

Town of Barre Planning Commission

November 17, 2021

The Town of Barre Planning Commission held a meeting and public hearings on Wednesday, November 17, 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 Craig Chase

MEMBERS ABSENT:

Byron Atwood

STAFF PRESENT:

Chris Violette and Cindy Spaulding (remote Teams)

OTHERS PRESENT

Mark Tatro

1) **CHANGES TO THE AGENDA**

Mr. Sanborn called the meeting to order at 7:02 p.m. and asked whether there were any changes to the agenda. There were no changes to the agenda.

2) **APPROVAL OF MINUTES**

October 20, 2021

On a motion by Mr. Clain, seconded by Mr. Gilbar, the Planning Commission approved the minutes of October 20, 2021, as amended. Vote 6-0-0.

3) **PUBLIC HEARINGS**

Request by Mark Tatro for allowed use determination in accordance with Article 2, section 2.4 (c) of the Barre Town Zoning Bylaw, whereas Mr. Tatro is proposing a use not specifically allowed (commercial/office) in an existing building owned by Bond Warehouse, LLC on property located at 272 Morrison Road; parcel ID 005/115.01; zoned high-density residential; AUD-21000009.

Staff Report by Chris Violette

This is a warned public hearing to consider a request by Mark Tatro to seek an allowed use determination (AUD) 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 user will not alter the characteristics of the area and will not cause an undue burden on the community.

The applicant supplied an excellent narrative and responses to the criteria, detailing his proposed use

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of the subject parcel. Mr. Tatro proposes to use the former Bond Auto warehouse (barn) for office and appliance sales and service. Mr. Tatro notes that he will have a small showroom with limited inventory. He states the approximately 90% of his sales occur over the telephone or internet. There will be warehouse deliveries via box trucks and tractor-trailer. The facility will be open M-F 8am-5pm and Saturdays 9am -12pm. Mr. Tatro currently operates his business out of a Barre City store front on South Main Street.

The subject location is currently owned by Bond Warehouse LLC and is still used by them for warehousing. Previously, this location was used as the primary warehouse and corporate offices of Bond Auto Parts. The office use remained until relatively recently when Bond Auto Parts sold their business to O'Reilly Auto Parts. The main warehousing was transferred across the street to the large open warehouse sometime in the late 80's.

Below are the criteria used to help the Planning Commission with its review and decision.

1. Emergency services:

The applicant responds to this criterion by stating the impact will be negligible. I do not disagree with that assessment. The Town of Barre operates a full-time Police and Ambulance Service along with a call-paid Fire Department. I do not believe that a retail sales and service operation of this relatively small magnitude (based on current operation) would have a noticeable impact on the emergency services. If this proposed use was in South Barre in a highway commercial zone, the question wouldn't even be considered. The Town of Barre emergency services has the ability to serve this proposed use.

2. Water, sewer, or other municipal utility systems:

This property has both sewer and water onsite. No municipal utilities serve this property so there will be no impact. Based the subdivision approved in 2018 that separated this building from the larger parcel, the septic system was acceptable them for wastewater permitting purposes so I don't expect there would be any concerns with onsite sewer either.

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:

As the applicant notes in his narrative the subject area is a mixed use already. Bridge Street and Morrison Road (Bridge Street turned into Morrison Road) have a mixture of residential and commercial / industrial uses along it. The more immediate area includes the O'Reilly warehouse across the street.

While the specific zoning of this parcel is low-density residential, the Town Plan and the Zoning Bylaw do support mixed use and the expansion of commercial development for economic growth.

4. Traffic on roads and highways in the vicinity:

All the roads in the area that would be used to access the proposed site are Town pave class II roads. Access is excellent in all locations and the closest intersection is Morrison and Upper Prospect which function well and is not a high accident location.

The applicant has pointed out that most of his business is by telephone or internet so unlike years past, store visits are not as common as they once were. This indicates less overall vehicle trips are likely. There will be some truck traffic as indicated and minimal employee traffic.

5. Zoning bylaws and bylaws then in effect:

As noted, Barre Town's Zoning Bylaw doesn't allow, either permitted or conditional, most commercial businesses in a low-density residential zone. However, after review by the Planning Commission during a warned public hearing, in accordance with Article 2, sec. 2.4 (c), it is determined that the use will not "alter the characteristics of the area and will not cause an undue burden on the community", the use can be allowed and would be conforming.

6. The impact on neighboring uses:

This criterion is essentially addressed in number 3 above. The closest non-commercial/industrial use is about 300' away which happens to be the owner of the properties house. Beyond that, the next closest residential use is about 1,000' away.

7. Minimum lot size:

The subject parcel is 2.1 acre is size which is just above the minimum lot size of 2.0 acres. As previously noted, the parcel was just created a few years ago and in conformance with both the Zoning Bylaw and Subdivision Ordinance.

8. Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw:

Determining the required parking for this location is a bit obscured for the proposed use. Commercial/Retail uses to comply with the parking requirement would need 1 parking space for every 200sf of overall building size. Based on a 17,138sf building, there would be 86 parking space necessary. The use as a small office and small retail operation doesn't mesh well with those requirements. The applicant notes the relatively large parking area of 6,000 sf and enough parking for easily for 20 parking space.

9. Loading/unloading facilities:

The existing building at the subject location had a significant need for loading and unloading. I suspect the proposed use will not have anywhere near that need. Regardless of that, there are many options for loading and unloading with docks etc.

SUMMARY AND RECOMENDATION

The applicant is proposing to purchase and repurpose the existing office/warehouse building located at 272 Morrison Road. This building as occupied this space for many years of course and been repurposed a few times clearly. The proposed use as office and retail would likely be pretty small scale based on the applicant's current operation. Coupled with a drop in demand for actual showroom experiences because of internet access the overall impact on traffic etc. should be minimal. There will be some truck traffic but all three roads in the vicinity, Upper Prospect Street, Bridge Street, and

Morrison Road currently handle large truck traffic. I can't imagine this proposed use would exacerbate that further. The impact on emergency services is negligible and there will be not impact to municipal utilities.

When it comes to the character of the area, we already know that the use is mixed and both residential and commercial/industrial seem to mix without concern. Add to that that this location was used for what was likely a more robust operation in the past, the addition of the small retail and offices should not alter the character of the area.

While parking may not meet the actual definition or requirement based on size the proposed use is handicapped based on the nature and size of the building. It is unlikely that 20 parking space wouldn't be enough and as the applicant states, there is room to expand parking if ever needed.

For these reasons which I believe are supported by the criteria, I recommend approval of this request for office and retail use of 272 Morrison Road with the finding that the proposed use will not alter the characteristics of the area and will not cause an undue burden on the community. Quite frankly, this is likely a good spot for the proposed use and a repurpose of this unique building and support economic development in Barre Town.

COMMENTS

Mr. Violette provided an overview of his staff report as stated above. Mr. Violette noted that when Mr. Tatro's business was in East Barre, there was a concern about outside storage of appliances; it was advised that there be no outside storage of appliances as a condition.

Mr. Tatro explained the types of sales customers who come to his business and the need for a showroom. He further explained the problem in East Barre was the recycling of appliances was not being picked up properly.

Q: Mr. Sanborn

- You would be able to use parking on the other side of the building if necessary.
- Will there still be containers for recycling outside?

A: Mr. Tatro answered if he needed additional parking spaces he would use the side of the building. There will be an outside container for trash and cardboard recycling, but no roll-off for outside appliance recycling.

Q: Mr. Chase asked what is so different from Tatro's business compared to Bond's business to require an allowed use determination?

A: Mr. Violette answered Bond had offices but no retail.

Q: Mr. Clain asked if there would be a box trailer for storage?

A: Mr. Tatro answered there would be no box trailer or shipping containers for storage on the property.

Q: Mr. Reil asked how much of the building space would be used for Tatro's business?

A: Mr. Tatro answered about half of the building (approx. 9,000 sqft) would be used for the business and the remaining space would be rented out.

Q: Mr. Gilbar asked how many additional parking spaces would be needed for the business?

A: Mr. Tatro answered it is a large enough space to accommodate additional parking.

Discussion ensued amongst commission members to review businesses' needs of parking spaces within the zoning bylaws. Mr. Violette explained it was written in the bylaws to give the DRB a little flexibility and provided an example of Wilkins-Harley on South Barre Road.

On a motion by Mr. Gilbar, seconded by Mr. Reil, the Planning Commission closed the public hearing. Vote 6-0-0.

DELIBERATION

On a motion by Mr. Gilbar seconded by Mr. Chase, the Planning Commission approved a request by Mark Tatro for allowed use determination in accordance with Article 2, section 2.4 (c) of the Barre Town Zoning Bylaw, whereas Mr. Tatro is proposing a use not specifically allowed (commercial/office) in an existing building owned by Bond Warehouse, LLC on property located at 272 Morrison Road; parcel ID 005/115.01; zoned high-density residential; AUD-21000009. In making this decision to approve, the Planning Commission finds that: the use will not change the character of the neighborhood, and 2) no undue burden on the town is created. The following condition was attached to the approval; 1) the applicant will not store recycled appliances outside. Vote 6-0-0.

Mr. Clain asked for clarification of what undue burden meant. Mr. Violette explained there is no definition it could be interpreted as impact on water and sewer infrastructure, emergency services, traffic on the roads and impact to intersections, noise, smell, etc.

4) REVIEW CODE OF CONDUCT AND RULES OF PROCEDURE – (amend as necessary).

Mr. Violette announced he has been working on the Rules of Procedures and amended version of the conflict-of-interest policy. The draft document will be available at the December meeting for review.

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

6) ZONING BYLAW DISCUSSION AND AMENDMENT (as needed)

7) TOWN PLAN DISCUSSION AND AMENDMENTS (as needed)

8) OLD BUSINESS

9) OTHER

Mr. Chase asked about a non-conforming lot that someone potentially wants to subdivide, which would not have enough road frontage. Mr. Violette explained a non-conforming lot could only be used as it currently is and provided examples. Lack of road frontage leaving a parcel unable to subdivide is something that the P.C. may want to look at during a zoning amendment.

Mr. Sanborn asked about the proper contact to have on the town's website for members of the Planning Commission and Development Review Board. Discussion ensued regarding personal email addresses and phone numbers vs a group email address with @barretown.org.

10) FOLLOW UP

11) ROUND TABLE

Mr. Clain asked if the Planning Commission would be reviewing the certificate of occupancy requirement for building permits as Mr. Violette had mentioned previously. Mr. Violette reiterated his desire to look at that requirement in the future. He then explained it is very difficult to visit every property to issue certificates, but it is necessary for larger projects like a house because they are commonly required for a real estate closing.

12) DELIBERATIVE SESSION (as needed)

13) ADJOURN!

On a motion by Mr. Gilbar, seconded by Mr. Reil, the Planning Commission meeting adjourned at 7:45 p.m. Vote 6-0-0.

Respectfully submitted,

Cindy Spaulding, Clerk

Cedric Sanborn, Chair

Mike Gilbar

George Clain

Byron Atwood

Chris Violette

Craig Chase

Terry Reil