

BARRE TOWN DEVELOPMENT REVIEW BOARD MINUTES FOR DECEMBER 14, 2022

The Barre Town Development Review Board held a public meeting & hearings on **December 14, 2022**, beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

MEMBERS

In person: Jon Valsangiacomo, Chris Neddo, Angela Labrador, and Cedric Sanborn

Remote: Mark Reaves and Jim Fecteau

ABSENT:

Angela Valentinetti, Gina Galfetti (Alt) and Gerry Otis (Alt)

STAFF PRESENT

In person: Chris Violette

Remote (video): Cindy Spaulding

OTHERS PRESENT:

In-person: Craig Chase (Chase & Chase) and Kris Clark (applicant)

Remote (phone): Ellen Poulin (applicant) and Robert Hutchins (applicant)

A. 7:00 P.M. – CALL TO ORDER

Mr. Reaves called the meeting to order at 7:00 p.m. He conducted a roll call.

B. CHANGES TO THE AGENDA

Mr. Reaves asked if there were any changes to the agenda. Mr. Violette stated he had no changes. There were no other as well.

C. APPROVE MINUTES –

November 9, 2022

On motion by Mr. Sanborn, seconded by Ms. Labrador, the Development Review Board approved the minutes of November 9, 2022 as written. Vote 6-0-0

D. NON-AGENDA ITEMS (max 10 minutes)

There were none.

E. WARNED FINAL PUBLIC HEARINGS

1) APPLICANT: Clark/ 2-lot subdivision (preliminary)

Request by Ronald and Kristine Clark for preliminary review of a **two-lot (2) subdivision** of land located at 325 Windy Wood Road; PID: 009/128.00; zoned low density residential; P-22000011.

Consultant: Chase & Chase Surveyors & Septic Design

Plans submitted: Chase & Chase Surveyors & Septic Designers, Inc June 20, 2022, entitled "subdivision Survey Kristine & Ronald Clark, 325 Windy Wood Road, Barre, Vermont".

Date: November 8, 2022

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a **preliminary subdivision review**, whereas the applicants are requesting approval of a proposed 2-lot subdivision of land for a parcel owned by them. The parcel subject to this request is located off Windy Wood Rd. which is located in a low-density residential zone with minimum lot size of 2 acres and 200' of road frontage. The existing dwellings is served with onsite water and sewer.

The subject parcel is 30.1 acres in size and is developed with a single-family dwelling. Currently the parcel has 757.98' of road frontage along Windy Wood Road. While much of the parcel is open, there are wooded areas as well.

The applicant is proposing to create one new lot, identified as lot 1 on the plan submitted by Chase & Chase Surveyors & Septic Designers. Lot 1 is shown to be the remaining land and will reduce to 25.67-acres in size and undeveloped at this time because no site specific information is provided. Lot 1 retains 381.17" of road frontage. Lot 2 will be created and will contain the existing single-family dwelling with 4.43 acres and 376.81' of road frontage. The existing access to the dwelling on lot 2 will remain as the only access to Windy Wood Road.

As mentioned, no development is planned at this time for lot 1, site specific information and septic design will be deferred to a later date and will have to come back to the DRB for approval.

As submitted, both lots conform to the Subdivision Ordinance and Zoning Bylaw.

A final warned hearing is warned for this agenda and assumes preliminary approval being granted.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicants propose to separate the existing dwelling from the remaining land, reducing the house site to 4.43-acres and leaving 25.67-acres with the remaining undeveloped land.

There are no significant issues with this request and both lots are conforming, I recommend granting preliminary approval and moving it to a final hearing which is warned on this same agenda.

COMMENTS:

Mr. Reaves asked members if any had a conflict or Ex-parte communications with the applicant, there were none.

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

Mr. Reaves asked if there was anyone to speak about the proposal, Mr. Chase stated he was available.

Mr. Reaves asked if there were any questions from Board members or public attendees. There were none.

MOTION:

On motion by Mr. Sanborn, seconded by Mr. Neddo, the Development Review Board approved a request by Ronald and Kristine Clark for preliminary review of a two-lot (2) subdivision of land located at 325 Windy Wood Road; PID: 009/128.00; zoned low density residential; P-22000011; and moved it to final review. Vote 6-0-0.

APPLICANT: Poulin/ 2-lot subdivision (preliminary)

Request by Ellen Poulin for a preliminary review of a **two-lot (2) subdivision** of land located at 75 Pine Hill Road; PID 009/019.00; zoned low density residential; P-22000012.

Consultant: Chase & Chase Septic Design

Plans submitted: Chase & Chase Surveyors & Septic Designers, Inc October 29, 2022, entitled "A subdivision Survey Ellen Poulin, 75 Pine Hill Road & Farwell Street, Barre Town, Vermont

Date: December 8, 2022

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a **preliminary subdivision review**, whereas the applicant is requesting review of a proposed 2-lot subdivision of land for a parcel owned by the applicant. The parcel subject to this request is located at 75 Pine Hill Road & Farwell Street which is zoned low-density residential with minimum lot size of 2 acres and 200' of road frontage.

The subject parcel is 44.68 acres in size and is developed with existing horse stables and riding arena. Currently the parcel has over 2,000' of road frontage along Pine Hill Road and Farwell Street combined.

The applicant is proposing to create one new lot, identified as lot 2 on the plan submitted by Chase & Chase Surveyors & Septic Designers. Lot 1 is shown to be the remaining land with existing barn. and will reduce to 41.8 acres in size. Lot 1 will retain just shy of 2,000' of road frontage along Pine Hill Road and Farwell Street combined. Lot 2 will be created as 2.88 acres and will have 374.3' of road frontage along Farwell Street.

No development is planned at this time for lot 2, site specific information and septic design will be deferred to a later date and will have to come back to the DRB for approval.

As submitted, both lots conform to both the Subdivision Ordinance and Zoning Bylaw.

A final warned hearing is warned for this agenda and assumes preliminary approval being granted.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicant proposes to subdivide her 44.68-acre parcel into two lots, lot 1 & 2. Lot 1 is the remaining land and reduces to 41.8-acres and will retain existing buildings including a large barn. Lot 2 is being created with a deferral at 2.88-acres with conforming road frontage along Farwell Street.

There are no significant issues with this request, both lots conform as proposed, lot 2 will have to come back if development is ever proposed to show site specific information. I recommend granting preliminary approval and moving it to a final hearing which is warned on this same agenda.

COMMENTS:

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

Mr. Reaves asked if there were any questions from Board members or public attendees. There were none.

MOTION:

On motion by Mr. Neddo, seconded by Mr. Sanborn, the Development Review Board approved a request by Ellen Poulin for a preliminary review of a two-lot (2) subdivision of land located at 75 Pine Hill Road; PID 009/019.00; zoned low density residential; P-22000012; and moved it to final review. Vote 6-0-0.

F. WARNED FINAL PUBLIC HEARINGS

1) APPLICANT: Clark/ 2-lot subdivision (Final)

Request by Ronald and Kristine Clark for final review (possible approval) of a **two-lot (2) subdivision** of land located at 325 Windy Wood Road; PID: 009/128.00; zoned low density residential; P-22000011.

Consultant: Chase & Chase Surveyors & Septic Design

Plans submitted: Chase & Chase Surveyors & Septic Designers, Inc June 20, 2022, entitled "subdivision Survey Kristine & Ronald Clark, 325 Windy Wood Road, Barre, Vermont".

Date: December 8, 2022

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a **warned public hearing** whereas the applicants are requesting final approval of a proposed 2-lot subdivision of land for a parcel owned by them. The parcel subject to this request is located off Windy Wood Rd. which is located in a low-density residential zone with minimum lot size of 2 acres and 200' of road frontage. The existing dwellings is served with onsite water and sewer.

While warned as a final public hearing, to move it forward and consider final approval it is assumed preliminary approval was granted earlier as part of the same agenda.

The subject parcel is 30.1 acres in size and is developed with a single-family dwelling. Currently the parcel has 757.98' of road frontage along Windy Wood Road. While much of the parcel is open, there are wooded areas as well.

The applicants are proposing to create one new lot, identified as lot 1 on the plan submitted by Chase & Chase Surveyors & Septic Designers. Lot 1 is shown to be the remaining land and will reduce to 25.67-acres in size and undeveloped at this time because no site-specific information is provided. Lot 1 retains 381.17" of road frontage. Lot 2 will be created and will contain the existing single-family dwelling with 4.43 acres and 376.81' of road frontage. The existing access to the dwelling on lot 2 will remain as the only access to Windy Wood Road.

As mentioned, no development is planned at this time for lot 1, site specific information and septic design will be deferred to a later date and will have to come back to the DRB for approval.

As submitted, both lots conform to the Subdivision Ordinance and Zoning Bylaw.

A final warned hearing is warned for this agenda and assumes preliminary approval being granted.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicants propose to separate the existing dwelling from the remaining land, reducing the house site to 4.43-acres and leaving 25.67-acres with the remaining undeveloped land.

There are no significant issues with this request and both lots are conforming, with consideration to the proposed conditions below, I recommend granting final approval.

- 1) The applicants are hereby notified that State of Vermont Permits may be required. The applicants shall visit the Department of Environmental Conservation permit navigator to determine what other State of Vermont permits are necessary for this development. The applicants shall obtain, if necessary, said permits prior to development of the lot and shall comply with all requirements and conditions therein.
- 2) Issuance of the subdivision permit does not imply approval of any other town permits.
- 3) Lot 1 development is deferred (no development is allowed) to a later time and to complete the requirements of the Subdivision Ordinance, the owner of the property at the time shall return to the DRB for approval of site-specific information including septic design.
- 4) Plans submitted used for review of this permit shall become part of the approval and shall not be altered unless first reviewed by town staff for a determination of significance. Significant changes may require further review and approval of the DRB.
- 5) 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 Town of Barre Subdivision Ordinance and State Statute within 180-days of approval.
- 6) Three (3) sets (24" x 36") paper copies of the final approved plan must be submitted to the Planning Office within 45-days of approval unless extended by staff due to extenuating circumstances.
- 7) An electronic copy of the final approved plan must be provided to the Planning and Zoning Office within 30-days of final approval.
- 8) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

ADDITIONAL COMMENTS:

Mr. Reeves asked members if anyone had a conflict or Ex-parte communications with the applicant. Mr. Neddo stated he had spoken with Mr. Clark in the summer about the proposed subdivision. He recused himself and left as member to sit in the audience. Mr. Sanborn state that Mr. Clark was an employee, and he could be objective so he would not recuse himself.

Mr. Reeves swore Mrs. Clark, Mr. Chase, and Mr. Violette in for testimony.

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

Mr. Chase and Mrs. Clark were available answer questions.

Mr. Reaves asked if there was anything to add or any questions from the Board. There were none.

MOTION:

On motion by Mr. Valsangiacomo, seconded by Mr. Sanborn, the Development Review Board closed the public hearing. Vote 5-0-0.

DELIBERATION

On motion by Mr. Valsangiacomo, seconded by Mr. Fecteau, the Development Review Board approved the request by Ronald and Kristine Clark for final review of a two-lot (2) subdivision of land located at 325 Windy Wood Road; PID: 009/128.00; zoned low density residential; P-22000011; contingent upon the following conditions:

- 1) The applicants are hereby notified that State of Vermont Permits may be required. The applicants shall visit the Department of Environmental Conservation permit navigator to determine what other State of Vermont permits are necessary for this development. The applicants shall obtain, if necessary, said permits prior to development of the lot and shall comply with all requirements and conditions therein.*
- 2) Issuance of the subdivision permit does not imply approval of any other town permits.*
- 3) Lot 1 development is deferred (no development is allowed) to a later time and to complete the requirements of the Subdivision Ordinance, the owner of the property at the time shall return to the DRB for approval of site-specific information including septic design.*
- 4) Plans submitted used for review of this permit shall become part of the approval and shall not be altered unless first reviewed by town staff for a determination of significance. Significant changes may require further review and approval of the DRB.*
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- 7) An electronic copy of the final approved plan must be provided to the Planning and Zoning Office within 30-days of final approval.*
- 8) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision. Vote 5-0-0.*

CONDITIONS Yes No
MOTION BY: Valsangiacomo
SECOND BY: Fecteau

ROLL CALL:

Mark Reaves	Yes	Chris Neddo	recused
Jon Valsangiacomo	Yes	Angela Labrador	Yes
Cedric Sanborn	Yes		
Jim Fecteau	Yes		

PARTICIPANTS: Mr. Violette, Mrs. Clark and Mr. Chase

Mr. Neddo returned as a member.

2) APPLICANT: Poulin/ 2-lot subdivision (final)

Request by Ellen Poulin for a final review (possible approval) of a **two-lot (2) subdivision** of land located at 75 Pine Hill Road; PID 009/019.00; zoned low density residential; P-22000012.

Consultant: Chase & Chase Surveyors & Septic Designers

Plans submitted: Chase & Chase Surveyors & Septic Designers, Inc October 29, 2022, entitled "A subdivision Survey Ellen Poulin, 75 Pine Hill Road & Farwell Street, Barre Town, Vermont

Date: December 8, 2022

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a **warned public hearing**, whereas the applicant is requesting review of a proposed 2-lot subdivision of land for a parcel owned by the applicant. The parcel subject to this request is located at 75 Pine Hill Road & Farwell Street which is zoned low-density residential with minimum lot size of 2 acres and 200' of road frontage.

While warned as a final public hearing, to move it forward and consider final approval it is assumed preliminary approval was granted earlier as part of the same agenda.

The subject parcel is 44.68 acres in size and is developed with existing horse stables and riding arena. Currently the parcel has over 2,000' of road frontage along Pine Hill Road and Farwell Street combined.

The applicant is proposing to create one new lot, identified as lot 2 on the plan submitted by Chase & Chase Surveyors & Septic Designers. Lot 1 is shown to be the remaining land with existing barn. and will reduce to 41.8 acres in size. Lot 1 will retain just shy of 2,000' of road frontage along Pine Hill Road and Farwell Street combined. Lot 2 will be created as 2.88 acres and will have 374.3' of road frontage along Farwell Street.

No development is planned at this time for lot 2, site specific information and septic design will be deferred to a later date and will have to come back to the DRB for approval.

As submitted, both lots conform to both the Subdivision Ordinance and Zoning Bylaw.

A final warned hearing is warned for this agenda and assumes preliminary approval being granted.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicant proposes to subdivide her 44.68-acre parcel into two lots, lot 1 & 2. Lot 1 is the remaining land and reduces to 41.8-acres and will retain existing buildings including a large barn. Lot 2 is being created with a deferral at 2.88-acres with conforming road frontage along Farwell Street.

There are no significant issues with this request, both lots conform as proposed, lot 2 will have to come back if development is ever proposed to show site specific information. With consideration to the conditions below, I recommend granting final approval.

- 1) The applicant is hereby notified that State of Vermont Permits may be required. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what other State of Vermont permits are necessary for this development. The applicant shall obtain said permits, if necessary, prior to development of the lot and shall comply with all requirements and conditions included therein.
- 2) Issuance of the subdivision permit does not imply approval of any other town permits.
- 3) Lot 2 development is deferred (no development is allowed) to a later time and to complete the requirements of the Subdivision Ordinance, the owner of the property at the time shall return to the DRB for approval of site-specific information including septic design.
- 4) Plans submitted used for review of this permit shall become part of the approval and shall not be altered unless first reviewed by town staff for a determination of significance. Significant changes may require further review and approval of the DRB.
- 5) 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 Town of Barre Subdivision Ordinance and State Statute within 180-days of approval.
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- 7) An electronic copy of the final approved plan must be provided to the Planning and Zoning Office within 30-days of final approval.
- 8) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

ADDITIONAL COMMENTS:

Mr. Reaves asked members if anyone had a conflict or Ex-parte communications with the applicant. There were none.

Mr. Reaves swore Ms. Poulin, Mr. Chase and Mr. Violette in for testimony.

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

Mr. Chase and Ms. Poulin were available to answer questions.

Mr. Reaves asked if there was anything to add or any questions from the Board. There were none.

MOTION:

On motion by Mr. Valsangiacomo, seconded by Mr. Sanborn, the Development Review Board closed the public hearing. Vote 6-0-0.

DELIBERATION

On motion by Mr. Valsangiacomo, seconded by Mr. Neddo, the Development Review Board approved the request by Ellen Poulin for a final review of a two-lot (2) subdivision of land located at 75 Pine Hill Road; PID 009/019.00; zoned low density residential; P-22000012; contingent upon the following conditions:

- 1) The applicants are hereby notified that State of Vermont Permits may be required. The applicants shall visit the Department of Environmental Conservation permit navigator to determine what other State of Vermont permits are necessary for this development. The applicants shall obtain, if necessary, said permits prior to development of the lot and shall comply with all requirements and conditions therein.*
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- 4) Plans submitted used for review of this permit shall become part of the approval and shall not be altered unless first reviewed by town staff for a determination of significance. Significant changes may require further review and approval of the DRB.*
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- 7) An electronic copy of the final approved plan must be provided to the Planning and Zoning Office within 30-days of final approval.*
- 8) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision. Vote 6-0-0.*

CONDITIONS Yes No

MOTION BY: Valsangiacomo

SECOND BY: Neddo

ROLL CALL:

Mark Reaves	<u>Yes</u>	Chris Neddo	<u>Yes</u>
Jon Valsangiacomo	<u>Yes</u>	Angela Labrador	<u>Yes</u>
Cedric Sanborn	<u>Yes</u>		<u> </u>
Jim Fecteau	<u>Yes</u>		<u> </u>

Participants: Ms. Poulin, Mr. Chase, and Mr. Violette

3) APPLICANT: Hutchins/Conditional Use

Request by Robert Hutchins (land owned by Robert and Ann Hutchins) for **conditional use review** (possible approval) for the purpose of converting an existing single-family dwelling into a two-family dwelling on land located at 6 Waterman Street; PID: 025/021.00; zoned high density residential; CUP-22000006.

Consultant: None

Date: December 9, 2022

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a **warned public hearing** for the purpose of conditional use review in accordance with Barre Town Zoning Bylaw, article 5, section 5.5 whereas the applicant would like to conduct a use (two-family dwelling) that is only allowed by a Development Review Board (DRB) issued Conditional Use Permit (CUP). The subject parcel is located in a high-density residential zone in East Barre village on .41 acres of land.

Mr. Hutchins has submitted an application to convert his originally permitted single-family dwelling into a two-family dwelling. Article 2, section 2.5, table 2.1 of the Zoning Bylaw allow two-family dwellings in the high-density residential by conditional use permit. The subject parcel is served by municipal sewer and water (Barre Town).

For context, the following is a bit of historical information.

The applicants constructed an addition to their existing house in 2000 which expanded their existing garage. Subsequent to that, they located their business office (Lajeunesse Interiors) on the second floor of the expanded garage. Eventually, the business was moved out and the space converted to living quarters. Since that time, the space has been used for what was termed as an accessory dwelling and has continuously been used that way since.

This comes before the DRB now because the applicants are selling the property and upon an inquiry from the buyers’ attorney, I discovered that the second living unit (the accessory apartment) is too large to be considered an accessory dwelling (no greater than 30% of the main dwelling). The only option is to permit the dwelling as a two-family dwelling which as noted above is allowed in this zone.

In reviewing a conditional use application, the DRB shall use the criteria below to guide them through the process and to create findings as well as help determine what if any conditions may be appropriate to mitigate any concerns. Ultimately a determination must be made that the proposed use, structure, or development conforms to the criteria and shall not result in an undue adverse effect on any of them.

The applicants' responses are provided in italics. My comments are in normal font following.

1) The impact on the capacity of existing or planned community facilities, to include but not limited to:

a. Emergency services:

Less impact – going from 6 employees using space to two people

Barre Town has a full-time, 24-hr a day Police Department as well as a full-time 24-hr a day paramedic level Emergency Medical Service. It is anticipated that both agencies can serve one additional living units and the people associated with it.

Fire protection is provided by a call-paid Fire Department which is not a career or full-time department. It is anticipated that the Fire Department can provide adequate service to the proposed project.

The ability to serve this location for the proposed residential use is solidified in the fact that the building is already established as a two-family dwelling without issue. Additionally, as the applicant points out, the original business use was probably more impactful than the additional dwelling it.

b. Educational facilities:

N/A

Barre Town is part of the Barre Unified Union School District and children residing in Barre Town can attend Barre Town Middle and Elementary School (grades P-8) in Websterville. Likewise, the district also operates a grade 9-12 high school in Barre City. Both are public schools. There is also numerous private middle, elementary, and high school options in the area.

Adding one residential unit will not create a burden to the educational facilities in the area.

c. Water, sewer, or other municipal utility systems:

No change expected

Regarding municipal sewer and water, Barre Town has the capacity to serve one additional living unit with both and in fact already is from a capacity standpoint. The one thing I discovered is that the property is only being credited and assessed for 1.5 sewer units. Each living unit needs to have its own sewer unit assigned to it. A .5 unit will have to be added via a sewer permit and half of the full fee which is \$750.

The half unit was probably assigned for the business use when that started because of limited use, it wouldn't have needed a full unit.

d. Recreational facilities:

May be additional use of recreational facilities

There are numerous recreational facilities and opportunities in the greater Barre area. Barre Town owns and operates a recreational facility adjacent to the Barre Town Middle and Elementary School in

Websterville. In addition, the town also owns and operates a 300 plus acre forest with numerous walking, biking, disc golf, and other recreational opportunities. In addition, multiple neighborhood playgrounds are scattered around town.

It is not anticipated that adding one living unit will create a negative impact on existing recreational facilities.

e. Conservation or other designated natural areas:

N/A

N/A

f. Solid waste disposal facilities:

Less impact, only 2 people and not getting daily delivers like Lajeunesse Interiors was, which were all unpacked and packaging disposed of.

The landlord is responsible for supply adequate trash disposal on site. It is expected that common trash removal companies will be used for trash disposal from the site, or it will be disposed of at area depots. Adding a living unit that already exists will not overburden the existing solid waste system.

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;

Changing back to the intended use of Zoning and municipal plan. It will be used for residential home."

The Barre Town Zoning Bylaw states that high density residential zones are "designed to encourage continued predominantly residential development at relatively high densities in established neighborhoods close to village centers which have both public water and sewer services".

It appears that the statement above supports this request in that adding a living unit to an existing dwelling, in an existing compact village area, while taking advantage of our existing municipal services is what the high density zone is intended for. The Town Plan supports residential development in much the same way as well.

It should also be noted that there are numerous multi-family dwellings within relatively close proximity so that adding the additional living unit will be in character.

3) Traffic on roads and highways in the vicinity.

Less impact. Only 2 residents, not several employees and daily deliveries from UPS and/or FEDEX."

Waterman Street is a paved class III town road that supports access existing uses and access to connecting streets. Waterman Street is also a connecting road to other main areas of town and overall sees a fair amount of traffic. Waterman Street and the surrounding connector roads in intersections are all well suited for the addition of one living unit.

4) Zoning Bylaws and bylaws then in effect;

“Residential use which is the current bylaws use.”

Article 2, table 2.1 of the Barre Town Zoning Bylaw provides guidance on uses that are either “permitted” (reviewed and permitted by the Zoning Administrator) or “conditional” (reviewed by the Development Review Board as a conditional use). The table (on page 7) allows two-family dwellings in a high density residential zone by issuance of a conditional use permit from the DRB.

Based on the above, the project conforms to the Zoning Bylaw with regard to use if the DRB issues a conditional use permit.

5) Utilization of renewable energy resources:

N/A

N/A

6) Minimum lot size:

The minimum lot size for high density residential is 1/3 acre. The subject parcel exceeds the minimum lot size at .41 acre thus is conforming.

7) Distance from adjacent or nearby uses:

No changes to existing boundaries

Nearby uses include both single and multi-family dwellings and are in very close proximity as in intended.

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

N/A as a two-family dwelling.

N/A

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

N/A

N/A

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

There are two driveways servicing this property and they both can accommodate two rows of parking 3 cars deep

Article 3, section 3.9 (Off-Street Parking....) (G) (minimum parking chart) of the Zoning Bylaw requires that all residential dwellings have, at a minimum, two (2) parking spaces for each living unit.

As the applicant notes, there are two accesses to the dwelling that have existed for quite some time. Between these two, there is ample parking to accommodate at least four (4) vehicles.

12) **Loading/unloading facilities.**

N/A

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicant is seeking to receive a permit that will bring into conformance a use that has existed for over 10 years. Nothing is going to change from what has occurred over this timeframe. In addition, as noted by the applicant, the previous business use likely would have been more impactful in many ways than a residential use. In my opinion the criteria above support the addition of the one living unit, and we certainly wouldn't want to promote losing it in this time of short housing supply. The one relatively insignificant issue is bringing the property up to two full sewer units from the 1.5 that exist today. All these factors, with consideration to the conditions below, allow me to recommend approval of this conditional use request to allow a two-family dwelling at 6 Waterman Street.

1. A sewer allocation permit must be applied for and received to add .5 sewer units to bring into compliance the requirement for 1 sewer unit per dwelling.
2. This permit shall run with the land and shall not be altered or changed without review by the Development Review Board.

ADDITIONAL COMMENTS:

Mr. Reaves asked members if anyone had a conflict or Ex-parte communications with the applicant. There were none.

Mr. Reaves swore Mr. Hutchins and Mr. Violette in for testimony.

Mr. Violette provided an overview of his staff report as stated above. Mr. Hutchins was available answer questions.

Mr. Reaves asked if there was anything to add or any questions from the Board. There were none.

MOTION:

On motion by Mr. Valsangiacomo, seconded by Mr. Sanborn, the Development Review Board closed the public hearing. Vote 6-0-0.

DELIBERATION

On motion by Mr. Valsangiacomo, seconded by Mr. Neddo, the Development Review Board approved the request by Robert Hutchins (land owned by Robert and Ann Hutchins) for conditional use review for the purpose of converting an existing single-family dwelling into a two-family dwelling on land located at 6 Waterman Street; PID: 025/021.00; zoned high density residential; CUP-22000006; contingent upon the following conditions:

- 1) *A sewer allocation permit must be applied for and received to add .5 sewer units to bring into compliance the requirement for 1 sewer unit per dwelling.*
- 2) *This permit shall run with the land and shall not be altered or changed without review by the Development Review Board. Vote 6-0-0.*

CONDITIONS Yes No
 MOTION BY: Valsangiacomo
 SECOND BY: Neddo

ROLL CALL:

Mark Reaves	<u>Yes</u>	Chris Neddo	<u>Yes</u>
Jon Valsangiacomo	<u>Yes</u>	Angela Labrador	<u>Yes</u>
Cedric Sanborn	<u>Yes</u>		<u> </u>
Jim Fecteau	<u>Yes</u>		<u> </u>

Participants: Mr. Hutchins and Mr. Violette

4) APPLICANT: Violette/Variance

Request by Chris Violette for a 29' **variance of right-of-way setback** (Pine Hill Road) (possible approval) for the purpose of constructing an addition to an existing single-family dwelling located at 30 Pine Hill Road; PID: 009/026.00; zoned medium density residential; V-22000006

Consultant: None
 Date: November 22, 2022

STAFF REPORT/REVIEW COMMENTS
MARK REAVES, DEVELOPMENT REVIEW CHAIR

This is a **warned public hearing** for the purpose of considering a request by the applicant for a 29' variance of right-of-way setback from Pine Hill Road. Based on the provision of Barre Town Zoning Bylaw, Article 7, section 7.9, it has been determined prior to a building permit application submission, that in order to construct a 15' x 32' addition to existing single-family dwelling a variance is necessary. The applicant owns this parcel of land and is shown to be .89 acres in size and developed with the applicant's homestead, a single-family dwelling. The parcel is located in a medium-density residential zone with a minimum lots size of 2.0 acres and 200' of road frontage. The minimum right-of-way setback is 50'.

As noted above, the applicant is hoping to construct a 15' x 32' addition to the existing single-family dwelling. It was clear that, as proposed, the setback wasn't going to meet minimum (50' required, setback is proposed to be 21' which equals a 29' discrepancy.)

The applicant has submitted responses to the five variance criteria and as part of that response answered the questions in the affirmative believing for the reasons mentioned, that a variance is reasonable and necessary to provide relief.

Below are the 5 variance criteria in accordance with the Barre Town Zoning Bylaw and 24 V.S.A. § 4469.

1) Are there unique physical circumstances or conditions as to:

- a. **Irregularity, narrowness or shallowness of lot size or shape; YES**
- b. **Exceptional topography or physical conditions peculiar to a particular property; YES**
- c. **Unnecessary hardship due to the above?**

- My lot is small at .89 acres in a zone that requires a 2-acre minimum. However, the lot is a pre-existing non-conforming size because it was created in the 1950s, 12-15 years before zoning was enacted in Barre Town.
- Due to the terrain my house is constructed 29' back from Pine Hill Road right-of-way that at the time conformed. Zoning enacted 12-15 years later made my house non-conforming.
- It is my belief that the unnecessary hardship is due to the above facts.

2) Are there physical circumstances or conditions that prevent conformity to zoning regulations; And, a variance is necessary to enable "reasonable use" of the property. Yes

- The contour of the land immediately behind my house drops off approximately 7-8' which prevents the proposed addition from going to the rear of the house. In addition, the existing layout inside the house is not conducive to reasonable access to the addition. A variance is necessary to enable reasonable use of my property.

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

- The hardship was created in the 1950's when the house was constructed on its present location, 29' from the edge of the right of way. This likely occurred for two reasons, one because zoning didn't exist, and two, terrain prevented it from being further back.

4) Is it true that a variance will not:

- a. Alter the essential character of the neighborhood? Yes
- b. Substantially or permanently impair appropriate use or development of adjacent property? Yes
- c. Reduce access to renewable energy sources? Yes
- d. Be detrimental to the public welfare? Yes

- Pine Hill road has eight single-family dwellings that front on it, only one of them conforms to the 50' setback. In fact, two of the houses immediately to my West are closer to the edge of the right-of-way than the proposed addition will be. I have a large red maple tree in the front yard that is a dominating feature, the proposed addition will not go beyond it. Beyond that there is a private school and horse farm on Pine Hill Road that complete the character of the neighborhood.
- The proposed addition is over 225' from any of my neighbors and will not impair the addition or development of adjacent land.
- The proposed addition will not impact renewable energy sources.

- While seeking a 29' variance, the proposed addition will still maintain a right-of-way setback of 21' with another 5' or so to the traveled portion of the road. The addition will not be detrimental to the public welfare.

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

- With the existing house already 21' into the setback area, no option exists for extension towards the road without a variance.
- A larger intrusion into the setback area than being request would allow more options within the addition, however, to accomplish the goal, the minimum deviation (29') will provide necessary relief.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicant did not create the hardship and the variance will not alter the essential character of the area. The proposed addition will not be any closer to the road than two other houses that are in close proximity and it maintains a 21' setback to the right-of-way (26' to the traveled portion of the road). For that same reason, there should be no increased concern for the public welfare and in order for the applicant to have the 15' x 32' addition, the request is the minimum deviation. Original house placement due to terrain and the lack of zoning at the time created the non-conformity. Terrain prevents the addition from being placed back further

Below are proposed conditions:

- 1) The applicant is hereby notified that State of Vermont Permits may be required in addition to municipal permits. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what, if any, State of Vermont permits are necessary for this development. If necessary, the applicant shall obtain said permits prior to development of the lot and in accordance with any requirements of said permits, shall be complied with.
- 2) Issuance of this variance does not imply approval of any other town permits. The applicant shall contact the Planning & Zoning Office to determine what other permits are required.
- 3) Failure to comply with any conditions as stated herein, could lead to nullification of this approval.

ADDITIONAL COMMENTS:

Mr. Reaves asked members if anyone had a conflict or Ex-parte communications with the applicant. He stated that he had Ex-parte communications with the applicant due to the unique situation as the applicant is the Zoning Administrator. Therefore, he is recusing himself to provide the staff report. Mr. Reaves swore himself and Mr. Violette (as applicant) in for testimony

Mr. Valsangiacomo as Co-chair suggested he conducted this portion of the meeting. Mr. Reaves agreed and removed himself from participating (he was virtual) Mr. Valsangiacomo provided an overview of Mr. Reaves staff report as stated above.

Mr. Valsangiacomo asked Mr. Violette the criteria questions below: (answers bolded)

1. Are there unique physical circumstances or conditions as to:

- a. Irregularity, narrowness or shallowness of lot size or shape; **Yes**
- b. Exceptional topography or physical conditions peculiar to a particular property; **Yes**
- c. Unnecessary hardship due to the above? **Yes**
- 2. Are there physical circumstances or conditions that prevent conformity to zoning regulations; And, a variance is necessary to enable “reasonable use” of the property. **Yes**
- 3. Is it true that no unnecessary hardship was created by the applicant? **Yes**
- 4. Is it true that a variance will not:
 - a. Alter the essential character of the neighborhood? **Yes**
 - b. Substantially or permanently impair appropriate use or development of adjacent property? **Yes**
 - c. Reduce access to renewable energy sources? **Yes**
 - d. Be detrimental to the public welfare? **Yes**
- 5. Is it true the variance represents the minimum deviation from regulation and plan to provide relief? **Yes**

Mr. Valsangiacomo asked if anyone had any questions. There were none.

MOTION:

On motion by Mr. Neddo, seconded by Ms. Labrador, the Development Review Board closed the public hearing. Vote 5-0-0.

DELIBERATION

On motion by Ms. Labrador, seconded by Mr. Sanborn, the Development Review Board approved the request Chris Violette for a 29’ variance of right-of-way setback (Pine Hill Road) for the purpose of constructing an addition to an existing single-family dwelling located at 30 Pine Hill Road; PID: 009/026.00; zoned medium density residential; V-22000006; contingent upon the following conditions:

- 3) *The applicant is hereby notified that State of Vermont Permits may be required in addition to municipal permits. The applicant shall visit the Department of Environmental Conservation permit navigator to determine what, if any, State of Vermont permits are necessary for this development. If necessary, the applicant shall obtain said permits prior to development of the lot and in accordance with any requirements of said permits, shall be complied with.*
- 4) *Issuance of this variance does not imply approval of any other town permits. The applicant shall contact the Planning & Zoning Office to determine what other permits are required.*
- 5) *Failure to comply with any conditions as stated herein, could lead to nullification of this approval. . Vote 5-0-0.*

CONDITIONS Yes X No _____
 MOTION BY: Labrador
 SECOND BY: Sanborn

ROLL CALL:

Mark Reaves	<u>Recused</u>	Chris Neddo	<u>Yes</u>
Jon Valsangiacomo	<u>Yes</u>	Angela Labrador	<u>Yes</u>
Cedric Sanborn	<u>Yes</u>		<u> </u>
Jim Fecteau	<u>Yes</u>		<u> </u>

Participants: Mr. Valsangiacomo and Mr. Violette

Mr. Reaves returned as a member and Chair of the Board.

G. OTHER

There were none.

H. FOLLOW-UPS

There were none.

I. ROUNDTABLE

Mr. Violette handed out the amended Zoning Bylaws. Ms. Labrador asked what changes were made. Mr. Violette explained it was to update, Cannabis, agriculture and clean up grammar.

J. ADJOURN!

On motion by Mr. Sanborn, seconded by Mr. Valsangiacomo, the Development Review Board adjourned at 7:50 p.m. Vote: 6-0-0.

Respectfully submitted,
Cindy Spaulding, Clerk for DRB

_____	_____
Mark Reaves, Chair	Jon Valsangiacomo
_____	_____
Angela Valentinetti	Chris Neddo
_____	_____
Cedric Sanborn	Angela Labrador
_____	_____
Jim Fecteau	Gerald Otis (alternate)

Gina Galfetti (alternate)	