) to discuss options. We determined that the best thing would be to warn the hearing for November 14th, open the hearing, and immediately continue it date certain, December 12, 2018. The appellant was agreeable to this, statutorily it will meet the requirements doing it this way. It is very important that once the hearing is open, no testimony or comments are made, quickly make the motion to continue.

I am including the supporting information which are a series of letters that outline the sequence of events.

Patrick Tessier owns 20 acres of land at 196 Richardson Road (parcel ID 008/011.00). Mr. Tessier has given permission to Jeffery Goddard, 18 Goldsbury Woods Road (parcel ID 008/012.06) and others to shoot firearms at targets located towards the rear of this property, well away from his home. David and Nancy LaCroix, 38 Goldsbury Woods Road (parcel ID 008/012.01) live at the end of Goldsbury Woods Road and are the closest neighbor to where the shooting occurs, approximately 650' away. The LaCroix's and others in the area have found the shooting to be excessive and disturbing. The shooting has occurred for many years and could happen on any day of the week, mostly during daytime hours (as far as I know). The area where the shooting occurs is primitive, there are no structures to shoot from. There are two separate areas where targets are placed the use of which is depended on what kind of firearm is being discharged.

The LaCroix's wrote a letter to me asking that I investigate the activities, believing that there is a violation of zoning occurring. In doing so, they pointed to the Barre Town Zoning Bylaw, Article 2, Table 2.1, under recreational/commercial, where it is shown that outdoor firearms/archery ranges are regulated by the Zoning Bylaw as a conditional use in conservation, earth resource extraction, and low-density residential zones. The bylaw shows no location where there are permitted uses. An outdoor firearms and/or archery range is defined in Article 8 of the Zoning Bylaw as follows: *A private or commercial use of land for the discharge of firearms and/or bows for the purpose of target practice, competition, safety training, and certifications.*

I decided not to take enforcement action. I found it very difficult to interpret what the Zoning Bylaw means and impossible to determine what an outdoor firearms range actually is. Also, what is really meant by private? The use by all accounts isn't commercial (no money is exchanging hands) but what does private really mean as used in the bylaw. In the end, I am unable to determine if the use on the Tessier property is a firearms range or not. Where does that end? Is anybody shooting a gun in violation of the ordinance? What about somebody shooting a bow and arrow? Is that an archery range? I didn't have enough information to take enforcement action that has much greater impact without clear direction and is essentially unenforceable by the Zoning Administrator.

As the LaCroix's point out, I am supposed to interrupt the Zoning Bylaw literally and not use my judgment. However, I was at the meetings that created the provision of the bylaw pertinent to this request and I do not believe the Zoning Bylaw intends to regulate what a person or persons can do on their own land beyond the primary use of the property (in this case it is residential). The Zoning Bylaw does not regulate other loud and potentially intrusive activities such as when you can mow your lawn, run a chainsaw, ride a dirt bike, etc. Combine that with not having definitions to go by, I could not bring enforcement action.

It is now the Development Review Boards responsibility to hear the evidence and make a decision on this matter, is the shooting at targets a shooting range or not?

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

N/A

ADDITIONAL COMMENTS:

Mr. Sanborn briefly reviewed the appeal content and indicated this Agenda item needed to be acted on by November 23, 2018 and continued date certain to December 12, 2018.

A MOTION was made by Mr. Reaves to continue to December 12, 2018, seconded by Ms. Valentinetti. All were in favor; none opposed and so moved.

OTHER:

Mr. Hinrichsen introduced new Administrative Assistant, Ms. Kimball to the DRB Board; further discussion followed.

A MOTION was made by Mr. Reaves to adjourn the meeting. Ms. Valentinetti seconded, and the meeting was unanimously voted to adjourn at 7:35 p.m.

Respectfully submitted,

Julie Kimball

Cedric Sanborn, Chair

Harry Hinrichsen

Mark Reaves

Chris Neddo

Angela Valentinetti

DRAFT