

Town of Barre
Planning Commission
August 16, 2023

The Town of Barre Planning Commission held a meeting on Wednesday, August 16, 2023 beginning at 7:00 p.m. in the Municipal Building at 149 Websterville Road, Websterville, VT.

MEMBERS PRESENT:

In person: Cedric Sanborn, Byron Atwood, George Clain, Alice Farrell, & Terry Reil

MEMBERS ABSENT:

Craig Chase & Rodney Morin

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?

Mr. Sanborn asked if there were any changes to the agenda. Mr. Garbacik reported that the discussion about placing a portion of property located at 120 Richardson Road (Parcel ID: 008/009.00) has been cancelled. The owner of the property had called to inform him that the property had been taken off the market and he had refused the offer from the potential buyer.

C. APPROVAL OF MINUTES

1) July 19, 2023

On motion by Mr. Clain, seconded by Ms. Farrell, the Planning Commission approved the minutes of July 19, 2023 as written. Vote 5-0-0.

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 about placing a portion of property located at 120 Richardson Road (Parcel ID: 008/009.00; Zoned Very High Density Residential) into permanent conservation. Guests: Charlie Watt (potential buyer of 120 Richardson Road) and Britt Haselton (Vermont Land Trust) - CANCELLED

G. LEGISLATIVE UPDATE AND BILL REVIEW

1) Act 47 Update

The Board reviewed the Department of Housing and Community Development's memo regarding Act 47 Summary version 2.

H. OLD BUSINESS

1) Prepare Energy Committee presentation for Selectboard

Members reviewed a memo to the Selectboard recommending the formation of an Energy Advisory Committee. Minor changes were made. The presentation will take place on August 22, 2023, at 6:00 p.m. in the Selectboard Room. It will be warned as a special meeting of Planning Commission.

I. FOLLOW-UP

1) Central Vermont Regional Planning Commission report

Mr. Clain reported that the CVRPC do not meet in August. He mentioned the Project Review Committee would be meeting on August 17th to discuss the New Regional Plan and Preferred Sites Discussion. The discussion would be to identify preferred sites for future renewable energy such as placement of solar projects.

2) Discussion to determine height of structures

Mr. Garbacik provide a presentation on continued research of height structures: "*Determining the Height of a Structure, Part 2*".

Where we left off last month...

- We discussed changing how structure height is measured in the Barre Town Zoning Bylaw
- I gave a presentation on how other municipalities determine how to measure height
- My main focuses were on how many different types of measurements were used, what was the highest point measured to, and what items are exempt from maximum height restrictions
- 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."
- After proposing a recommended definition, discussion ensued regarding how the base of a structure should be determined

DIFFERENT TYPES OF DEFINITIONS FOR THE BASE OF A STRUCTURE

- Most definitions of the base of a structure are very similar; some definitions essentially have the same meaning as other definitions
- Though most of the definitions are very similar to each other, some have slightly different

meanings

- Barre Town: “Average elevation of the finished lot grade at the front of a building or structure”

Two Most Popular Definitions

- “Average finished [lot] grade at the base of the structure” (East Montpelier, Randolph, Essex Town, Moretown, Middlesex, Morristown)
- “Average elevation of the [proposed] finished [lot] grade at the front/façade of a building” (Northfield, Windsor, St. Johnsbury, Middlebury, Woodstock, Derby)

Other Definitions

- “Average finished grade at ground” (Barre City, Milton)
- “Average finished grade surrounding the building[s]” (Rutland Town, Fair Haven)
- “Average finished grade within 10 feet of the walls of the building” (Dorset)
- “Average of highest and lowest points where the exterior wall meets the finished grade at ground” (Montpelier)
- “Average preconstruction grade” (Colchester)
- “Lowest point at ground level” (Brattleboro)
- “Lowest elevation of the proposed finished grade” (Marshfield)
- “Lowest point of the finished grade immediately adjoining the building” (Killington)
- “Mean ground level of the highest structure face” (Berlin)
- “Proposed finished grade at the front or rear of the building” (Stowe)
- “Average finished grade of all four sides” (Waitsfield)
- “Average natural grade at the base of the structure (determined from pre-development surface elevations within the proposed footprint)” (Charlotte)

Some Differences

- “Averaged finished grade” vs. “Lowest point/elevation”
- “Preconstruction” vs. “Finished grade”
- Finished grade “at ground” vs. “at base of structure” vs. “surrounding the building[s]” vs. “within 10 feet of the walls”
- Finished grade “at front/façade of a building” vs. “at the front or rear of the building” vs. “highest structure face” vs. “of all four sides”

What is the purpose of height requirements?

- Taking from the reading George sent out over the weekend, there are 5 basic principal purposes for having height regulations:
 1. Protection from fire hazards.
 2. Protection against aviation accidents.
 3. Protection of view.
 4. Protection of the character of the neighborhood.
 5. Protection of light and air.
- Of these 5 purposes, I think everyone would agree that some should be taken into consideration more so than others within Barre Town.
- I believe it makes the most sense to review what the most important reasons for establishing height requirements in Barre Town should be.

REVIEW

- Open up discussion about what the most important reasons are for establishing height maximum requirements:
 1. Protection from fire hazards.
 2. Protection against aviation accidents.
 3. Protection of view.
 4. Protection of the character of the neighborhood.
 5. Protection of light and air.
 6. Other reasons?

Let's eliminate some potential options...

- “Average finished grade at ground” (Barre City, Milton) – Simplistic definition, can lead to gray areas/open interpretations as to where height measurement should begin from
- “Average preconstruction grade” (Colchester) – Anyone who obtains a building permit is allowed to prepare the ground prior to the permit being issued; also, it makes more sense to measure the finished grade rather than the preconstruction grade
- “Average natural grade at the base of the structure (determined from pre-development surface elevations within the proposed footprint)” (Charlotte) – Essentially the same thing as the one above it

Finished grade “at the front/façade of a building” or “at the front or rear of the building” or “highest structure face” or “of all four sides”

- Sometimes, it is unclear to try to distinguish what is considered the front of the building vs. the rear of the building, and it's possible that even the sides of some buildings could be hard to distinguish.
- Not all structures have a four-sided base, so I don't think the finished grade “of all four sides” language should be used
- Where would the front/rear/sides of a building be if a structure was round in shape?
- The vast majority of the time, there isn't an issue determining where the front of a building is.
- But, if this type of language is used, it may be a good idea to add something clarifying how the front of a building is determined

“Average finished grade” vs. “Lowest point/elevation”

- “Average finished grade” – A more lenient measurement; allows those building on a slope a more favorable starting point for measurement than the above approach
- “Lowest point/elevation” – A more precise measurement; if we are proposing that height should be measured *to* the highest point of the structure, why shouldn't it be measured *from* the lowest point?
- In many (probably most) instances, there will not be a great difference between the “average finished grade” and the “lowest point/elevation”

What I'm thinking...

- One of the main reasons that we are reviewing how the Town of Barre determines the height of a structure is to try to find the most simple, straightforward approach as possible for measuring

- No gray areas, no open interpretations, no obfuscation
- Using the “average finished grade” instead of the “lowest elevation”
- New proposed definition of structure height: **“The height of a structure shall be determined by measuring the vertical distance from the lowest elevation of the finished lot grade to the highest point of the roof or structure.”**

Other things to consider

- The proposed definition doesn’t grant any advantages to structures with roofs that don’t block much of the view or structures that are well-adapted to the land (like a house with retaining walls and a walk-out basement in the back).
- This is a drawback to a definition that doesn’t allow wiggle room on interpreting height.
- Therefore, something that could maybe be considered is to increase the maximum height of structures by 5 feet in all zones (or at least in residential and conservation zones).
- However, that also might not be a good idea due to the provision in Act 47 (S.100) allowing buildings with affordable housing in them to be allowed an additional story above the maximum height requirements (as long as it’s approved by the State’s Fire Safety Division).

Discussion ensued concerning:

- At what level to measure from
- Building structure variations
- Definitions needed in Bylaws

The consensus from members is to continue reviewing options and put on a future meeting agenda.

3) Potential location for Village Centers

Continued discussion on which villages to conduct a site visit for Village Center Designations. Site visits would be a public notification, conducted after 9:00 a.m., members are available Tuesday, Wednesday and Thursday. Mr. Garbacik will reach out to Richard Amorie of ACCD to schedule site visits.

J. ROUND TABLE

1) APPOINTING REPRESENTATIVE FOR SOLAR PROJECTS

It was discussed at last meeting the best way to appoint a member of the Planning Commission as representative to speak on behalf of the commission at Public Hearings and Certificate of Public Good with the Department of Public Service. Mr. Garbacik advised a special meeting to appoint a representative when it is outside of the regular meeting.

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

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