

BARRE TOWN DEVELOPMENT REVIEW BOARD MINUTES FOR OCTOBER 11, 2023

The Barre Town Development Review Board held a public meeting & hearing on **October 11, 2023** beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

MEMBERS

In person: Mark Reaves, Cedric Sanborn, Chris Neddo, Angela Valentinetti, and Gerry Otis

ABSENT:

Jon Valsangiacomo, Angela Labrador, Gina Galfetti (Alt) and Jim Fecteau (Alt)

STAFF PRESENT

In person: Brandon Garbacik and Cindy Spaulding

PUBLIC PRESENT

Robert Townsend, Jack Mitchell, Melanie Magwire, Bonnie Magwire, Darin Magwire, Kris Jurentkuff, Benjamin Hiscock, Samantha Hiscock, Michelle Hebert, Terry Culver, Nathan Lafont, Hannah Phelps, Dean Lafont, Jay Southgate, Donald LaRose, Ed Hrubovcak, and John Hrubovcak

Remote: Justin Bolduc (Selectboard) and Norma Malone (Selectboard)

A. 7:00 P.M. – CALL TO ORDER

Mr. Reaves called the meeting to order at 7:02 p.m. He conducted a roll call, there were no alternates available to replace absent members.

B. CHANGES TO THE AGENDA

- 1) Mr. Reaves announced a change to the agenda add to Item F the DRB deliberative session results for the request by Rock Pile Properties LLC for a **conditional use** to add the use of a fast-food restaurant to an existing three-story building with eight dwelling units and a laundromat located at 130 Mill Street; Parcel ID: 025/066.00; Zoned East Barre Commercial District; **CUP-23000004**.

C. APPROVE MINUTES – September 1

On motion by Mr. Otis, seconded by Mr. Sanborn, the Development Review Board approved the minutes of September 13, 2023, as written. Vote 5-0-0.

D. NON-AGENDA ITEMS (max 10 minutes)

No non-agenda items.

E. SUBDIVISION PRELIMINARY REVIEW:

- 1) Request by Melanie Magwire for a preliminary review of a **two-lot (2) subdivision** of land located at 272 Donahue Road; PID: 002/020.00; Zoned Medium Density Residential; **P-23000006**.

Consultant: Chase & Chase Surveyors & Septic Designers, Inc

Plans submitted by Chase & Chase Surveyors & Septic Designers, Inc. Dated August 28, 2023, entitled “**Subdivision Survey: Melanie Magwire, Life Estate**, For Bonnie Flint & Darin Magwire, 272 Donahue Road, Town of Barre, Vermont”.

STAFF REPORT/REVIEW COMMENTS FROM BRANDON GARBACIK, ZONING ADMINISTRATOR/PLANNING OFFICER

This is a **preliminary subdivision review**, whereas the applicant is 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 Donahue Road and is located in a medium density residential zone with a minimum lot size of 2 acres and 200’ of road frontage.

The subject parcel was created as part of a 2-lot subdivision approved in February 2004 (Plan 2011). The parcel is approximately 14.84 acres in size and is developed with a single-family dwelling. The existing dwelling at 272 Donahue Road is served by on-site water and septic. Currently, the parcel has approximately 1,078’ of road frontage along Donahue Road. The parcel features a mixture of open and wooded areas.

The applicant is proposing to create one new lot, identified as Lot 3 on the plan submitted by Chase & Chase Surveyors & Septic Designers (as Lots 1 and 2 were created in 2004), and will contain 2.04(±) acres. Lot 1 is shown to be the remaining land and will reduce to 12.80(±) acres in size. Lot 1 will retain approximately 778’ of road frontage, with the remaining 300’ of frontage transferring to Lot 3. The existing single-family dwelling and all other existing structures will remain on Lot 1.

The applicant plans to place a new single-family dwelling on the undeveloped Lot 3 following subdivision approval. To support residential use, the proposed lot has a design for a septic system, and potable water will be provided by a drilled well.

As submitted, and assuming a wastewater permit is obtained for the new dwelling, 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 applicant proposes to subdivide her 14.84(±)-acre parcel. This would create a new 2.04(±)-acre lot for her to place a new dwelling on and live in. The existing dwelling and remaining 12.80(±) acres of land are planned to be taken over by family. 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. Garbacik provided an overview of his staff report as stated above.

Mr. Reaves asked if there was anyone to speak about the proposal, Ms. M. Maguire stated she is seeking the subdivision to give her son two acres of land to build.

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. Valentinetti the Development Review Board approved a request by Melanie Magwire for a preliminary review of a two-lot (2) subdivision of land located at 272 Donahue Road; PID: 002/020.00; Zoned Medium Density Residential; P-23000006; and moved it to final review. Vote 6-0-0.

F. WARNED FINAL PUBLIC HEARING(S)

- 1) **Deliberative session decision** Request by Rock Pile Properties LLC for a **conditional use** to add the use of a fast-food restaurant to an existing three-story building with eight dwelling units and a laundromat located at 130 Mill Street; Parcel ID: 025/066.00; Zoned East Barre Commercial District; **CUP-23000004**.

Motion:

On a motion by Ms. Valentinetti, seconded by Mr. Sanborn, the Development Review Board moved to approve a request by Rock Pile Properties LLC for a conditional use to add the use of a fast-food restaurant to an existing three-story building located at 130 Mill Street. Parcel ID: 025/066.00; Zoned East Barre Commercial District; CUP-23000004. Vote 5-0-0.

Contingent upon conditions 1-12:

1. *The applicant is hereby notified that State of Vermont permits may be necessary (e.g. Division of Fire Safety, Department of Environmental Conservation, etc.). If permits are required, they shall be obtained and complied with in accordance with any requirements or conditions of approval.*
2. *The applicant shall apply for a sewer allocation request to the Town Engineer to determine the appropriate number of sewer units for the subject property. The applicant must receive the appropriate number of sewer units as determined by the Town Engineer.*
3. *The applicant shall obtain approval for a waiver to install an ADA ramp.*
4. *The applicant must obtain and record in the Barre Town Land Records an easement from the Aldrich Public Library for the use of their abutting land.*
5. *The applicant shall apply for and receive approval to amend the approved conditional use permit CUP-21000006 to update the parking plan in compliance with the waiver to install an ADA ramp.*
6. *If approved, the applicant shall fully implement the amended CUP-21000006.*
7. *All permanent outdoor lighting shall be LED and downcast.*
8. *The restaurant shall be permitted to operate with the following hours: Sunday–Thursday 10 AM–10 PM; Friday–Saturday 10 AM–12 AM*
9. *The restaurant shall be permitted for the use of take-out and delivery service only.*
10. *The delivery of supplies shall be permitted Monday–Friday from 7 AM–5 PM.*

11. *The collection of solid waste and recycling shall be permitted Monday–Friday from 7 AM–5 PM.*
 12. *All ventilation must be exhausted above the roofline.*
- 2) ***Continuation from June 14, 2023, July 12, 2023, August 9, 2023, & September 13, 2023 meetings:** Request by Rock Pile Properties LLC for a 6' **variance** of side setback (possible approval) to install an attached ramp to use both for deliveries and as an ADA-accessible entrance/exit on property located at 130 Mill Street; Parcel ID: 025/066.00; Zoned East Barre Commercial District; **V-23000003**.

**STAFF REPORT/REVIEW COMMENTS FROM BRANDON GARBACIK,
ZONING ADMINISTRATOR/PLANNING OFFICER**

This is a **warned public hearing** for the purpose of considering a request for a 6' variance of side (left of property) setback in accordance with the Barre Town Zoning Bylaw, Article 7, Section 7.9. The subject parcel is located in the East Barre Commercial district on Mill Street with 0.23 acres of land. The minimum lot size in this zone is 1/3 acres, and the minimum side setback is 10'. This nonconforming lot has been grandfathered in, as it has existed since before zoning laws applied.

The applicant is hoping to construct an attached ramp to use for both service deliveries and as an ADA-approved access into the building. The request for the 6' variance was determined by the applicant using measurements from a survey of the abutting property (present-day Aldrich Public Library – York Branch) from June 1996.

Since then, the applicant has provided a survey of their own property. The applicant testified last month that a side setback variance of 3.9' (rounded up to 4') is all that is necessary for the ramp to be installed. This measurement is not explicitly verified on the survey with a notation, but the applicant insists that this measurement came directly from the engineer who conducted the survey.

At last month's meeting, the abutting property owners at 3 Garden Street voiced concerns over the validity of the applicant's survey, citing existing surveys in the immediate area as reference (including the aforementioned library survey). Ahead of this meeting, the property owners of 3 Garden Street wrote a letter to the DRB to submit as written testimony for the Board to take into consideration.

In reviewing a variance 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 structure or development is unable to conform to the due to unique and adverse circumstances with reference to the subject parcel.

As part of the variance application, the applicant provided responses to the Development Review Board's variance criteria (submitted ahead of the June 14th meeting). The applicant's responses are provided in *italics*:

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

Irregularity, narrowness, or shallowness of lot size or shape;

The existing structure is less than 10 feet from the side of the property at the narrowest point.

a. Exceptional topography or physical conditions peculiar to a particular property;
Based upon lot dimensions and parking requirements a ramp in this location is the only option.

b. Unnecessary hardship due to the above?

A ramp placed anywhere else would cause excessive hardship in the loss of parking.

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.

Zoning regulations require a 10' setback for this ramp. This building and lot was developed over 125 years ago, as were the neighboring properties and are all very close together. All abutting properties/buildings have nonconforming setbacks according to the current ordinance. A variance for the ramp will range from a 2' variance at the start of the porch (8' from property line), and 6' at the end of the ramp (4' from property line). This ramp is required for ADA accessibility and for deliveries of food ingredients for the restaurant. ADA accessibility is required for all public buildings, and not allowing a ramp would infringe on the reasonable use of the property. The ramp will be to be an extension of the existing porch, already within the setback.

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

The applicant did not create this hardship.

4. Is it true that a variance will not:

a. Alter the essential character of the neighborhood?

The character of the neighborhood will not be altered by the ramp.

b. Substantially or permanently impair appropriate use or development of adjacent property?

The ramp will not impair any use of the adjacent properties.

c. Reduce access to renewable energy sources?

N/A

d. Be detrimental to the public welfare?

The ramp will be beneficial to public welfare as it will create an ADA accessible entrance into the building.

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

Yes, the proposed ramp is the most minor deviation to the regulation and will provide the maximum relief for all other conditions.

SUMMARY, RECOMMENDATIONS:

There are a few different factors to consider with this proposal. First off, this proposal is unable to be pulled off without the parking plan from CUP-21000006 being amended. This is because that approved parking plan included two parking spaces for tenants of the building's apartments in the same "alley" on the left side of the property that the attached ramp is proposed to be constructed.

Also, there is a dispute from an abutting property owner as to where precisely their shared property line with the applicant is located. The DRB does not have the legal authority to make a definitive judgment on the validity of a survey. Rather, the DRB relies on the evidence at their disposal to make a decision on each request they see. Right now, the available evidence includes: the written letter with attached surveys from that neighbor (submitted as part of this packet), the survey provided last month by the applicant, and the prior verbal/written testimony taken from these hearings. Personally, I believe the conflicting information creates difficulty in making a confident decision to approve this variance.

Yet another thing (and perhaps the most important thing) to consider is the variance criteria. The variance criteria are derived directly from State Statute (24 V.S.A. § 4469(a)1-5). As noted last month and in prior months, variances are designed to be difficult to grant. Though the lot is nonconforming, the physical circumstances or conditions of the lot shape/size are not unique to the area as asked in criteria #1. Also, a "reasonable use" of the property has been in existence prior to this request (the East Barre Market), which is asked about in criteria #2. Finally, with the property boundary dispute, criteria #4b is not as clear-cut.

In this case, the applicant should apply for a waiver request. The criteria for a waiver request are more straightforward than the criteria for a variance request, and it is likely that the applicant is eligible for a waiver for this request because it implements ADA accessibility. As mentioned, the applicant will need to request to amend CUP-21000006 before a waiver can be implemented.

Another thing the applicant should address ahead of a potential waiver request is verifying the measurement of setback requirements being waived. This means the applicant should do one (or more) of the following three things:

- Bring Rob Townsend, the engineer who conducted the applicant's survey, to the meeting where a waiver request is proposed to testify regarding the survey and its measurements.
- Bring a letter/memo/something in writing from Mr. Townsend to the meeting where a waiver request is proposed to testify regarding the survey/measurements.
- Bring an updated survey (or a map using the survey lines as a base) from Mr. Townsend that includes a notation of the requested measurement of setback requirements being waived.

Since it cannot be confidently determined that each of the variance criteria are satisfied, I recommend the Board denies this variance request. Instead, the applicant should seek a waiver request.

COMMENTS:

Mr. Garbacik provided an overview of his staff report as stated above. Mr. Reaves asked if there was anyone to speak about the proposal, Mr. Reaves swore in Ms. Hiscock for testimony. Ms. Hiscock stated she had provided a revised survey with a change in boundary lines.

Mr. Reaves asked Ms. Hiscock the criteria questions below: (answer in bold)

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. Reaves asked if there were any questions from Board members or public attendees. Ms. Valentinetti asked if the ramp in the front of the building could be used to access or the ramp in the back of the building. Ms. Hiscock explained the ramp in front of the building is not ADA compliant and the ramp in the back is not customer access and only goes to the laundromat.

MOTION:

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

DELIBERATION

On motion by Mr. Sanborn, seconded by Mr. Neddo, the Development Review Board approved a request by Rock Pile Properties LLC for a 6’ variance of side setback to install an attached ramp to use both for deliveries and as an ADA-accessible entrance/exit on property located at 130 Mill Street; Parcel ID: 025/066.00; Zoned East Barre Commercial District; V-23000003. Vote 0-5-0 (denied without prejudice)

- 3) Request by Donald & Penny LaRose and Edward Hrubovcak & Dawn Hutchins for final review (possible approval) of a **boundary line adjustment** between abutting properties 95 & 97 Orchard Terrace; PIDs: 017/030.00 & 017/030.02; Zoned High Density Residential; **P-23000004 & P-23000005**.

STAFF REPORT/REVIEW COMMENTS FROM BRANDON GARBACIK, ZONING ADMINISTRATOR/PLANNING OFFICER

This is a final warned public hearing for the purpose of hearing a request for a boundary line adjustment (BLA) between two abutting property owners at 95 Orchard Terrace (property owned by Edward S Hrubovcak & Dawn T Hutchins) and 97 Orchard Terrace (property owned by Donald & Penny LaRose). The subject parcels are located in a high density residential zone that requires a minimum lot size of 1/3 acre and minimum road frontage of 110’. This is a proposed revision of an approved 3-lot subdivision from August 2004 (Plan 2031), as two of those three lots are the subject parcels for this proposal.

Ed Hrubovcak and Don LaRose have been discussing a potential BLA with each other for a couple of years now. The proposal (as shown on the plan from American Consulting Engineers & Surveyors) is to transfer a 1.3-acre portion of the Hrubovcak/Hutchins parcel (shown as Lot 2, currently 12.0 acres) to add on to the LaRose parcel (shown as Lot 1, currently 2.1 acres). This would bring the new total lot sizes to 10.7 acres for Hrubovcak and 3.4 acres for LaRose, respectively.

The parcels will maintain conformity following a boundary line adjustment. The LaRose parcel will keep its existing 202’ of road frontage, while the Hrubovcak parcel will still be accessed via a 50’ ROW through the LaRose property. There are no buildings or other features that will be impacted as far as I can tell.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

This appears to be a pretty straightforward proposal for a BLA between two abutting neighbors whose properties easily conform to the minimum lot standards (as outlined in Article 2, Table 2.2 of

the Zoning Bylaw), both prior to and after the BLA. I recommend approval of this proposed boundary line adjustment with the following conditions:

PROPOSED CONDITIONS:

1. To complete this boundary line adjustment, a deed conveying the 1.3(±) acres from Edward S Hrubovcak & Dawn T Hutchins to Donald & Penny LaRose must be completed within 180 days. Said deed must also clearly state that this land is merged as one lot of 3.4(±) acres.
2. One (1) 18" x 24" recording plat shall be submitted to the Planning & Zoning Office for filing in the Barre Town Land Records in accordance with the Barre Town Subdivision Ordinance and state statute within 180 days of approval.
3. Three (3) sets of 24" x 36" paper copies of the final approved plan shall be submitted to the Planning & Zoning 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 shall be provided to the Planning & Zoning Office within 30 days of approval.
5. Plans submitted used for review of this permit shall become part of the approval. No changes to the approved plan shall 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.

COMMENT

Mr. Garbacik provided an overview of his staff report as stated above. Mr. Reaves asked if there was anyone from the audience or board who had any questions. There were none.

MOTION

On motion by Mr. Otis, seconded by Mr. Neddo, the Development Review Board moved to close the public hearing. Vote 5-0-0

DELIBERATION

Request by Donald & Penny LaRose and Edward Hrubovcak & Dawn Hutchins for final review (possible approval) of a boundary line adjustment between abutting properties 95 & 97 Orchard Terrace; PIDs: 017/030.00 & 017/030.02; Zoned High Density Residential; P-23000004 & P-23000005: contingent upon the following conditions:

1. *To complete this boundary line adjustment, a deed conveying the 1.3(±) acres from Edward S Hrubovcak & Dawn T Hutchins to Donald & Penny LaRose must be completed within 180 days. Said deed must also clearly state that this land is merged as one lot of 3.4(±) acres.*
 2. *One (1) 18" x 24" recording plat shall be submitted to the Planning & Zoning Office for filing in the Barre Town Land Records in accordance with the Barre Town Subdivision Ordinance and state statute within 180 days of approval.*
 3. *Three (3) sets of 24" x 36" paper copies of the final approved plan shall be submitted to the Planning & Zoning 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 shall be provided to the Planning & Zoning Office within 30 days of approval.*
 5. *Plans submitted used for review of this permit shall become part of the approval. No changes to the approved plan shall 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. Vote 5-0-0.*
- 4) Request by Melanie Magwire for a final review (possible approval) of a **two-lot (2) subdivision** of land located at 272 Donahue Road; PID 002/020.00; Zoned Medium Density Residential; **P-23000006.**

Consultant: Chase & Chase Surveyors & Septic Designers, Inc

Plans submitted by Chase & Chase Surveyors & Septic Designers, Inc. Dated August 28, 2023, entitled "Subdivision Survey: Melanie Magwire, Life Estate, For Bonnie Flint & Darin Magwire, 272 Donahue Road, Town of Barre, Vermont".

**STAFF REPORT/REVIEW COMMENTS FROM BRANDON GARBACIK,
ZONING ADMINISTRATOR/PLANNING OFFICER**

This is a **warned public hearing** for subdivision review, whereas the applicant is requesting approval of a proposed 2-lot subdivision of land for a parcel owned by them. While final review is warned and must be considered, final approval assumes preliminary approval was granted earlier on this month's agenda. The parcel subject to this request is located off Donahue Road and is located in a medium density residential zone with a minimum lot size of 2 acres and 200' of road frontage.

The subject parcel was created as part of a 2-lot subdivision approved in February 2004 (Plan 2011). The parcel is approximately 14.84 acres in size and is developed with a single-family dwelling. The existing dwelling at 272 Donahue Road is served by on-site water and septic. Currently, the parcel has approximately 1,078' of road frontage along Donahue Road. The parcel features a mixture of open and wooded areas.

The applicant is proposing to create one new lot, identified as Lot 3 on the plan submitted by Chase & Chase Surveyors & Septic Designers (as Lots 1 and 2 were created in 2004), and will contain 2.04(±) acres. Lot 1 is shown to be the remaining land and will reduce to 12.80(±) acres in size. Lot 1 will retain approximately 778' of road frontage, with the remaining 300' of frontage transferring to Lot 3. The existing single-family dwelling and all other existing structures will remain on Lot 1.

The applicant plans to place a new single-family dwelling on the undeveloped Lot 3 following subdivision approval. To support residential use, the proposed lot has a design for a septic system, and potable water will be provided by a drilled well.

As submitted, and assuming a wastewater permit is obtained for the new dwelling, both lots conform to the Subdivision Ordinance and Zoning Bylaw.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicant proposes to subdivide her 14.84(±)-acre parcel. This would create a new 2.04(±)-acre lot for her to place a new dwelling on and live in. The existing dwelling and remaining 12.80(±) acres of land are planned to be taken over by family. There are no significant issues with this request, and both lots are conforming. I recommend granting final approval to this 2-lot subdivision with the following conditions:

PROPOSED CONDITIONS:

1. The applicant is hereby notified that State of Vermont permits may be necessary (*e.g.* Department of Environmental Conservation, etc.). If permits are required, they shall be obtained and complied with in accordance with any requirements or conditions of approval.
2. Issuance of this permit does not imply approval of any other municipal permits. Other such permits needed prior to development include (but possibly not limited to): building permit and driveway permit.
3. One (1) 18" x 24" recording plat shall be submitted to the Planning & Zoning Office for filing in the Barre Town Land Records in accordance with the Barre Town Subdivision Ordinance and state statute within 180 days of approval.
4. Three (3) sets of 24" x 36" paper copies of the final approved plan shall be submitted to the Planning & Zoning 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 shall be provided to the Planning & Zoning Office within 30 days of approval.
6. Plans submitted used for review of this permit shall become part of the approval. No changes to the approved plan shall 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.

8. Failure to comply with any conditions as stated herein could lead to nullification of this subdivision.

COMMENT

Mr. Garbacik provided an overview of his staff report as stated above. Mr. Reaves asked if there was anyone from the audience or board who had any questions. There were none.

MOTION

On motion by Mr. Otis, seconded by Ms. Valentinetti, the Development Review Board moved to close the public hearing. Vote 5-0-0.

DELEBERATION

On motion by Mr. Otis, seconded by Mr. Neddo, the Development Review Board approved a request by Melanie Magwire for a final review (possible approval) of a two-lot (2) subdivision of land located at 272 Donahue Road; PID 002/020.00; Zoned Medium Density Residential; P-23000006: contingent upon the following conditions:

1. *The applicant is hereby notified that State of Vermont permits may be necessary (e.g. Department of Environmental Conservation, etc.). If permits are required, they shall be obtained and complied with in accordance with any requirements or conditions of approval.*
2. *Issuance of this permit does not imply approval of any other municipal permits. Other such permits needed prior to development include (but possibly not limited to): building permit and driveway permit.*
3. *One (1) 18" x 24" recording plat shall be submitted to the Planning & Zoning Office for filing in the Barre Town Land Records in accordance with the Barre Town Subdivision Ordinance and state statute within 180 days of approval.*
4. *Three (3) sets of 24" x 36" paper copies of the final approved plan shall be submitted to the Planning & Zoning 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 shall be provided to the Planning & Zoning Office within 30 days of approval.*
6. *Plans submitted used for review of this permit shall become part of the approval. No changes to the approved plan shall 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. Vote 5-0-0.*

- 4) Request by John Southgate for a **conditional use permit** (possible approval) to set up a camper for temporary residency while building a new single-family dwelling on property located off of Church Hill Road and Websterville Road (property owned by Rock of Ages); PID: 023/018.00; Zoned Medium Density Residential; **CUP-23000006**.

STAFF REPORT/REVIEW COMMENTS FROM BRANDON GARBACIK, ZONING ADMINISTRATOR/PLANNING OFFICER

This is a warned public hearing for the purpose of hearing a request for a conditional use permit in accordance with the Barre Town Zoning Bylaw, Article 5, Section 5.5 whereas the applicant would like to conduct a use that is only allowed by a Development Review Board (DRB) issued Conditional Use Permit (CUP).

Article 4, Section 4.4 defines campers and RVs as temporary dwellings. Anyone planning to reside in a temporary dwelling for longer than 14 days requires approval through a conditional use permit issued by the DRB.

The applicant is looking to purchase a piece of property from Rock of Ages Corporation to construct a single-family dwelling on it for a family friend to live in. The conditional use request is for this family friend to live in a camper on the property while the house is being built. The subject parcel/building is located in a medium density residential zone off of Church Hill Road, Websterville Road, and Gregoire Street on approximately 3 acres of land with well over 1000' of road frontage.

The applicant plans to hook this camper up to the municipal water and sewer lines, both of which are serviced by the Town of Barre at this location. Once the house is built, the connections would be transferred to the house.

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.

As part of the conditional use application, the applicant provided responses to the Development Review Board's conditional use criteria:

- 1. The impact on the capacity of existing or planned community facilities, to include but not limited to:**
 - a. Emergency services:**
If the person need emergency services it will be no different than a house
 - b. Educational facilities:**
N.A.
 - c. Water, sewer, or other municipal utility systems:**
Will be connected as any dwelling to water/sewer, connection fees paid prior to connecting
 - d. Recreational facilities:**
N.A.
 - e. Conservation or other designated natural areas:**
N.A.
 - f. Solid waste disposal facilities:**
N.A.
- 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;**
A camper will look a bit weird for the 6-8 months it is there, but then it will be gone
- 3. Traffic on roads and highways in the vicinity;**
No different from a dwelling
- 4. Zoning Bylaws and bylaws then in effect;**
N.A.
- 5. Utilization of renewable energy resources:**
N.A.
- 6. Minimum lot size:**
This lot is 3 ac, min size is 2
- 7. Distance from adjacent or nearby uses;**
All setbacks will be exceeded
- 8. Site Plan Review:**
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;**
N.A.
- 11. Loading/unloading facilities.**
N.A.

SUMMARY, RECOMMENDATIONS:

The main purpose for having these types of temporary dwellings be reviewed through a conditional use request is to ensure that proper sanitary measures, especially wastewater disposal, are being adhered to. It is also suggested (though not specifically required in the Zoning Bylaw) that this camper be placed on some sort of foundation, even if it is as simple as a gravel pad. I recommend approval of this request to allow a camper to be used as a temporary dwelling with the following conditions:

PROPOSED CONDITIONS:

1. This permit grants approval to allow for the occupancy of a camper on the subject property for a duration of no more than one (1) year from the date of approval. Upon expiration of this permit, the applicant shall reapply for a conditional use permit if this request must be extended.
2. Issuance of this permit does not imply approval of any other municipal permits. Prior to occupancy of the camper for the use of a temporary dwelling, the applicant must obtain the following municipal permits through the Town Engineer:
 - a. Sewer connection permit
 - b. Water connection permit
 - c. Driveway permit

COMMENT

Mr. Garbacik provided an overview of his staff report as stated above. Mr. Reaves swore in Mr. Southgate and Mr. Mitchell. Mr. Southgate explained the purpose of the request is to secure housing for a long-time employee, this would be temporary until a single-family dwelling could be built. At this time, he is working with the property owners Rock of Ages/Polycor to secure a purchase and sales agreement.

MOTION

On motion by Mr. Otis, seconded by Ms. Valentinetti, the Development Review Board moved continue Request by John Southgate for a conditional use permit (possible approval) to set up a camper for temporary residency while building a new single-family dwelling on property located off of Church Hill Road and Websterville Road (property owned by Rock of Ages); PID: 023/018.00; Zoned Medium Density Residential; CUP-23000006 to date certain November 8, 2023. Vote 5-0-0

G. OTHER

- 1) Conceptual discussion with John Southgate regarding a potential 4' **variance** of maximum height requirements on land located at 255 Websterville Road.

Mr. Southgate explained that he had built a workshop structure and realized after it was built, that with the cupola (occupied space) it exceeds the 35' height requirement by 4' feet.

Discussion ensued regarding measuring methods for the height of a structure. Mr. Southgate will re-measure the height of the structure.

- Measuring methods for height of a structure

- 2) Conceptual discussion with Matthew Henderson regarding a potential **two-lot (2) subdivision** of land located at 32 Hillside Avenue.

Mr. Jurentkuff of Chase & Chase spoke on behalf of Mathew Henderson. Mr. Henderson would like to subdivide 2 acres of his property, there is an issue with access for a driveway to subdivide the property as it would either require a State access permit from Route 302 or a shared driveway from Hillside Avenue. The Zoning Bylaws do not have any wiggle room for shared access from Hillside Avenue. It was suggested to contact the State of Vermont Transportation for a permit from Route 302.

H. FOLLOW-UPS

I. ROUNDTABLE

J. ADJOURN!

On motion by Mr. Valentinetti, seconded by Mr. Sanborn, the Development Review Board adjourned at 8:10 p.m. Vote: 5-0-0.

Respectfully submitted,

Cindy Spaulding, Board Clerk

Mark Reaves, Chair

Jon Valsangiacomo

Angela Valentinetti

Chris Neddo

Cedric Sanborn

Angela Labrador

Gerald Otis

Jim Fecteau (alternate)

Gina Galfetti (alternate)