

BARRE TOWN DEVELOPMENT REVIEW BOARD MINUTES FOR DECEMBER 9, 2020

The Barre Town Development Review Board held their regular meeting and public hearings on **Wednesday, December 9, 2020** beginning at 7:00 p.m. by video and tele conference. There was no physical meeting place for this meeting under Covid-19 legislative authority.

MEMBERS

Cedric Sanborn, Chris Neddo, Mark Reaves, Jon Valsangiacomo, Jim Fecteau, and Angela Valentinetti
Alternates: Michael Gilbar

MEMBERS ABSENT:

Charles Thygesen, Sr.

STAFF PRESENT

Chris Violette and Cindy Spaulding

OTHERS PRESENT:

Craig Chase (consultant for Poulin and Bilodeau/Bailey), Renee Bilodeau, Jeff Perkins, Tyler McNaney (Filabot) and Cody Morrison (Executive Director of Barre Area Development)

CHANGES TO THE AGENDA:

Mr. Reaves called the meeting to order at 7:01 p.m. There were no changes to the agenda.

APPROVE MINUTES

November 11, 2020

A motion by Mr. Neddo, seconded by Mr. Valsangiacomo, the Development Review Board approved the minutes of November 11, 2020 as written. Vote 6-0-1 (Reaves abstained).

SUBDIVISION REVIEW

Request by Ellen Poulin for preliminary review of a two-lot subdivision located at 136 Nichols Road; Parcel ID: 009/009.00; Zoned medium density residential: P-20000018.

Consultant: Chase & Chase

Date: December 3, 2020

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is preliminary review of a 2-lot subdivision of land that proposes to take a 26.63-acre parcel of land and create two lots. The subject lot has road frontage on Nichols Road and Farwell Street, and is located in a medium-density residential zone with a minimum lot size of 2.0 acres and 200' of road frontage. The development in this area is mostly residential along with agricultural, industrial, and the Montessori School is close by. Final approval is also warned on this month's meeting agenda.

The proposal calls for the creation of lot 2 which will be 21.63 acres in size and will consist of mostly wooded land and with a couple of exceptions, undeveloped portion of the existing parcel. It will have over 1,400' of

road frontage split between Farwell Street and Nichols Road. The proposed parcel will be encumbered by four existing springs with right belonging to various abutters.

As mentioned, lot 2 is mostly undeveloped but there is a small building noted as a barn and two outbuildings that belong to abutter Hayward that happen to be on this parcel.

Lot 1 will decrease in size to 5 acres with an existing single-family dwelling and detached garage. Lot 1 will retain 604' of road frontage along Nichols Road. Onsite water and sewer serve lot 1.

The applicant has not indicated intent with this new parcel, there have been some indications that it will be sold but no onsite septic system has been designed to my knowledge so it is likely to stay undeveloped, at least for now.

As proposed, both lots conform to both minimum lot standards within the Zoning Bylaw and requirements of the Subdivision Ordinance.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

This is a simple subdivision request that meets both Zoning and Subdivision regulations. No new development is planned. I recommend preliminary approval and move this request to final.

MEETING DISCUSSION:

Mr. Valsangiacomo recused himself as there is a conflict of interest.

Mr. Gilbar (alternate) joined the board.

Mr. Violette announced Ms. Poulin has requested a continuance for the preliminary review and final hearing. There is an abutter that has structures on the Poulin land that needs to be included in a boundary line adjustment.

On motion by Ms. Valentinetti, seconded by Mr. Neddo, the Development Review Board continued to January 13, 2021, the request by Ellen Poulin for a preliminary review of a two-lot subdivision located at 136 Nichols Road, PID: 009/009.00; Zoned medium density residential: P-20000018. Vote 6-0-0.

WARNED PUBLIC HEARING

Subdivision

Request by Ellen Poulin for final review of a two-lot subdivision located at 136 Nichols Road; Parcel ID: 009/009.00; Zoned medium density residential: P-20000018.

Consultant: Chase & Chase

Date: September 22, 2020

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a warned final hearing for review of a 2-lot subdivision of land that assume preliminary approval was granted earlier on this same agenda. Below is the recap from preliminary review.

The applicant is proposing to take her existing 26.63-acre parcel of land and create two lots. The subject lot has road frontage on Nichols Road and Farwell Street, and is located in a medium-density residential zone with a minimum lot size of 2.0 acres and 200' of road frontage. The development in this area is mostly residential along with agricultural, industrial, and the Montessori School is close by.

The proposal calls for the creation of lot 2 which will be 21.63 acres in size and will consist of mostly wooded land and with a couple of exceptions, undeveloped portion of the existing parcel. It will have over 1,400' of road frontage split between Farwell Street and Nichols Road. The proposed parcel will be encumbered by four existing springs with right belonging to various abutters.

As mentioned, lot 2 is mostly undeveloped but there is a small building noted as a barn and two outbuildings that belong to abutter Hayward that happen to be on this parcel.

Lot 1 will decrease in size to 5 acres with an existing single-family dwelling and detached garage. Lot 1 will retain 604' of road frontage along Nichols Road. Onsite water and sewer serve lot 1.

The applicant has not indicated intent with this new parcel, there have been some indications that it will be sold but no onsite septic system has been designed to my knowledge so it is likely to stay undeveloped, at least for now.

As proposed, both lots conform to both minimum lot standards within the Zoning Bylaw and requirements of the Subdivision Ordinance.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

This is a simple subdivision request the meets both Zoning and Subdivision regulations. No new development is planned at this time. With consideration to the recommend conditions below, I recommend final approval be granted for this 2-lot subdivision of land.

- 1) 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.
- 2) 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.
- 3) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 4) 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.
- 5) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

MEETING DISCUSSION:

Mr. Valsangiacomo recused himself.
Mr. Gilbar (alternate) joined the board.

Mr. Violette reiterated the applicant has asked for a continuance for the final review hearing.

On motion by Ms. Valentinetti, seconded by Mr. Neddo, the Development Review Board continued to January 13, 2021, the request by Ellen Poulin for final review of a two-lot subdivision located at 136 Nichols Road, PID: 009/009.00; Zoned medium density residential: P-20000018. Vote 6-0-0.

APPLICANT: **Bilodeau & Bailey/ Boundary line Adjustment**

Request by Jonathan & Renee Bilodeau and Brian & Shannon Bailey for a boundary line adjustment located at 330 Phelps Rd and Sunset Rd, Parcel IDS 010/041.00 and 010/042.00; Zoned low density residential; P-20000016 & P-20000017.

Consultant: Chase & Chase

Date: December 4, 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 low-density residential zone. Low density residential zoning requires a minimum lot size of two acres and 200' of road frontage.

The joint applicants own abutting parcels of 17.07 acres (Bilodeau) and 64.45 acres (Bailey). The Bilodeau parcel is developed with a single-family residential and outbuildings with over 1,400' road frontage along Phelps Road. The Bailey parcel is undeveloped (except for a garage, home parcel is across the street) with over 1,000' of road frontage along Sunset Road.

The Bilodeau's onsite septic system and a garden are located on the Bailey parcel. The proposed boundary line adjustment of .89 acres will allow both the septic system and garden to be on land owned by the Bilodeau's instead of the current easement that reserves their right to the septic system.

The Bilodeau's property increases to 17.96 acres and the Bailey's property will decrease to 63.56 acres. No road frontage is impacted and no buildings setbacks to be concerned about. Both lots remain conforming to the Zoning Bylaw and Subdivision Ordinance.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Simple relocation of boundary line to erase the need for an easement, no new parcel is being created.

With consideration to the conditions below, I recommend approval of this boundary line adjustment, moving .89 acres of land from land owned by Brian and Shannon Bailey, to land owned by Jonathan and Renee Bilodeau.

- 1) To complete this boundary line adjustment, a deed conveying the .89 acres from Bailey to Bilodeau 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 17.96 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.

MEETING DISCUSSION:

Mr. Gilbar (alternate) joined the board.

Mr. Violette provided his staff report as above and recommends approval. Mr. Chase followed up, that the existing 50' easement from Phelps Road in favor of the Bailey's on the Bilodeau property that would be removed as part of the BLA. There would be a 50' right-of-way on the northerly and southerly property lines of the Bilodeau's in favor of the Bailey's.

On motion by Mr. Fecteau, seconded by Mr. Valsangiacomo, the Development Review Board approved a request by Jonathan & Renee Bilodeau and Brian & Shannon Bailey for a boundary line adjustment located at 330 Phelps Rd and Sunset Rd, Parcel IDS 010/041.00 and 010/042.00; Zoned low density residential; P-20000016 & P-20000017, subject to conditions 1-6. Vote 7-0-0.

APPLICANT: Perkins (dba: East Barre Auto Sales)/ Variance

Request by Jeffrey Perkins (dba: East Barre Auto Sales) for a 21' variance of Article 2, table 2.2 (dimensional standards) to allow a 4' setback (25' required) for the construction of a commercial storage building attached to existing building located at 864 East Barre Road; Parcel ID: 006/057.00; zoned Highway Commercial; V-20000007.

Consultant: None

Date: December 4, 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 side setback.

On September 21, 2020 I wrote a letter to Mr. Perkins advising him that I had noticed that an addition had been constructed to his existing commercial building at 864 East Barre Road. I pointed out that a permit had not been received for the work and certainly one had not been issued. Mr. Perkins contacted me and said that he had submitted a permit application in July. The Zoning Office had no record of receiving a permit application from Mr. Perkins. Regardless, I questioned Mr. Perkins as to why he would have begun construction without a permit and even if he had submitted an application, he had not received a permit and I would have expected to him to call to find out the status of his permit before beginning construction.

Mr. Perkins submitted a permit application shortly after my September 21st letter to construct a 52' x 20' addition to his existing commercial (car sales and repair) business. I sent the application back to him on October 1, 2020 because it was incomplete. The addition sketch and identification of property line setbacks were insufficient for me to make a decision on compliance. Shortly thereafter Mr. Perkins resubmitted his application with an updated sketch and setback showing a right-side property line setback of 4'. A highway commercial zone requires at a minimum a 25' property line setback. This means, the building is 21' out of compliance.

Based on the setback being only 4' from the right-side property line I was forced to deny the permit which I did with my letter dated October 30, 2020. I told Mr. Perkins that at this point he had two options, to appeal my denial or to ask for a variance. That is what brings Mr. Perkins before the DRB this month to seek a variance.

Along with Mr. Perkins variance application in which he answers all the variance criteria in the affirmative, he submitted narrative. His narrative seems to indicate justification for the variance request of 21' being because he operates an existing "long term" business and that the addition doesn't change any of the dynamics of his lot, his building, neighboring businesses or the Town of Barre. He notes that the addition is a significant benefit to his business. None of the actual variance criteria below are answered to justify a variance.

It should also be noted that Mr. Perkins submitted a letter from the impacted abutter Rick Quero, owner of the car wash business next door.

Below are the five variance criteria as you all know much be answered in the affirmative and the Development Review Board must agree that the property is impacted by them.

- 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?
- 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?
- 3) Is it true that no unnecessary hardship was created by the applicant?
- 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?
- 5) Is it true the variance represents the minimum deviation from regulation and plan to provide relief?

SUMMARY, RECOMMENDATIONS & CONDITIONS:

This is going to be a tough one for me to recommend approval of and for the DRB to issue. I do not believe any of the REQUIRED criteria are met with this application. Yet, the building is there, built without a permit.

I would say let the applicant make his case and go from there. Beyond that the DRB may want to continue and seek legal advice as to what the next step might be, unless the DRB finds for the applicant and issues the variance.

MEETING DISCUSSION:

Mr. Gilbar (alternate) joined the board.

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

Mr. Perkins stated the purpose of building the addition was for extra vehicle storage; an inside area where potential buyers could view vehicles, especially in the winter months. He built the addition to be aesthetically appropriate for the area and he had received letter from Rick Quero of the car wash and abutting property owner indicating it was okay. He would do the same for Mr. Quero as they both pay taxes.

Mr. Reaves asked the board members if they had any questions. (*Note: these are not verbatim, only an overview of questions and answers.*)

Mr. Gilbar inquired if Mr. Perkins was aware there were zoning ordinances, that required an application, and a permit is required?

Mr. Perkins responded he was not aware of the distances, and he had submitted a permit and he did not get a response, he wanted to get the structure up before winter . He felt it was a benefit to all.

Mr. Sanborn asked, if it was a stick built addition with poured concrete and frost wall? Mr. Perkins answered, yes, he had poured concrete and a 4' frost wall on the east side. He did it the right way, so it looks the same as the other side of the building.

Mr. Violette asked if Mr. Perkins did the project himself or did he have a contractor?
Mr. Perkins stated he did the project himself.

Mr. Violette asked, how confident was Mr. Perkins with current the 4' setback that he showed on the building permit application? Is there any chance that the addition may be located on the abutting property?
Mr. Perkins stated no. He has looked at the pins, spoke with the abutting property owner and checked it out.

Ms. Valentinetti asked if there was any kind of engineering done?
Mr. Perkins answered, no it is a basic building.

Mr. Violette referred to the drawing on the building permit and asked if the 2' setback was from the front of the existing building?
Mr. Perkins answered yes, it was like the other side. It was to make the building uniform to match the other side.

Mr. Gilbar asked, if there was something about the property that would have prevented from staying within the 25' setback?
Mr. Perkins state he was not aware of a 25' setback.

Mr. Fecteau asked, how many display parking spaces would have been lost if the addition would have been built in another location on the property?
Mr. Perkins answered, he would have lost twelve display spots for vehicles.

Mr. Fecteau asked how many vehicles are displayed total?
Mr. Perkins stated about seventy vehicles

Mr. Fecteau asked, twenty percent of outdoor display vehicle inventory would have been lost if building was place elsewhere?
Mr. Perkins confirmed.

Mr. Valsangiacomo expressed his concerns that the building was bult without a permit and that Mr. Perkins did not speak with Mr. Violette. If he (Perkins) had called, he would have been provided information on the setbacks. Mr. Valsangiacomo further stated that variances are given in certain situations. Everyone has to be treated the same no matter a business or homeowner—cannot give special privileges to a business over a homeowner. Mr. Valsangiacomo went on to say it could cause legal ramifications. He provided scenarios of various questions that are posed to an applicant during perspective meeting. He is concerned with the building was built without a permit and coming to the DRB after the fact, as the questions could be asked but not answered with no action. The questions asked and criteria are based on state law.

Ms. Valentinetti has the same concerns as Mr. Valsangiacomo, especially with structure built without a permit. She provided an example of a denied variance request. She is also concerned that Mr. Perkins was

aware that a permit was needed. There were potentially other locations on the property for placement of the structure.

Discussion ensued amongst DRB members with regards to asking Mr. Perkins the criterial questions and if the answered in the affirmative, can he explain why. The criteria questions are in legal State Statute which has to be followed by the DRB. It was suggested if another alternative such as a boundary line adjustment could be considered.

It was suggested to have the Town Attorney look at this and offer guidance to the board on whether there are any alternatives.

On motion by Mr. Sanborn, seconded by Ms. Valentinetti, the Development Review Board moved to continue the request by Jeffrey Perkins (dba: East Barre Auto Sales) for a 21' variance of Article 2, table 2.2 (dimensional standards) to allow a 4' setback (25' required) for the construction of a commercial storage building attached to existing building located at 864 East Barre Road; Parcel ID: 006/057.00; zoned Highway Commercial; V-20000007, to its January 13, 2021 meeting. Vote 7-0-0.

OTHER

- Discuss the possibly and feasibility of moving the meeting start time to something earlier for future meetings.

Discussion ensued regarding changing the start time of the DRB meetings to 6:00 or 6:30 pm. Mr. Fecteau suggested to change to an earlier time. Ms. Valentinetti raised concerns whether she could make a 6:00 or 6:30 p.m. meeting and there was discussion if applicants or public attendees would be able to make an earlier meeting time. Consensus amongst the members to stay with the 7:00 p.m. meeting.

- Barre Area Development (BAD)

Mr. Violette introduced Cody Morrison, new executive director to Barre Area Development. Mr. Morrison mentioned that he had been working for BAD for a few months and was a member of the community as well. He is looking forward to working with the town on future projects.

- Conceptual Proposal

Mr. Morrison then introduced Tyler McNaney owner of Filabot currently located in the former Jockey Hollow building off Route 14.

Mr. McNaney explained Filabot is a small company created in 2011 in Randolph VT. It currently manufactures 3-D printing plastic recycling machines and large form 3-D printers. He has been looking for a property to expand the business from its current location.

Mr. Violette mentioned that Filabot has grown to eight employees and Mr. McNaney is looking at a perspective property in the town for this expansion. He further explained the

process from site plan review to town and state permits before breaking ground.

Members of the DRB welcomed the conceptual idea for the expansion.

FOLLOW-UPS

No follow ups

ROUNDTABLE

No round table discussion

ADJOURN!

*A motion by Mr. Gilbar, seconded by Mr. Neddo, the Development Review Board adjourned at 8:00 p.m.
All voted in the affirmative.*

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

Mark Reaves, Chair

Jon Valsangiacomo

Angela Valentinetti

Chris Neddo

Cedric Sanborn

Michael Gilbar (Alternate)

Jim Fecteau