

Town of Barre
Planning Commission
July 19, 2023

The Town of Barre Planning Commission held a meeting on Wednesday, July 19, 2023, beginning at 7:00 p.m. in the Municipal Building at 149 Websterville Road, Websterville, VT.

MEMBERS PRESENT:

In person: Cedric Sanborn, Craig Chase, George Clain, Alice Farrell, Rodney Morin, & Terry Reil

MEMBERS ABSENT:

Byron Atwood

STAFF PRESENT:

In person: Brandon Garbacik and Cindy Spaulding

OTHERS PRESENT

No public attendees present

A. CALL TO ORDER – 7:00 P.M.

Mr. Sanborn called the meeting to order at 7:00 p.m.

B. CHANGES TO THE PUBLISHED AGENDA?

There were no changes to the agenda.

C. APPROVAL OF MINUTES

1) June 21, 2023

On motion by Mr. Reil, seconded by Ms. Farrell, the Planning Commission approved the minutes of June 21, 2023 as written. Vote 7-0-0.

D. NON-AGENDA ITEMS (PUBLIC COMMENT)

There were no non-agenda items.

E. PUBLIC HEARING(S)

There were no public hearings.

F. NEW BUSINESS

1) Discussion to determine height of structures

Mr. Sanborn mentioned the purpose of reviewing the height maximum is due a recent DRB meeting in which an applicant appealed the denial of a building permit due to exceeding the maximum height requirement. The applicant had argued the proposed monitor barn with a gambrel roof should be measured using the gamble roof method.

Mr. Garbacik presented a power point presentation of his research of height structures in 26 different municipalities in Vermont: “*Determining the Height of a Structure*”.

Background

- In Barre Town Zoning Bylaw Article 3, Section 3.5, there are 2 methods of determining the height of a structure
- For most roof styles: From the average finished grade to the highest point of the structure
- For gable roofs: From the average finished grade to the average height between the eaves and the ridge
- Recent DRB meeting: “Appeal of denial of building permit
- Desire to review Article 3, Section 3.5

Research

- Compiled data using the zoning bylaws from other municipalities in VT

- 26 different municipalities
- Nearly half of the municipalities situated in Central VT
- What I looked for from each municipality:
 - How to determine/define height of structures
 - Max height of structures
 - Items exempt from height consideration
- Also researched potential definitions

Options

- 1) Remove language measuring height differently for gable roofs
- 2) Two different measurements dependent on roof structure
 - a. Clarify our by laws
 - b. Flat/Mansard roofs vs other roofs
 - c. Morristown: Height is measured "...from the average elevation of the Building's finished grade to the midpoint of its roofline, or, in the case of a flat roof, to its highest point."
 - d. Colchester: One standard of height measurement for flat roofs, one standard for pitched roofs
 - For both standards of roofs, height is measured from ground to highest point of the structure
 - Max height for pitched roofs 5 feet higher than max height for flat roofs in all districts
 - Requires a distinction to be made between flat vs pitched roofs
- 3) Three different measurements: Flat vs Mansard vs Other Roofs

Potential Definitions of Roofs

- Flat roof – A roof that is not pitched (I also found a definition that defines a flat roof having a slope which does not exceed a rise of two inches over a distance of twelve inches)
- Mansard roof – A four-sided roof characterized by two slopes on each of its sides, with the lower slope being considerably steeper than the upper slope
- Gable – The (triangular) portion of the wall that encloses the end of a pitched roof; features one consistent slope
- Gable roof – A roof which features a gable
- Gambrel roof – A gable roof with two different grades of slope instead of one consistent slope

Max Height

- Barre Town: 35 ft residential, 40 ft commercial, 50 ft industrial
- In most of the municipalities that I researched: residential between 35-45 ft, commercial/industrial uses between 45-75 ft
- Some municipalities: Allow buildings 100 ft or taller in urban areas (Middlebury has no max height for industrial buildings)
- 5 of 26 municipalities: One max height standard for entire town, regardless of the type of building, the use of the building, or the district it's located in
- Exceptions to the rule:
 - Towns with heavy skiing industry: Max height raised for buildings associated with skiing/resorts
 - Some towns restrict the height of a structure in certain locations/districts to protect a view corridor

Height Exceptions/Waivers

- All municipalities: Exemptions made for agricultural/farm structures, forestry structures, telecommunication towers, wind generators with blades less than 20 feet in diameter
- Most municipalities: Exemptions made for architectural, mechanical, or decorative features of a building/structure not used for human habitation (chimneys, antennas, ornamental cupolas, steeples, etc.)
- Flag poles: Exempt from height in some municipalities, must meet height/setback requirements in other municipalities
- Some municipalities (a little less than half): Waivers of height requirements may be granted by DRB/PC (either a conditional use or an allowed use determination)
- A couple (2 or 3) municipalities: Allow structures to be built past max height requirements with increased setback requirements

Summary/recommendation

- Building/structure height still needs to be defined
- Recommendations:
 - Top Choice: Option 1 – Eliminates confusion of having multiple methods of measuring buildings or determining the roof structure of a building
 - Second Choice: Option 2D – Also eliminates multiple methods of measuring buildings while still granting an advantage to those who choose to construct with a style of roof that does not block as much of the view

- Third Choice: Option 2C – Only a flat roof needs to be clearly defined
- Proposed definition: “The height of a structure shall be determined by measuring the vertical distance from the average elevation of the finished lot grade at the front of a building or structure to the highest point of the roof or structure.”
- Proposed exemptions: Keep list that exists under Article 3, Section 3.5(B), except under #4 add “and other similar items not meant for human occupation” at the end.

Discussion ensued concerning:

- Types of Roof Structures and definitions
- Building Height Requirements
- Purpose for height restrictions
- How to measure various roof styles

The consensus from members this will be reviewed further and put on a future meeting agenda.

G. LEGISLATIVE UPDATE AND BILL REVIEW

1) Act 47 Update

Mr. Garbacik handed out a memo from the State of Vermont Department of Housing & Community Development the activity of Act 47. Most of the changes to Act 47 went into effect on July 1, 2023.

Discussion ensued concerning the new changes such as allowing duplexes in any district, allowing four-unit dwellings in areas served by municipal water and sewer, and allowing up to five units per acre in areas served by municipal water and sewer. It was suggested to implement impact fees for water & sewer services and capacity to service new development.

H. OLD BUSINESS

1) Prepare Energy Committee presentation for Selectboard

Mr. Garbacik mentioned he will coordinate with Mr. Violette to present the formation of an Energy Advisory Committee at a future Selectboard meeting

2) Review Rules of Procedure

There were no changes to the Rules of Procedure.

I. FOLLOW-UP

1) Central Vermont Regional Planning Commission report

Mr. Clain and Ms. Farrell stated there was nothing to report from CVRPC as the meetings have been cancelled due to the recent flooding/disaster.

2) Potential location for Village Centers

Mr. Garbacik reported that Chairman Sanborn passed along the Selectboard is interested in pursuing Village Center designations. He (Garbacik) has reached out to Mr. Amore of DHCD and Clare Rock of CVRPC to attend a future PC meeting to go over potential village centers within Barre Town. There may be a potential site visit to include South Barre as a proposed village center.

J. ROUND TABLE

1) Lowery Road Solar Project update

The Town received a petition from SRH Law petition Lowery Road Solar LLC for a Certificate of Public Good with the Department of Public Service. Discussion ensued concerning the timing of the notice and what the developers are changing. Changes: Three-phase power is now going above ground (overhead) and putting fencing around the array.

Further discussion concerning who represents the town at the public hearings, some members of PC would like to attend these hearings as a representative but find it difficult when the public hearing notice is received and scheduled before the next Planning Commission meeting to vote for a representative.

K. ADJOURN

On motion by Mr. Reil, seconded by Mrs. Farrell, the Planning Commission adjourned at 9:00 p.m. Vote 6-0-0.

Respectfully submitted,

Cindy Spaulding, Clerk

Cedric Sanborn, Chair

Byron Atwood

Craig Chase

George Clain

Alice Farrell

Rodney Morin

Terry Reil