

# Town of Barre Planning Commission

The Town of Barre Planning Commission held a meeting and public hearings on Wednesday, June 16, 2021, 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, and Byron Atwood  
George Clain (via phone)

## **MEMBERS ABSENT:**

## **STAFF PRESENT:**

Chris Violette and Cindy Spaulding

## **OTHERS PRESENT**

Aaron Fuller and Pat York (applicants)

### **1) CHANGES TO THE AGENDA**

Mr. Sanborn called the meeting to order at 7:01 p.m. Mr. Violette asked to add under Follow Up: Washington County Mental Health Solar Arrays and Charles Thygesen, Sr..

Mr. Violette asked if Mr. Clain had his commission packet to participate in the meeting. Mr. Clain did not. Mr. Violette advised, if he (Clain) did not have the packet, he should abstain from motions.

New members were welcomed and introductions were made.

### **2) REORGANIZATION**

Elect Chair and Vice Chair

Mr. Atwood nominated Cedric Sanborn as Chair; Mr. Gilbar seconded the nomination. Vote 6-0-1 (Clain abstained).

Mr. Atwood nominated Mike Gilbar as Vice Chair; Mr. Chase seconded the nomination. Mr. Gilbar nominated Byron Atwood as Vice Chair; Mr. Reil seconded the nomination.

Mr. Sanborn called for a vote for both nominations; the results were split three to three. Mr. Gilbar declined nomination of Vice Chair.

Mr. Gilbar renominated Byron Atwood as Vice Chair, Mr. Reil seconded the nomination. Vote 5-0-1 (Atwood and Clain abstained).

Mr. Atwood nominated Cindy Spaulding as Clerk; Mr. Gilbar seconded the nomination. Vote 6-0-1 (Clain abstained).

### **3) APPROVAL OF MINUTES**

May 19, 2021

*On motion by Mr. Atwood, seconded by Mr. Gilbar, the Planning Commission approved the minutes of May 19, 2021 as amended. Vote 4-0-3 (Clain, Chase & Reil abstained).*

### **4) ALLOWED USE DETERMINATION**

**a. Request by Aaron Fuller (property owned by Pierre Couture) in accordance with Article 2, section 2.4 (c) whereas the applicant is proposing a use (business office) not specifically allowed in Very High-Density Residential zone, Property is located at 34 Church Hill Road; Parcel ID: 023/015.00; AU-21000004.**

**New comments are in bold.**

This is a warned public hearing, **continued date certain from May 19, 2021, to June 16, 2021**, to consider a request by Aaron Fuller who is seeking an allowed use determination in accordance with the Barre Town Zoning Bylaw, Article 2, section 2.4 that reads as follows:

*(C) Any uses not specifically permitted in any given zone may be considered and allowed if, after review by the Planning Commission in a public hearing, the Planning Commission determines that the use will not alter the characteristics of the area and will not cause an undue burden on the community.*

**Last month the commission opened the public hearing, but Mr. Fuller was not in attendance. There was discussion about the proposed use and parking requirements. No information was available regarding how much of the building the proposed use will consume making it impossible to calculate parking. For a professional office, parking is calculated based on two parking spaces minimum and one parking space for every 200 s.f. of floor space. I reached out to Mr. Fuller to ask for clarification prior to now so that I could update the commission but have not received the information as of yet.**

Mr. Fuller **has** purchased the property located at 34 Church Hill Road **and is renovating it to accommodate two apartments. Most recently there was retail space and one apartment.** Mr. Fuller is hoping to use a small portion of the building to house his land surveying and permit business. In effect the use will be a business office, no retail is expected.

Mr. Fuller **received a conditional use permit on May 12, 2021 from the Development Review Board** to convert the building to a two-family dwelling.

Below are the criteria historically used to help make the determination of no undue burden on the community or the proposed use not altering the characteristics of the area. Number 9 is not applicable in this case.

1. Emergency services:
2. Water, sewer, or other municipal utility systems:
3. 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:
4. Traffic on roads and highways in the vicinity:
5. Zoning bylaws and bylaws then in effect:
6. The impact on neighboring uses:
7. Minimum lot size:
8. Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw:
9. Loading/unloading facilities:

The addition of a small office business to the building at 34 Church Hill Road will not have a negative impact on emergency services, all three can serve the proposed use.

While both the Town's public water and sewer can handle the additional use of an office, the use will likely need its own dedicated sewer allocation. What form that allocation comes in will be determined by the Town Engineer. The building already has two sewer units assigned but those will be used by the two residential dwellings. The sewer allocation need will be determined when the change of use permit is applied for if this AUD is approved.

The character of the area is mixed use. Residential use dominates the area both in the form of single and multi-family dwellings. A small general store sits just above this parcel and the post office is across the street. Not far away are industrial uses as well. Not long ago this building had a retail use which existed in one form or another for a very long time. The use is not inconsistent with the history of Barre Town's compact villages.

The proposed use is located on Church Hill Road which is a Town class 3 paved road with moderate traffic. The addition of a small office will likely generate some traffic but probably less than some of the previous retail uses has. In any case the traffic should not be sufficient to negatively impact the area roads or cause any undue safety concerns.

With regard to the Zoning Bylaws in effect, Article 2, section 2.4 (c) contemplates uses not specifically allowed in certain zones to allow some discretion. If approved by the Planning

Commission for an Allowed Use Determination, then the proposed use would be compliant with the Zoning Bylaw in effect.

The impact on neighboring uses which was previously established as mixed should not be significant. A small office would not generate noise, smells, or other objectionable concerns. It would generate some traffic but likely minimal and less than a retail establishment would.

At .7 acres the lot is much larger than the minimum lot size of 8,500 s.f.

There is no indication regarding the size of the office use. Square feet calculation is what is used (except residential) to determine the amount of parking necessary. The required parking for a professional use as required by the Barre Town Zoning Bylaw is two parking space plus one for every 200 s.f. of area. It is important to remember there are already two apartments (assuming DRB approval of the second one) which requires a total of four parking spaces. I think before a determination can be made regarding parking we'd need to hear from the applicant as to what the square footage of the office space will be and what there is for available parking after subtracting the residential use.

### **RECOMMENDATION**

This building has had a variety of uses for decades, likely going back into the 1800's. The proposed office use sound relatively minimal and likely less intrusive than a retail use. The parking question needs to be answered but if it can be satisfactorily, I do not think that the proposed office use, based on the criteria above, would alter the characteristics of the area and will not cause an undue burden on the community. I propose the following conditions be attached if approved.

### **CONDITIONS**

- 1) A change of use permit is applied for and approved by the Zoning Administrator.
- 2) All State of Vermont permits necessary are received, a Vermont Permit Specialist should be contacted.
- 3) The Town Engineer will determine sewer allocation prior to issuance of a Change of Use permit.

### **DISCUSSION**

Mr. Violette as the Zoning Administrator read his staff report as stated above. Mr. Fuller stated he calculated the office space to be 1,000 sf with nine parking spaces around the building and six parking spaces as an overflow away from the building. Mr. Sanborn asked if there would be a place for snow storage. Mr. Fuller stated there is enough room to store winter snow.

Mr. Fuller presented a site plan for 34 Church Hill Road and members reviewed where the proposed parking spaces and snow storage would be located.

Mr. Sanborn asked if it was possible to close up the curb cut and make it more presentable. Mr. Fuller mentioned that it may be a storm water issue. He further stated that it would be extremely costly for the town with engineering, and material costs as it is in the town's right-of-way.

Mr. Reil asked if signage could be placed to discourage vehicles backing out into traffic. Mr. Fuller stated he could put "No Parking" signs on the narrow part of the parking area as a deterrent.

***On motion by Mr. Gilbar, seconded by Mr. Atwood, the Planning Commission approved a request by Aaron Fuller in accordance with Article 2, section 2.4 (c) whereas the applicant is proposing a use (business office) not specifically allowed in Very High Density Residential zone, property is located at 34 Church Hill Road: Parcel ID: 023/015.00: AU-21000004, contingent upon conditions: 1) A change of use permit is applied for and approved by the Zoning Administrator. 2) All State of Vermont permits necessary are received, a Vermont Permit Specialist should be contacted. 3) The Town Engineer will determine sewer allocation***

*prior to issuance of a Change of Use permit. Vote 6-0-1 (Clain abstained).*

CONDITIONS Yes X No \_\_\_\_\_

MOTION BY: GILBAR  
 SECOND BY: ATWOOD

**ROLL CALL:**

Cedric Sanborn	<u>YES</u>	George Clain	<u>ABSTAIN</u>
Bryon Atwood	<u>YES</u>	Craig Chase	<u>YES</u>
Chris Violette	<u>YES</u>	Mike Gilbar	<u>YES</u>
Terry Reil	<u>YES</u>		

**b. Request by Pat York for a multiple curb-cut in accordance with the Town of Barre Subdivision Ordinance to add a second driveway on property located at 13 Lisa Drive. Parcel ID: 009/112.01; zoned: Low Density Residential; AU-21000006.**

This is a warned public hearing for the purpose of a multiple curb-cut request. The proposed access will create a second driveway to access the applicant’s lower property off Camp Street for a seasonal vegetable stand. The subject parcel is 20.08 acres in size with approximately 687’ of road frontage along Camp Street. The applicants homestead is located on this parcel and is accessed via Lisa Drive (driveway 1).

All parcels, except in unique situations, are entitled to one access to a Town road approved by the Town Engineer. Access is generally referred to as a curb-cut. There are some instances where a property owner may desire two and sometimes three curb-cuts. While the Town Engineer would still have to permit second or third curb-cuts, approval is required from the Planning Commission under the authority of Article 4, section 402 E. (2) of the Barre Town Subdivision Ordinance.

When reviewing multiple curb-cut request the Planning Commission relies heavily on input from the Town Engineer regarding these types of request. The Town Engineer has been designated by the Selectboard to review and control access to Town roads. The Town Engineer shall consider such things as; the functional class of the road; site distances; safety; width of the curb-cut; drainage; topography; and any other pertinent factors that a may apply.

Camp Street is a class 3 paved Town road. The speed limit at the proposed driveway location is 25 MPH. Site distance in both directions is several hundred feet.

Mr. York has provided a narrative and map explaining the desire for the second curb-cut. I have also included a marked-up GIS tax map showing the proposed location.

Josh Martineau, the Town Engineer, has reviewed the request, spoke to Mr. York about his plan and determined that he does not have any concerns with this proposed curb-cut. He further notes that he does not believe it will impact safety or function of the road and that it will meet the required sight distances. Email from Mr. Martineau is included with the packets.

**DISCUSSION**

Mr. Violette provided an overview of his staff report as stated above. Mr. York stated that the second curb cut is for a part time farm stand on the other side of this property, which he is hoping will be a full-time farm stand in the future. He has notified the neighbor and the neighbor had no problem with access off of Camp Street.

Mr. Reil pointed out there may be a safety issue as the roadway slants slightly and with the tree foliage along Camp Street, especially if traffic exceeds the posted 25 mph. Mr. Violette mentioned that excessive speed is handled by law enforcement.

***On motion by Mr. Gilbar, seconded by Mr. Chase, the Planning Commission approved a request by Pat York for a multiple curb-cut in accordance with the Town of Barre Subdivision***

**Ordinance to add a second driveway on property located at 13 Lisa Drive. Parcel ID: 009/112.01; zoned: Low Density residential: AU-2100006. Vote 5-1-1 (Reil opposed, Clain abstained)**

CONDITIONS Yes \_\_\_\_\_ No  X

MOTION BY:  GILBAR   
 SECOND BY:  CHASE

**ROLL CALL:**

Cedric Sanborn	<u> YES </u>	George Clain	<u> ABSTAIN </u>
Bryon Atwood	<u> YES </u>	Craig Chase	<u> YES </u>
Chris Violette	<u> YES </u>	Mike Gilbar	<u> YES </u>
Terry Reil	<u> OPPOSED </u>		

**5) DISCUSS RETAIL SALE OF CANNABIS AND HOW IT RELATES TO ZONING**

Mr. Violette reported that legislature had approved ACT 164 amendment S.25 with changes.

Highlights of discussion amongst commission members:

- Gives the town the option for a town wide vote to opt in at any time
- Options to regulate locations of retail sale of cannabis within the zoning bylaws

**ZONING BYLAW DISCUSSION AND AMENDMENT (as needed)**

Passed over

**6) TOWN PLAN DISCUSSION AND AMENDMENTS (as needed)**

Passed over

**7) OLD BUSINESS**

Passed over

**8) OTHER**

- 1) Conceptual discussion with representative of Websterville Christian Academy (WCA) for the possible use of 1 Conti Circle as an educational institution.

Mr. Violette reported that WCA had been looking at 1 Conti Circle as a potential site to expand its educational institute. This has since been withdrawn.

He also provided an update to the Allowed Use Determination for the WCA to use the former St. Sylvesters Church as an extension of their existing educational function issued in March 2021. The deal fell through.

- 2) Begin discussion regarding rules of procedure and conflict of interest policy.

Mr. Violette provided a copy of the conflict of interest policy (town) and rules of procedure for members to review.

Highlight of discussion amongst members:

- Ex Parte Communications with an applicant(s), whether directly or indirectly, Examples of common practices to avoid discussion with applicant and disclosure of the conflict of interest
- Notify members with a prelim agenda with applicants in advance of sending

packets out

- Electronic communications are subjected to public records request
- Appropriate procedures to open/close a public hearing and go into deliberative session.
- Transparency and accountability of making decisions in open session
- Guidelines when to go into deliberative session

9) **FOLLOW UP**

Mr. Violette provided an overview of Washington County Mental Health (WCMH)/Norwich Solar Technologies (NST) and the solar array projects on Grandview Drive and Beckley Hill Road.

Highlights of discussion:

- “preferred siting” criteria
- Drainage infrastructure at Grandview solar array
- Entity (WCMH or NST) responsible for the maintenance of the drainage system
- Wastewater Discharge permit issued to WCMH in 2017 (Violette will research further with the State Staff member who issued the permit)
- How the town plan and energy plan documents for renewable energy projects that go before the Public Utility Commission (PUC)
- Current “preferred site” support letters include a map showing the project approved at the time of presentation during the 45-day notice period.

Mr. Violette announced that Mr. Thygesen is an Ex-officio to the Planning Commission for all of his years of service.

10) **ROUND TABLE**

Passed over

11) **DELIBERATIVE SESSION AS NEEDED**

Passed over

12) **ADJOURN!**

*On motion by Mr. Atwood, seconded by Mr. Reil, the Planning Commission voted to adjourn at 8:45 p.m. Vote 6-0-0.*

Respectfully submitted,

Cindy Spaulding, Clerk

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Cedric Sanborn, Chair

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Mike Gilbar

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George Clain

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Byron Atwood

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Chris Violette

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Craig Chase

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Terry Reil