

# BARRE TOWN DEVELOPMENT REVIEW BOARD

## MINUTES FOR DECEMBER 12, 2018

The Barre Town Development Review Board held a public meeting & hearings on **Wednesday, December 12, 2018** beginning at 7:00 p.m. at the **Municipal Offices**, 149 Websterville Road, Websterville, Vermont.

### **MEMBERS PRESENT:**

Chris Neddo, Mark Nicholson (Chair), Mark Reaves, Cedric Sanborn, Angela Valentinetti, Jon Valsangiacomo

### **MEMBERS ABSENT:**

Charles Thygesen, Sr.

### **STAFF PRESENT:**

Julie Kimball, Chris Violette

### **OTHERS PRESENT:**

Jay Carr, Craig Chase, Brian Lane-Karnas, Pete Kelly, David and Nancy Lacroix, Raymond and Linda LaPerle, Denise Lavallee, Bryan D. Long, Paul J. Malone, Jason Maring, Walter Morse, Jeff Olesky, Marge Pajet, Helen Sabens, Lew Stowell, Roland Tessier

### **CHANGES TO THE AGENDA:**

Mr. Violette asked that the "OTHER" section of the Agenda (one item) be presented after Site Plan – Item 1 due to the presenter being one in the same, and in the interest of his time. Mr. Valsangiacomo indicated he would need to step out for both (One Bridge Street and Fecteau).

### **APPROVAL OF MINUTES:**

*Mr. Reaves made a MOTION to approve the minutes from October 10, 2018. Mr. Neddo seconded the motion. All were in favor of the minutes except for one minor adjustment made directly to the minutes by Mr. Sanborn.*

*Mr. Reaves made a MOTION to approve the minutes from November 14, 2018. Ms. Valentinetti seconded the motion, and all were in favor of such.*

*Mr. Valsangiacomo and Mr. Nicholson abstained from the aforementioned approval of meeting minutes.*

### **WARNED PUBLIC HEARING:**

Agenda Item – **Subdivision 1: One Bridge Street, LLC - BLA**

**Request by One Bridge Street, LLC for boundary line adjustment of 0.72 acres, being transferred from the One Bridge Street property to the subject lot. The property is located off South Barre Road involving Parcel ID: 030/027.00 and 031.017.02; Zoned Highway Commercial; P-1800026, P-1800025, respectively.**

Consultant: Vermont Mapping and Survey Co., LLC / Catamount Consulting Engineers

Date: December 6, 2018

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

This is a warned public hearing for the purpose of a boundary line adjustment in accordance with the Barre Town Subdivision Ordinance section 305. The applicant is proposing to move a boundary line between two

parcels that he owns. The subject parcels are located in a highway commercial zone which requires a minimum lot size of 1.0 acres and 200' of road frontage.

The applicant owns two parcels along South Barre Road (VT Rt. 14) in South Barre. As shown on the supplied survey map, lot 1 is a 2.83-acre parcel of land with road frontage on both South Barre Road and Bridge Street. There is ample road frontage on both roads. Lot 1 is developed with four commercial storage buildings. Lot 2 is an undeveloped 2-acre parcel of land with well over 200' of road frontage along South Barre Road. Access to lot 1 is via Bridge Street, access to lot 2 is from South Barre Road. The applicant has received a letter of intent from Vermont Agency of Transportation for the access to lot 2.

The applicant is proposing to alter the boundary line between the two parcels moving the line South. Lot 1 will lose .72 acres and 120' of road frontage along South Barre Road. Lot 1 reduces to 2.11 acres. Lot 2 gains the .72 acres and road frontage and enlarges to 2.72 acres. Both lots remain conforming after the BLA.

No building setbacks are negatively impacted by the adjustment. However, lot 1 does have an existing stormwater management system on site and part of the discharge will now be on lot 2. I would think an easement should be created for any of the exiting stormwater impacts from lot 1 onto lot 2.

I'm not sure what the percent of lot coverage reduces to on lot 1, I've asked Catamount for that information. Lot 1, as mentioned is developed with the four storage buildings. Much of the area also has paved parking and drive areas. Because this lot pre-exists the current Zoning Bylaw, the only coverage this lot is subject to are the buildings.

The quit claim deed will be required, conveying the .72 from lot 1 to lot 2.

#### **SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

Both lots remain conforming, pending confirmation of the percent of lot coverage, and the impacts minimal as a result of the BLA. Currently, the applicant remains the owner of both parcels. The BLA will allow for development on lot 2, at least more than what it is able to with its current configuration. With consideration to the conditions below, I recommend approval of this request for a boundary line adjustment, transferring .72 acres from lot 1 (parcel ID 030/027.00) to lot 2 (parcel ID 031/017.02).

- 1) Easement(s) shall be created regarding any impacts from the existing stormwater management system on lot 1 in favor of lot 2.
- 2) To complete this boundary line adjustment, a deed conveying the .72 acres from lot 1, parcel ID 030/027.00 to lot 2, parcel ID 031/017.02 must be completed within 90 days. Said deed must also clearly state that this land is merged, combined as one lot of 2.72 acres.
- 3) 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.
- 4) 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.
- 5) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.

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

**ADDITIONAL COMMENTS:**

Mr. Nicholson indicated this request was just for the lot line adjustment. Mr. Olesky, Civil Engineer for the project introduced himself and indicated that Mr. Carr, the property owner, was also in attendance. He presented a plan of the lot outline on the easel for participants to view and explained the proposed changes which would move the property line approximately 15 feet to provide more development options.

Mr. Stowell, an abutting property owner, inquired about consequences in the future relative to the drainage pond if the two lots were sold separately. Mr. Nicholson reiterated this request was to only change the property line not the existing storage structure. Mr. Reaves clarified Mr. Stowell's point in that the pond currently exists with Lot 1, and the boundary will move and not be on Lot 1. What if someone buys Lot 2 and indicates they can't use the drainage pond. Mr. Violette indicated the entire plan is subject to State permitting. Mr. Olesky also stated there is explanation with regards to all the drainage, and ultimately a new system would be in place to handle both lots adequately.

*Mr. Reaves moved to make a MOTION to accept the requested boundary line adjustment with the seven conditions listed by Mr. Violette. Mr. Sanborn seconded the MOTION. All were in favor and the lot line adjustment was approved.*

At this time Agenda Item **H. OTHER** was interjected.

**Consider request by Fecteau Residential to replace concrete curbing with asphalt curbing for the previously approved 47-lot subdivision (90-unit PRD) approved February 15, 2018 (P-17000003).**

Consultant:

Date: December 7, 2018

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

This item is on your agenda this month because the Selectboard has asked the DRB to weigh in on it. As you can see from Jim Fecteau's email, plans subsequent to DRB approving the 90-unit PRD did not show curbing along the road. But after the plans were completed for the stormwater management, curbing was added to eliminate the need for ditches along the roadway. Ditches are not preferred by the Fecteau's because they believe they'd be unsightly. Concrete curbing was added to eliminate the need for the ditches. The highway code leaves it up to the Planning Commission to determine whether curbing is necessary in some areas. This is basically falling to the DRB now instead of the Planning Commission because it really means the body reviewing the project and it isn't the Planning Commission anymore.

There are different methods of providing curbing and that is what the Fecteau's are looking for direction on. Concrete is what ended up on the plans, but they would like the flexibility to use asphalt curbing instead. A detailed sheet of asphalt curbing is included in your packets.

I am hoping to have input from the Town Engineer and Highway Superintendent before the meeting. I'm not sure how much expertise the DRB has with regard to the best curbing but apparently the Selectboard has left it to the DRB to decide. Harry had mentioned a type of curbing called cape cod curbing which is asphalt and is close to the detail provided. I think the biggest concern between asphalt and concrete is maintenance.

**ADDITIONAL COMMENTS:**

Mr. Olesky reviewed the amended plan which included a cape cod diagram which allows for storm drainage. The new curbing will be asphalt versus the original design using concrete. Mr. Nicholson indicated it is a low-profile curb and he is comfortable with it. Mr. Violette indicated Town Engineer, Mr. Hinrichsen stated the asphalt will allow for easier repairs from winter damage. Further discussion was held regarding longevity and sustainability.

*Mr. Nicholson made a MOTION to approve the request for the amended plan. Mr. Sanborn seconded the motion and so voted unanimously to approve.*

Mr. Valsangiacomo re-entered the meeting as a Board member.

**WARNED PUBLIC HEARING (continued):**

Agenda Item – **Subdivision 2: Morse 2-lot subdivision**

**Request by Walter Morse for minor 2-lot subdivision approval, creating 1 new 2.0-acre lot, on land located at 221 Jensen Road. Parcel ID: 008/001.00; Zoned Low-Density Residential; P-18000027.**

Consultant: Chase and Chase Surveyors & Septic Designers, Inc.

Date: December 6, 2018

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

This is a warned public hearing for the purpose of a 2-lot subdivision of land in accordance with the Barre Town Subdivision Ordinance. The subdivision proposal being only two lots has been warned so that both preliminary and final can occur on the same agenda. The subject parcel is 215.8 acres of which only 110.3 is in Barre Town and is located in a low-density residential zone which requires a minimum lot size of 2.0 acres when utilizing onsite septic. The road frontage requirement is 200'.

The applicant is proposing to create one new developable lot. Lot 2, as shown on the submitted plans, is proposed to be right at the minimum lot size of 2.0 acres. Lot 2 will have 251' of road frontage along Jensen Road. A residential use is being proposed on lot 2 with a 2-bedroom single-family dwelling. A state permitted onsite septic system is proposed along with a drilled well for water supply. Access will be from Jensen Road using the proposed lots road frontage. The remaining land, lot 1, reduces to 108.3 in Barre Town and will have significant road frontage along both sides of Jensen Road.

The plans submitted appear to be inaccurate with regard to the subject lot's acreage. Plans show that there is 113 acres in Barre Town but according to assessing records it should be 110.3. The lot is combined with another lot owned by the applicant that is 2.8 acres in size and that acreage is likely being reflected in the overall size of the lot. Plans should be adjusted accordingly.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

This is a simple subdivision and with consideration to the conditions below, I recommend approval of this request for a two-lot subdivision of land creating one new developable lot of 2.0 acres.

- 1) Final plans corrected to show accurate land size.
- 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 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) 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.

**ADDITIONAL COMMENTS:**

Mr. Violette indicated this was for both the preliminary and final warned public hearing requirements. He reviewed the particulars and indicated he did have questions about the acreage being shown. He consulted with Chase & Chase to verify the actual acreage which includes the Morse homestead, with the remaining land being 108.3 acres. He indicated Chase & Chase are submitting amended plans to reflect the accurate acreage. Mr. Chase added that the wastewater permit has already been issued.

*Mr. Sanborn made a MOTION for final approval of the minor 2-lot subdivision, with the six conditions listed by Mr. Violette. Ms. Valentinetti seconded, and the request was unanimously approved.*

Mr. Valsangiacomo stepped away from his board position once again due to conflict of interest.

Agenda Item – **Site Plan 1: **One Bridge Street, LLC****

**Request by One Bridge Street, LLC for major site plan approval for proposed construction of approximately 26,285 S.F. cold storage unit space via six new storage unit buildings. Also, proposed 1,944 S.F. office building to serve as administrative offices for six employees located off South Barre Road, Parcel ID: 031/017.02; Zoned Highway Commercial; SP-1800006.**

Consultant: Catamount Consulting Engineers, LLC

Date: December 6, 2018

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

This is a warned public hearing for the purpose site plan review in accordance with the Barre Town Zoning Bylaw, Article 5, section 5.6. The request is being reviewed as a minor site plan application. The applicant is

proposing the construction of 7 new buildings totaling 28,229 sf, for the purpose of (except one) commercial cold storage. The other building is being proposed for office use by the applicant. The subject parcel is 2.72 acre in size (assuming the boundary adjustment is approved on this same agenda) and is located in a highway commercial zone which requires a minimum lot size of 1 acre. The parcel is currently undeveloped except for previously approved filling.

The applicant is proposing significant upgrades to the parcel. As mentioned, 7 new buildings are being proposed. Six of the buildings will be cold storage buildings like the applicant's 1 Bridge Street property adjacent to the South. The buildings range in size 1,944 sf to 9,600 sf. The buildings by their nature are narrow and long and are of various sizes. Two of the buildings will be 30 wide and 200' long. The others will be shorter, and three buildings are less than 25' wide.

The subject parcel received a site plan approval in February of 2017 (SP-17000002) to fill the property bringing the grade up to a more usable elevation. Since 2017 several thousand yards of material have been dumped at this location. Now the applicant is proposing constructing the storage units.

The plans submitted are very detailed with what is being proposed. In addition, Catamount has submitted a narrative outlining the proposal. In addition to the 7 buildings, a significant stormwater management plan is being shown using a combination of stone and grassed lined ditches, underground piping, and what they are calling a constructed wetland. Significant grading and sloping is being shown. Final discharge of stormwater is being shown in the most northerly corner of the parcel, basically where the water discharges now towards the Stevens Branch River. It appears that the stormwater treatment infrastructure on the applicant's adjacent parcel is being altered as well and incorporated into this project.

While the stormwater management is significant, a State stormwater review and permit will be needed so as usual the DRB doesn't likely have to spend a lot of time on this if you choose not to. However, it is important to be aware especially as it may impact adjacent property owned by the City of Barre.

Other improvements being shown are the access to the lot via a driveway from South Barre Road (VT Rt. 14). A State of Vermont Agency of Transportation letter of intent for access approval has been issued. The plans call for a stoned lined apron of 50' to be constructed during construction. I assume the same entrance will be used after construction, but it will be reduced to 30' and paved. There is other significant paving as well like the 1 Bridge Street property, all the buildings are accessed via paved drives.

A landscaping plan is shown, in the consultant's words, it is generally consistent with what was done at the 1 Bridge Street property, 14 new trees are being proposed.

Lighting is being proposed with 62 building mounted lights that will be down casted and shielded.

While 6 of the 7 buildings are proposed to be for commercial storage, the other is shown to be used as office space and equipment storage for the applicant. This building I assume will be heated and is proposed to have water and sewer connections. Barre City would be the water supplier via a city water main that is located on the parcel. The plans show a Barre Town sewer connection via the Town sewer line.

Parking will not adhere to the required parking spaces as called for in the Zoning Bylaw. However, parking for this type of use isn't really addressed in the bylaw anyway. During discussion for the 1 Bridge Street project, it was determined that the nature of the use doesn't show a need for significant parking as most parking will be done at the renter's unit and for short durations. The office building will have 6 dedicated parking spots. The parking requirement for this building is ambiguous because it isn't adequately addressed in the bylaw but again, due to the nature of the use, no long-term parking would be expected except maybe by the applicant and given all the other places to park, 6 parking spaces should be more than enough.

The last significant thing of note is that given the lay of the land there will be slopes that require not only retaining walls and stoned lined banks, there will also be guardrails in several location. Overall this isn't likely a problem, but I have found that banks etc. facilitate the dumping of unwanted material. I'd ask for signs to be placed that will hopefully discourage illegal dumping.

### **SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

There is quite a bit going on with the proposed project, but Catamount Consulting has done a nice job showing the improvements including an erosion prevention and sediment control plan. The stormwater management and site grading is significant but nothing happens if the project doesn't receive state approval. A detailed discussion on how the stormwater is being treated including how it impacts the 1 Bridge Street property and the property of Barre City would be helpful. Overall, I believe the project meets the requirements of the site plan review process and unless something else comes up that I'm not aware of I recommend approval of this request subject to the suggested conditions below.

- 1) Plans submitted by Catamount Consulting Engineers entitled "proposed improvements VT Rt. 14" for One Bridge Street dated July 26, 2018 (with revision on October 25, 2018) project number 18026 shall be incorporated into this decision and adhered to.
- 2) If the approved plans require amendment due to State permitting requirements or other circumstances, the amendments shall be reviewed by the Planning Director for significance. If determined to be significant, Development Review Board action may be required.
- 3) The applicant shall be responsible for advising the Planning Office if the plans are revised for any reason.
- 4) Best practice methods shall be used to mitigate erosion as shown on the plans and erosion mitigation measures shall be inspected regularly and repaired if not performing accordingly.
- 5) Signs shall be placed along the guardrails that deter illegal dumping.
- 6) A stop sign shall be placed at the exit of the property before entering South Barre Road.

### **ADDITIONAL COMMENTS:**

Mr. Violette indicated this is a warned public hearing. He reviewed his notes contained herein and noted that the property is now 2.72 acres after the earlier Bridge Street, LLC Boundary Line Adjustment approval (reflected in the minutes).

Mr. Olesky, representing Catamount Consulting Engineers, provided a recap of existing and proposed conditions. He reviewed the stormwater treatment options in detail and what the State intends to do along Route 14. Further discussion ensued regarding drainage features, abutting property owners, landscaping and lighting. Mr. Olesky indicated the State would review the stormwater conditions and the State permit would govern this. Mr. Nicholson asked about pavement versus gravel. Mr. Olesky indicated the State does not differentiate, but from an Engineering standpoint, certainly less sediment with pavement and cheaper to maintain.

Mr. Carr indicated he would indeed secure cameras to discourage illegal dumping over the banks.

***Mr. Sanborn made a MOTION for final approval of the site plan, with the six conditions listed by Mr. Violette, for One Bridge Street, LLC for construction of storage units and office building. Mr. Reeves seconded the motion, and the vote was unanimous in the affirmative.***

Mr. Carr and Mr. Olesky exited the meeting, while Mr. Valsangiacomo returned to his Board position.

Agenda Item – **Site Plan 2: Vermont Foodbank – 2<sup>nd</sup> hearing Site Plan**

**Second hearing 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 33 Parker Road in the Wilson Industrial Park. Parcel ID: 006/034.06; Zoned Industrial; SP-18000005.**

Consultant:

Date: December 6, 2018

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

This is the 2<sup>nd</sup> of two required public hearings. This second hearing was announced date certain to this meeting. Below is my staff write-up for the first hearing. There were no significant issues found or discussed during the first hearing on November 14, 2018. The board received an overview of the project from both Brian Lane-Karnas from DeWolfe Engineering and Allison Mindel from the Vermont Foodbank. For details of that discussion, please see the minutes of November 14, 2018.

Other than Mr. Lane-Karnas and Ms. Mindel, there were no other participants. I received no public inquiries about the project.

If the board continues to be comfortable and feels the requirements of site plan approval have been met, a motion to approve can be made finalizing the approval. No further action other than the standard Zoning Permits is required.

The purpose of this 2<sup>nd</sup> hearing is for 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.

#### **SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

This is a good project with detailed site plans in place. With consideration to the conditions below, I recommend final approval of the Vermont Foodbank site plan to construct two additions (4,950sf and 676sf), a new loading dock door, a canopy over the loading dock, parking improvements, and onsite stormwater management plans.

- 1) Plans submitted by DeWolfe Engineering Associates entitled Vermont Foodbank Additions dated October 18, 2018 (September 2018 for the stormwater plans) project number 18090 shall be incorporated into this decision and adhered to.
- 2) If the approved plans require amendment due to State permitting requirements or other circumstances, the amendments shall be reviewed by the Planning Director for significance. If determined to be significant, Development Review Board action may be required.
- 3) The applicant shall be responsible for advising the Planning Office if the plans are revised for any reason.
- 4) 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. Violette reviewed his notes and indicated nothing has changed from the 1<sup>st</sup> hearing. He reiterated it is a good project that serves a good purpose.

Mr. Lane-Karnas from DeWolfe Engineering distributed a new site plan to the Board members. He noted minor changes from the previous plan to include building egress lighting consistent with building codes allowing better illumination.

***Mr. Reaves made a MOTION for final approval of the 2<sup>nd</sup> hearing request site plan with the four conditions listed by Mr. Violette. Mr. Sanborn seconded the motion, and all voted in favor.***

Agenda Item – **Conditional Use 1: Lavallee - CUP**

**Conditional Use Request by Denise Lavallee to consider a motor home for residing in until the permanent structure is complete on property located at 500 Upper Prospect Street. Parcel ID: 005/112.00; Zoned Low Density Residential; CUP-18000007.**

Consultant:

Date: December 6, 2018

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

This is a warned public hearing for conditional use review for the purpose of reviewing and possibly allowing a camper to be used for temporary residential purposes. The subject parcel is in a low-density residential zone. Adjacent uses are not in close proximity and are residential in nature with some light industry as well.

The applicant recently purchased this undeveloped 30 acre that has road frontage on both Morrison Road and Upper Prospect Street. The parcel is predominantly wooded but does have an open area to the North at the intersection of the two aforementioned roads. The applicant has plans to build a dwelling on this parcel, when, I'm not exactly sure. In the meantime, the applicant is hoping to place either a tiny home or a camper on the property to live in. A tiny home would be allowable without board action, a camper needs a conditional use permit.

A septic system had been designed but as I understand it was insufficient and is in the process of being redone. A State Wastewater permit will be obtained, and the applicant is proposing to construct the onsite septic system and use that for wastewater disposal for the camper. A drilled well will be used for potable water.

The parcel doesn't currently have a driveway, but the applicant has secured a permit for one. The driveway comes onto the parcel via Upper Prospect Street road frontage nearly across from Jensen Road. The camper location will be somewhere in the open field near the septic system.

Electricity will be supplied by Green Mountain Power.

Article 4, section 4.4 limits a camper being used for residential purposes beyond 14 days. However, residential use can be allowed if the DRB reviews the project under a conditional use permit. The most significant concern related to using the camper for more than 14 days is waste water disposal. In this case, the applicant is investing a fair amount of money to provide the camper with everything it needs to provide waste water disposal. The following general and specific standards are enabled through 24 VSA § 4414 (3) (A) and 4414 (3) (B)

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

**This project is small in nature and will have no greater impact than if a conventional dwelling was constructed. Little impact to any of the community facilities is expected.**

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;

**Some might argue that using a camper for residential purposes instead of a wood framed structure is out of character with the area and that might be true if the intent was to be long term. The intent here is for this camper to not be long term and the applicant will build a conventional house at some point. When that point is, I'm not entirely sure and should be discussed during the public hearing. A condition may be necessary to ensure it doesn't become permanent.**

**Short term, I do not see a negative effect on the character of the area.**

3. Traffic on roads and highways in the vicinity;

**Equal to a conventional single-family dwelling little impact to the Town highway network is anticipated.**

4. Bylaws and ordinances then in effect;

**Barre Town Zoning Law allows the use after issuance of a conditional use permit.**

5. Utilization of renewable energy resources.

N/A

6. Minimum lot size;

**Minimum lot size for this zone is 2.0 acres. Parcel is 30 acres in size.**

7. Distance from adjacent or nearby uses;

**The closest use is an auto parts warehouse classified as light industrial. There are residential uses about less than 1000' away.**

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

N/A

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

N/A

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

**The Zoning standard for residential parking is 2 parking spots per dwelling. The proposed project has ample space for two parking spaces.**

11. Loading/unloading facilities.

N/A

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

Short of not knowing roughly how long the applicant plans to use the camper as a residence, I see no reason not to approve this conditional use permit. The applicant has addressed the most common concern related to using campers for residential purposes by having a functional onsite septic system. With consideration to the suggested conditions below, I recommend approval of this conditional use permit request to use a camper for temporary residential purposes.

1. Limited the time the camper can be used for primary residential purposes.
2. The conditional use permit is granted based on having a working and permitted onsite septic system and a potable water supply.

**ADDITIONAL COMMENTS:**

Mr. Violette reviewed his notes including options Ms. Lavallee is considering. Ms. Lavallee presented her plan including motor home or tiny home living until her permanent residence can be constructed. She indicated as of this meeting date (afternoon) a new septic design was completed and being reviewed by the State. She stated the Town Engineer approved her driveway. Mr. Valsangiacomo asked about construction plans and general contractor. Ms. Lavallee indicated she plans to build in the spring of 2019 and has building plans, but still searching for a contractor. She discussed different scenarios, including septic system options if the ground indeed freezes before State approval of such. She proposed utilizing a 500-gallon above ground tank in the interim. Discussion followed which included: maintenance of the above ground system, freezing of waste and how this would function properly, compostable toilet in a tiny house, timeframe of State approval of septic system design, and residency/functionality preferences.

After consideration, the Board decided against an above-ground septic option. Ms. Lavallee indicated if her septic design is approved, she would connect to such.

*Mr. Reaves made a MOTION to approve the CUP until September 30, 2019 provided the State approved septic system is in place.* More discussion was held, and Ms. Lavallee indicated if the State approval was granted, she would proceed with the tiny home and connect to the sewer. *The Board agreed, in this case, a CUP would not be required. With this being said, Mr. Reaves withdrew his Motion.*

*Mr. Reaves made a MOTION to continue the CUP request date certain to January 9, 2019 to review septic options and potential State approval. Ms. Valentinetti seconded the motion, which was unanimous in the affirmative.*

Agenda Item – Appeals of Zoning Administrators Decision 1: LaCroix vs Chris Violette (Town of Barre)

**Appeal (continued from November 14, 2018) 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:

Date: December 6, 2018

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

This is a warned public hearing for the purpose of hearing an appeal of a decision by the Zoning Administrator. The first hearing was held on November 14, 2018 and continued date certain to this hearing. No action was taken at the November hearing.

Below are my comments written for the November 14, 2018 hearing. There have been no changes except for how to handle last month's opening and closing of the hearing. For those comments, refer to the November 14, 2018 meeting minutes.

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 act, 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.

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 use. 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.

I'm sure I can add more during testimony at the hearing.

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?

**ADDITIONAL COMMENTS:**

Mr. Lacroix passed out a folder of information to each Board member containing Exhibits for his case. He also provided a CD of the past Selectboard meeting of June 19, 2018 where the initial case was presented, and individuals that frequent the Tessier property reference it as a "range". Mr. Lacroix referenced the Exhibits throughout his presentation, adamant that the subject property is a "shooting range" and in violation of the zoning bylaws for a residential neighborhood. He described the continuous noise, annoyance and aggravation he and his fellow neighbors are experiencing at all hours of the day/night.

Testimony was heard from Mr. Paul Malone, developer, Mr. Roland Tessier, abuttor, Ms. Marge Pajet, abuttor, and Mr. Pete Kelley, who lives on the other side of the land in Berlin. All were clearly frustrated with the loud noise levels and alleged disrespect of the individuals shooting continuously at any hour.

Further discussion ensued with regards to the municipal ordinance, police enforcement criteria, and semantics within the Bylaws.

Mr. Nicholson asked for a motion to close the public testimony, and the Board decided to hold a Deliberative session within the next 45 days, as dictated by the Bylaws.

*Ms. Valentinetti made a MOTION to close the public testimony. Mr. Neddo seconded the motion, and all were in favor of such.*

**FOLLOW-UPS:**

Mr. Neddo inquired about the Code of Conduct policy. Mr. Violette indicated the Agenda was full, therefore the policy would be discussed at the January 9, 2019 meeting.

*A MOTION was made by Mr. Reaves to adjourn. Mr. Neddo seconded the motion and the Board voted unanimously to adjourn the meeting at 10:03 p.m.*

Respectfully submitted,

Julie Kimball

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Mark Nicholson, Chair

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Chris Neddo

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Cedric Sanborn

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Jon Valsangiacomo

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Mark Reaves

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Angela Valentinetti

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Chris Violette