

Town of Barre Planning Commission

January 19, 2022

The Town of Barre Planning Commission held a meeting on Wednesday, January 19, 2022 beginning at 7:00 p.m. in the Municipal Building at 149 Websterville Road, Websterville, VT.

MEMBERS PRESENT:

Chris Violette, Mike Gilbar, Cedric Sanborn, George Clain, Terry Reil, Craig Chase and Byron Atwood

MEMBERS ABSENT:

STAFF PRESENT:

Chris Violette and Cindy Spaulding (Teleconference)

OTHERS PRESENT

No public attendees

1) CHANGES TO THE AGENDA

Mr. Sanborn called the meeting to order at 7:08 p.m. and asked whether there were any changes to the agenda. Mr. Clain requested to add discussion of the Wilson Industrial Park under “Other”.

2) APPROVAL OF MINUTES

December 15, 2021

On a motion by Mr. Gilbar, seconded by Mr. Reil, the Planning Commission approved the minutes of December 15, 2021, as amended. Vote 7-0-0.

3) REVIEW RULES OF PROCEDURE – (amend as necessary).

Revised available for review, possible adoption.

Mr. Gilbar provided his edits to the Rules of Procedure document presented to members. Some members did not receive their packet in time due to the MLK holiday on Monday, January 17th. As a result, while the board considered edits for those who were able to review the document, no formal action was taken so that the rest of the members could review.

Mr. Gilbar asked if third line in Section 1 Authority, which refers to 24 VSA §4461(a) is still applicable with 1 VSA § 312. Mr. Violette explained that the references pertain to the Open Meeting Laws.

Mr. Gilbar asked to put “interested party” in the definitions. Mr. Violette provided an overview that there is a separate document for interested persons, in addition to the Rules and Procedures.

Mr. Gilbar asked for clarification to page 4 F: *Ask all who participate to identify themselves and to provide contact information The commission shall not make any determination as to interested party status...* Mr. Violette explained the PC could not determine an interested party’s status. That is used in environmental court proceedings and provided examples of past court cases.

Mr. Atwood asked for clarification on when someone is sworn in. Mr. Violette stated it is when Commission is acting as a quasi-judicial board for allowed use determination applications. Swearing in helps make it clear that it is a formal hearing.

Mr. Gilbar asked for clarification of page 4 Section VI: Public Hearings and Order of Business. Items M & N should have a semi-colon (;) and the word **or** between the sections. Example of how it would read:

- M. If testimony is complete, the Chair shall ask commission member to close the hearing by motion and upon majority either deliberate (publicly) or go into deliberative session closed; **or***
- N. If testimony is not complete and needs to be continued to another date, the chair shall ask for a motion and upon majority vote, the hearing shall be continued to another date and time for which the motion shall include the date and time to be certain.*

Mr. Gilbar asked for clarification of page 5 Section VIII: C. *No second shall be required for a motion to have the floor. No motion shall fail for lack of a second.* Mr. Violette mentioned if a decision is not made and not put in writing within 45 days, the permit is considered approved per State Statute. He provided an example of a permit that was considered approved, because the motion did not have a second, a decision was not made or put in writing within the 45-days.

Discussion ensued regarding:

- motions without a second, the Chair can call a vote for a decision,
- motions both with a second and without a second are outlined in Roberts Rules,
- procedures for written notice of decision and its timeline,
- how to make a motion in the affirmative then votes could be no without prejudice.

Mr. Sanborn requested to add “Public Comment” to future agendas as outline in J on page 3 of the Rules of Procedure.

Mr. Sanborn commented regarding closing public hearings to go into deliberative session when there may need more information from the applicant.

It was suggested to make two motions, one to recess the public hearing and the second to go into deliberative session. This way if there was a need for further information, the PC could come out of deliberative session to ask further questions. This potentially could be item O in the Rules of Procedures under *Section VI: Public Hearings and Order of Business*. Mr. Violette will look into further and follow up next month’s meeting.

Discussion ensued on how packet will be delivered in the future:

- Packets will be emailed to members: Atwood, Clain, Chase, Reil and Gilbar with paper versions available at meeting for Clain, Chase and Gilbar,
- Packet physically mailed to members Sanborn, Reil and Atwood,
- Mr. Clain asked if the packets could be put on the town’s website for the public to review as well. Mr. Violette will investigate it and follow-up next month.

4) DISCUSSION REGARDING CANNABIS AND HOW IT RELATES TO ZONING (as needed)

This item passed over for discussion at this meeting. It will be on next month’s agenda for potential review and discussion.

5) OTHER

Report/update regarding the Central Vermont Regional Planning Commission (George Clain).

Mr. Clain and Mr. Atwood provided an overview the Central Vermont Regional Planning Commission mandated requirements for a formal approval of future Town Plans.

Mr. Atwood read from the submitted document. See below (page 5 of the CVRPC Municipal Planning Review Committee Packet for meeting of January 20, 2022):

3. Municipal Plan Review Procedure

The process of requesting plan approval and confirmation by CVRPC has been informal. In recent years, CVRPC has simply requested the approval be submitted in writing (email) by a member of the legislative body. Staff recommends the process be more defined and asks the municipality to provide more information as to how the municipality is meeting the requirements on which confirmation and approval are based. Staff is seeking Committee comment and support of the following expectations:

Draft expectations as per [24 VSA §4350](#):

If your municipality wishes to seek formal confirmation and plan approval please provide CVRPC with:

- A copy of the locally adopted plan (preferable in pdf format)
- A letter signed by the appropriate municipal authority requesting CVRPC to consider confirmation of its planning process and approval of its plan; and the following information:
 - a) A summary of the municipality's funding over the prior five years dedicated to municipal and regional planning purposes; (as per 24 VSA §4350 (a)(3))
 - b) A summary of the municipality's process to implement the adopted plan, as described in 24 VSA§4350(c);
 - c) A summary of how the plan:
 - Is consistent with the goals of 24 VSA §4302,
 - Is compatible with the most recent version of the Regional Plan,
 - Is compatible with the approved plans of adjacent municipalities,
 - Contains the required elements of 24 VSA §4382(a).

A municipality requesting a Determination of Energy Compliance (per [24 VSA §3552](#)) must also submit:

- A completed Energy Planning Standards checklist (please contact the RPC for a copy)

Highlights of discussion are that

- New mandated criteria requirements to get a Town Plan approved through the Regional Planning Commission
- Concerns the RPC has shifted its dynamics from working/assisting municipalities with the goals which it represents to attempting to be a regulatory body such as an Agent of State of Vermont.

Review bill H. 524 as it relates to limiting zoning authority.

Mr. Violette provided material pertaining to H.524 and explained it appears to eliminate municipal control within bylaws for multi-family dwellings within certain zones, limiting lot sizes to five acres, limit setback requirements and parking for residential purposes.

Discussion ensued regarding H.524 with following highlights:

- restricts town bylaws from separating areas within zoning for multifamily dwellings
- eliminates parking spaces where multi-family residents would park.
- preventing urban sprawl
- creation of cluster housing that relies on public transportation or rideshare programs
- concern over the impact of ACT 250 requirements
- CVRPC advocating for this change to multifamily dwelling instead of advocating for the type of housing needs in the towns it represents.

On motion by Mr. Clain, seconded by Mr. Atwood, the Planning Commission voted for Mr. Violette to draft a letter to the Selectboard and State Representatives regarding its concerns to H.524. Vote 7-0-0

It was suggested in discussion to contact Gwynn Zakov, VLCT Municipal Policy Advocate on VLCT's input to H.524.

6) **FOLLOW UP**

Mr. Clain inquired why there were two separate agencies (VT Economic Development and Barre Area Development) advertising Industrial Park to get businesses. Mr. Violette stated historically Barre Area Development was the original agency for the industrial park and it later transitioned over to the town. Mr. Violette will invite Mr. Morrison of Barre Area Development to provide an update on the Industrial Park.

Mr. Clain stated he was concerned that the Central Vermont Economic Development and Barre Area Development are duplicating efforts for the same cause. Mr. Violette explained that CVECD is actually looking at all areas within central Vermont for development while BADC is focusing just on Barre Town and Barre City.

Mr. Sanborn asked if Maple Harvest Specialties were moving forward with their plans for the allowed use determination of property on Washington Road. Mr. Violette reported he had informed them of all the conditions for their allowed use determination and the Howards were happy with the outcome. The Howards have not closed on the property as of yet.

7) **ROUND TABLE**

Mr. Clain asked if the Fire and Police Departments could provide public safety feedback to update the section on cannabis within the zoning bylaws.

8) **ADJOURN!**
On motion by Mr. Gilbar, seconded by Mr. Reil, the Planning Commission adjourned the meeting at 8:49 p.m. Vote 7-0-0.

Respectfully submitted,

Cindy Spaulding, Clerk

Cedric Sanborn, Chair

Mike Gilbar

George Clain

Byron Atwood

Chris Violette

Craig Chase

Terry Reil

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