

BARRE TOWN PLANNING COMMISSION  
MINUTES FOR OCTOBER 21, 2020

The Town of Barre Planning Commission held a meeting on Wednesday, October 30, 2020 beginning at 7:00 p.m. at the **Municipal Building**, 149 Websterville Road as well as by electronic means, Zoom video conference and teleconference.

**MEMBERS PRESENT:**

In-person: Cedric Sanborn, Deb Pierce, Bryon Atwood, George Clain and Chris Violette  
Zoom: Mike Gilbar

**MEMBERS ABSENT:**

Charles Thygesen, Sr.

**STAFF PRESENT:**

In-person: Chris Violette  
Zoom: Cindy Spaulding

**OTHERS PRESENT:**

In-person: Sandy Rouse, Alice & Robert Farrow, Jeremy Gagne  
Zoom: David Chappelle (Applicant), Nancy and Harold Prescott (Applicant), Jeff Olesky (rep for Jay Carr 6 Tanglewood Dr.), John & Debbie Plante, Carolyn & John Appleton, Jeff & Michelle Leever, Christian & Amy Parent, Robert and Martha Wheaton, Megan & Derick Archambault, Edmund Rouse, Greg Jancaitis, Thomas & Charlene Burke (telephone), Jamie & Katie Evans

1) **CHANGES TO THE AGENDA**

Mr. Sanborn called the meeting to order at 7:02 p.m.

No changes to agenda

2) **APPROVED MEETING MINUTES**

*Mr. Gilbar mentioned there was a correction to be made and more information on discussion regarding list of sections to task in the Town Plan. No action – minutes of September 16, 2020 tabled to next scheduled meeting.*

3) **WARNED PUBLIC HEARING**

- A) **Request by David Chappelle for allowed use determination in accordance with Article 2, section 2.4 (c) whereas the applicant is proposing to a use not allowed in a medium density residential zone. The applicant is proposing to use the existing barn at 240 Miller Road as a dry storage warehouse for their business. Property is owned by Kathleen Miller: Parcel ID: 005/056.21; AU-20000001.**

This is a warned public hearing. Mr. Chappelle is before the Planning Commission seeking an allowed use determination in accordance with the Barre Town Zoning Bylaw, Article 2, section 2.4 that reads as follows:

- (B) 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.*

A detailed narrative has been submitted providing responses to criteria used to help the commission makes its determination.

The subject parcel sits on 3.2 acres between Miller Road and Birchwood Park Drive, having conforming road frontage on both. The parcel is zoned medium density residential which requires a minimum lot size of 2.0 acres and 200' of road frontage. The only structure on the parcel is an old barn approximately 34' x 120'. It has been years since the barn has been used for agricultural purposes, its predominant use in recent years has been storage.

Access to the lot is via the driveway to 240 Miller Road, Kathleen Miller's (the owner of the subject parcel) homestead. In Mr. Chappelle's narrative he states that a new curb-cut and driveway from Miller Road will be installed. A sketch of the new access is provided.

There is no established potable or wastewater system on this parcel. Mr. Chappelle indicates that there is no need for a wastewater system at this point because of the limited time spent at the site. The Chappelle's live on Hill Street in Barre Town.

Mr. Chappelle is proposing to store products in support of he and his wife's specialty Hispanic food business. No retail business from the barn is expected, product is purchased out of state, stored, and delivered on set routes all by Mr. & Mrs. Chappelle. Activity around the barn is noted to be 3 to 5 times a week, all done inside the barn. The Chappelle's use a sprinter van (similar to an ambulance). No parking of vehicles is expected outside the building. Minor improvements to the building as noted in the narrative are planned.

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. Mr. Chappelle has supplied responses in his attached narrative.

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 responses to the above criteria by Mr. Chappelle address each one well. I do not find issue with any of them, it is unlikely that emergency services will be impacted at all or very little if so. For the use being proposed, water and wastewater can probably be done without, a little more discussion may be prudent. It appears any traffic increase will be minimal and with storage of all products and vehicles inside the barn and little if any activity outside, it sounds like impact on the neighborhood would be minimal as well.

Regarding Mr. Chappelle's response to character of the area it is noted that with the repair and regular use of the old barn, there is a better chance of saving this structure and keeping it in character with the neighborhood and preserving what is likely a historical structure.

As mentioned after holding the public hearing, the commission shall make a determination as to whether the proposed use of the barn by the Chappelle's will not alter the characteristics of the area and that it will not cause an undue burden on the community. Conditions can be added if necessary, to ensure these findings.

#### **Comments:**

Mr. Violette provided an overview of his staff report. Mr. Chappelle described his business is a two-person operation as a specialty pre-packaged Hispanic food distributor. The barn would be used for dry storage with limited hours of operation no late-night deliveries.

Participants in discussion: David Chappelle, Chris Violette, Jeremy Gagne, Byron Atwood, George Clain, and Michael Gilbar

#### **Highlights of Discussion:**

- No food waste on site as most prepackaged foods, refrigerated items and can goods
- concern about vermin issues: the applicant felt that vermin would not be a problem
- delivery traffic and hours of operation – 3 to 5 trips a week/9-7 p.m. deliveries
- No plan for future business growth
- Permanent access point (new driveway)
- Dry storage warehouse will not alter the character of the neighborhood
- Question if the barn is on historic preservation
- Repairs of barn will be mostly cosmetic
- Condition if the business does change from storage to retail, Water and Wastewater permits would be required

***On motion by Mr. Gilbar, seconded by Mr. Atwood, the Planning Commission approved David Chappelle's request for an allowed use determination for the operation of dry storage warehouse the existing barn at 240 Miller Road: Property owned by Kathleen Miller: Parcel ID 005/056.21; AU-20000001 findings that it will not alter characteristic of the area and will not cause undue burden on the community. Vote 6-0-0.***

**B) Request by Nancy Prescott for multiple curb-cut request in accordance with the Town of Barre Subdivision Ordinance to add a second driveway on property located at 1 Windridge Drive. Parcel ID: 033/017.00; zoned: High Density Residential; AU-2000002.**

This is a warned public hearing for the purpose of a multiple curb-cut request. The applicant is requesting a second curb-cut (driveway) to her parcel located on at 1 Windridge Drive. The subject parcel is .9 acres in size with approximately 256' of road frontage between both Windridge Drive and Ridgewood Terrace.

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.

The Prescott's are proposing a second curb-cut for access to a yet to be constructed detached garage. While this is the Prescott's primary dwelling, they also have a second living unit which either has or soon will be occupied by a family member. The garage and second curb-cut will be used by the second dwelling.

Josh Martineau, the Town Engineer, has reviewed the request, spoke to the Prescott's and determined that given the class of road and its location in a quiet neighborhood that there isn't a concern with issuing the second curb-cut request. His only comment was that the new driveway is not near the intersection of Windridge and Ridgewood which it won't be, it is further down Windridge than the existing driveway which is between the intersection and the new one.

The Planning Commission should discuss the request and take a vote whether to approve the request for a second curb-cut to access a detached garage.

Suggested Conditions: None at this time

**Comments:**

Mr. Violette provided an overview of his staff report.

Mrs. Prescott explained that they have a two-family dwelling and would be building a second garage for the second dwelling for aesthetic purposes would like to have a second driveway.

***On motion by Mr. Clain, seconded by Ms. Pierce, the Commission approved Nancy Prescott's request for a multiple curb-cut in accordance with the Town of Barre Subdivision Ordinance to add a second driveway on property located at 1 Windridge Drive. Parcel ID: 033/017.00; zoned: High Density Residential; AU-2000002. Vote 6-0-0.***

***On motion by Mr. Clain, seconded by Mr. Atwood, the commission closed the duly warned public hearings. Vote 6-0-0.***

**4) DISCUSS ZONING AMENDMENT**

*Mr. Violette recused himself as a commission member during this subject to take on his role as the Planning Director and Zoning Administrator for discussion. Mr. Violette provided an overview of his staff report (see below).*

Discuss request by Jay Carr to rezone property he owns at 6 Tanglewood Drive with road frontage on West Cobble Hill Road. Mr. Carr is proposing to change the zoning designation of this parcel from low density residential to high density residential.

This is an informational discussion, not a public hearing, to hear a request by Jay Carr property owner of 6 Tanglewood Drive. Mr. Carr is requesting that the Planning Commission consider rezoning his 20 acre parcel with road frontage on both Tanglewood Drive and West Cobble Hill Road.

Mr. Carr by way of his consultant, Jeff Olesky of Catamount Consulting Engineers, went before the Development Review Board in September for conceptual review of an 8-lot subdivision. There were many things discussed but one significant item is the lack of road frontage along West Cobble Hill Road to provide for a conforming lot once the current road frontage split between West Cobble Hill Road and Tanglewood Drive is altered by way of subdivision. Low density residential zoning requires minimum road frontage of 200', currently there is only 167'. One way to remedy the road frontage issues is to change the zone from low density to high density where only a 110' of frontage is required.

While Mr. Olesky has submitted a couple of maps including one showing the 8-lot subdivision the DRB will review the subdivision itself if and when a formal application is submitted. The Planning Commission should not get bogged down in the details of the proposed subdivision beyond how it might relate to a change in zoning.

Some of you may remember that the former owners of this parcel, the Brown's, made a similar request a few years ago. The Planning Commission decided not to take up the request at that time stating that they would consider it if in the future somebody with a potential development plan came forward.

Below is the authority citation from the Barre Town Zoning Bylaw, Article 1:

Sec. 1.5 AMENDMENTS or REPEAL

This bylaw may be amended or repealed in accordance with 24 V.S.A. § 4441 & 4442. (Summarized below)

(A) A person or body other than the Planning Commission wishing to amend or repeal any section of this bylaw (including zone change request) must submit in writing a request to the Planning Commission along with supporting documentation stating what their amendment request is. The request shall also include what effects the proposed change may have on future potential development in the area with regard to traffic, drainage, capacity of municipal services, and conformance with the town plan, how it is compatible with surrounding uses, and other factors that may be appropriate if requested by the Planning Commission. The Planning Commission may then decide whether to proceed with the request. If the Planning Commission decides to adopt the request, the amendment or repeal will then be as if they had written it.

If the Planning Commission decides to adopt a request by an individual body, or at their own direction, a report must be written. Any such report shall satisfy the requirements of 24 VSA § 4441 concerning bylaw amendments and subsection 4384(c) of title 24 concerning plan amendments.

An important point here is that while Mr. Carr has approached the commission for the zoning amendment if you decide to take it on and move it forward it will be the Planning Commission's amendment not necessarily Jay Carr's.

**Comments:**

Mr. Olesky provided an overview of the conceptual site plan with seven lots off Tanglewood Drive and one lot off of West Cobble Hill Road. The lot off West Cobble Hill Road does not have enough road frontage under the current low-density zone to stand on its own.

Participants in discussion: Jeff Olesky, Edmund Rousse, Robert Farrow, Derick Archambault, Sandy Rousse, Alice Farrow, Chris Violette, Cedric Sanborn, George Clain, Alice Farrow, Michelle Leever, John Plante, Greg Jancartis, Robert Wheaton, Martha Wheaton, Deb Pierce, Byron Atwood, Michael Gilbar, Amy Parent

Both the Chair and Mr. Violette pointed out at the beginning of the discuss that this is a zone change request only, that development review would come later by both local and state reviewers.

There was considerable discussion, below are the highlights.

- Concerns about developing the land and contributing to additional surface water drainage and Class II wetland flooding existing properties in the area and overwhelming Honey Brook and other waterways causing additional erosion in the area and downstream.
- Proposed zoning change from low density to high density would allow the current developer to create more lots or future developers to do the same.
- The developer states that they have no plans to seek more lots if the zoning is changed. They pointed out that they could develop the 7 additional lots with the existing zoning. The rezoning would provide better options regarding access and potential clustering.
- Low Density vs High Density Zones (reduction in road frontage and lot size)
- History of the previous owners (Brown) proposed subdivision which was denied as they did not

have a development plan

- Concerns about the impact of additional traffic in the neighborhoods and whether a traffic impact study would be done.
- Municipal services in the area and how having those services usually make lower density zoning possible.
- Town Plan support for lower density zoning.
- Shared driveways vs Town Roads
- Optional proposal to subdivide the lot off West Cobble Hill Rd and zone just that as high density.

***On motion by Mr. Atwood seconded by Mr. Clain to table action to the November 18 meeting. Vote 5-0-1 (Violette recused)***

Mr. Sanborn asked Mr. Olesky to consider splitting out the parcel on West Cobble Hill as a standalone lot.

*Mr. Violette returned to the meeting as a commission member.*

5) **FOLLOW UP**

6) **OTHER**

7) **ROUND TABLE**

Ms. Pierce recommended to review sections of the Town Plan to work on.

***On motion by Mr. Gilbar seconded by Ms. Pierce, the Commission voted to review sections of the Town Plan to be work on at its next scheduled meeting of November 18, 2020. Vote 6-0-0.***

8) **ADJOURN!**

***On motion by Mr. Clain, seconded by Mr. Gilbar, the Commission voted to adjourn at 8:10 p.m. Vote 6-0-0.***

Respectfully submitted,

Cindy Spaulding, Clerk

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Cedric Sanborn, Chair

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George Clain

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Debra Pierce

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Chris Violette

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Michael Gilbar

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Byron Atwood

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Charles Thygesen, Sr.