

BARRE TOWN PLANNING COMMISSION  
MINUTES FOR NOVEMBER 18, 2020

The Town of Barre Planning Commission held a meeting on Wednesday, November 18, 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:**

Host Zoom: Chris Violette

Zoom: Mike Gilbar, Cedric Sanborn, Deb Pierce and George Clain (7:10 p.m.)

**MEMBERS ABSENT:**

Charles Thygesen, Sr., Byron Atwood & Chris Neddo

**STAFF PRESENT:**

Zoom Host: Chris Violette

Zoom: Cindy Spaulding

**OTHERS PRESENT:**

Zoom: Malcolm Gray dba: Montpelier Construction (Applicant), Jeff Olesky (rep for Jay Carr 6 Tanglewood Dr.), John & Debbie Plante, Carolyn Appleton, Michelle Leever, Christian & Amy Parent, Robert and Martha Wheaton, Derick Archambault, Susan Rouse, Greg Jancaitis, Robert & Alice Farrell and Jamie & Katie Evans

1) **CHANGES TO THE AGENDA**

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

No changes to agenda

2) **APPROVED MEETING MINUTES**

*On motion by Mr. Gilbar, seconded by Ms. Pierce, the Planning Commission approved the minutes of September 1, 2020 as written. Vote 4-0-0.*

*On motion by Mr. Gilbar, seconded by Ms. Pierce, the Planning Commission approved the minutes of October 21, 2020 as amended. Vote 4-0-0.*

3) **WARNED PUBLIC HEARING**

**Request by Malcolm Gray of Montpelier Construction for allowed use determination in accordance with Article 2, section 2.4 (c) whereas the applicant is proposing a use not allowed in a medium density residential zone. The applicant is proposing to use the existing building at 127 Birchwood Park Drive for storage and a small woodshop. Property is owned by Interstate Maintenance: Parcel ID: 005/055.01; AU-20000003.**

This is a warned public hearing. Mr. Gray 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 is included in your packets. The narrative was not received in time for me to comment. The narrative can be used to help the commission makes its determination.

What I do know is that Montpelier Construction is a residential construction company. As the warning notes, they would like to use the building located at 127 Birchwood Park Drive (at the intersection with Miller Road) for storage and woodworking. As mentioned, I do not have many details on the use, but it sounds like any impacts will be minimal.

The subject property has had a light industrial building located on it for decades. This parcel and several around it at one time were zoned industrial. The industrial zoning designation went away after the 2008 rewrite because of the lack of municipal services. The building has seen various uses over the years, starting the Tony's Pizzas, Schwan Food Company, and others. Most recently, but it has been awhile, it was used for Interstate Maintenance, a cleaning service. The building has been essentially empty for the last several years.

In November of 2018, the Planning Commission approved a request from Green Cab to use the building as a hub for their business. That deal never closed and the building remained unused. There have been numerous other interested businesses over the years, but nothing has moved forward to this point.

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. Gray 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:

#### **Comments:**

Mr. Violette provided an overview of his staff report. Mr. Gray explained that Montpelier Construction offers a wide range of services from home energy audits, custom tile and fine wood working. The shop would be used for storage and staging.

Participants in discussion: Malcolm Gray, Chris Violette, Deb Pierce, George Clain, and Michael Gilbar

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

- Will there be parking issues for customers? There are 12 onsite parking spaces for customer and wood workers, no issue.
- Will there be any impact to the neighborhood; unknown at this time
- Will there be noise mitigation; if there is noise to be mitigated it will be taken care of

***On motion by Mr. Clain, seconded by Mr. Gilbar, the Planning Commission approved Malcolm Gray dba Montpelier Construction's request for an allowed use determination to operate a woodworking shop and storage at existing buildings at 127 Birchwood Park Drive: Property owned by Interstate***

***Maintenance: Parcel ID 005/055.01; AU-20000003 findings that it will not alter characteristic of the area and will not cause undue burden on the community. Vote 5-0-0.***

**4) DISCUSS ZONING AMENDMENT (continued)**

*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 a recap of discussion at the October 21<sup>st</sup> meeting in his staff report (see below).*

Discuss request by Jay Carr to rezone property he owns at 6 Tanglewood Drive with road frontage on This is the second discussion regarding Jay Carr's request that the Planning Commission consider rezoning his parcel located at 6 Tanglewood Drive with road frontage on West Cobble Hill Road. Mr. Carr is requesting that the Planning Commission consider rezoning his 20-acre parcel from low density residential zoning to high density residential.

Last month you heard the request by Mr. Carr's consultant Jeff Olesky and he gave you a bit of an overview of a potential small development that Mr. Carr may propose to the Development Review Board in the future.

Many residents of the area offered comments regarding the rezoning and about the development as a whole. Sometimes discussion swayed from the rezoning to the details of the development itself. As we discussed at the start of the meeting, the particulars of the development are not within the purview of the Planning Commission but of course the Planning Commission will always listen. Much of the discussion focused on the following:

- Water runoff from a future development and erosion downstream.
- Wetland impacts.
- More lots, if the density is lowered, could be added than the 7 Mr. Carr is proposing.
- Additional traffic on the roads including West Cobble Hill, Tamarack, and Tanglewood that 7 new houses would create.

Pointes noted by Staff and Mr. Olesky:

- Water Runoff, erosion, wetlands, and traffic would all receive review during Development Review Board public hearings as well as State of Vermont Agencies.
- Mr. Olesky confirms Mr. Carr's intent not to create more than 7 new lots. There are several limiting factors, especially the wetlands and terrain.
- Traffic will increase there is no doubt about that and that will be discussed during development review. But a zone change will allow splitting the traffic a little with a lot or two able to have access via West Cobble Hill Road.
- Mr. Olesky noted that a development could move forward without a zone change but lowering the densities allows some flexibility in a future development.
- I pointed out that this land is served by municipal services, water from Barre City and sewer from the Town. That generally we encourage developments in areas where municipal services are available.  
I also pointed out that the Town Plan supports development in this area, infilling where roads and services support it.

All the issues raised at the meeting by the neighbors are legitimate concerns or issues. All of them will be reviewed if a development is actually proposed and there is a concrete plan. A concern about more lots is a topic that could or should be discussed during a zoning change review. In this case the potential developer is on the records stating no more than 7 lots, the land, given its limitations,

doesn't lend itself to more lots, and it would be very expensive to build enough road to create more than 7 lots.

The key issue for the Planning Commission is not even whether it makes sense for this land to be developed, it already could be. The key is whether it makes sense, based on supporting factors, whether to allow a reduction in lot size and road frontage that may help make a better development. What is the highest and best value of this land and does changing the zoning from low to high density improve not the value for the landowner, but the Town as a whole.

It is not unusual for potential developments to receive opposition from neighbors. It happens almost every time. You can understand that to a degree, they are used to their development the way it is, the traffic, the noise, the open or wooded land. But every development faced the same scrutiny from the developments before it or as people saw farmland go away. If a Town only developed based on what the residents in the area were satisfied with, we likely would not have half the ones we do today. Developments are typically built on or beyond one another to decrease infrastructure cost. At least up and until it does not make sense anymore because infrastructure will not support it. This particular parcel was provided a 50' strip of land from Tanglewood for this exact circumstance.

Planning is based on many factors over many years, decades actually. Existing development patterns are always a key factor. The ability of the land to support development is another. Availability to municipal services and good roads is always considered. A Town Plan is created to help determine where many kinds of development should or should not be. It really helps to turn to the Town Plan when considering actions as this one.

I suggest the Planning Commission consider what the Town Plan says and look at the existing development pattern to make their decision whether to move this request forward to a public hearing. The Town Plan states the following:

- Growth is likely and desirable and should be managed in such a way so as to not burden the capacity of public utilities, facilities, services, and infrastructure. (Art. 1, sec. 1.2 (1) page 3)
- Growth and development should be planned and managed so as to respect, enhance (if possible) and minimize adverse effect on visual beauty and natural areas including land based recreation and forest integrity. The Town wishes to ensure that all development include the provision of appropriate landscape plans to screen and enhance the aesthetics of residential and commercial areas. (Art 1, sec 1.2 (3) page 3)
- Barre Town's Zoning Map very closely mimics the development pattern laid out over 150 years ago. As development centered around the granite industry and the villages, along with areas close to public infrastructure, Barre Town's public infrastructure such as water and sewer to a large degree provides a natural pattern for development now and in the future. Further development, in large scale, beyond the existing water and sewer infrastructure is not desired. Infill or taking advantage of open space within the infrastructure area is the planned route for development moving forward. Commercial and Industrial development also rely heavily on the water and sewer infrastructure as well as paved roads. (Art 2, sec 2.3 page 9)
- (in part) Low density residential is primarily land that does not have municipal services and where larger tracts of land with both wooded area and open fields exist. Less intense development in this area and the preservation of open land for agricultural use when possible is encouraged. (Art 2, sec 2.5 page 10)

- (in part) Water and sewer availability play a major role in land use development. As such, Barre Town has a designated sewer service territory and has ample capacity at this time to serve the territory and beyond. (Art 2, sec 2.9 page 11)
- The attached map shows the current land cover in Barre Town. Much of Town is still covered by forest or open land. The urban land, as shown on the map, indicates areas of more intense development. The map displays areas where agricultural uses may still find land suitable for the needs associated with that use and forest blocks important to forest integrity
  - Future land use should refer to this map as a guide along with the zoning map when planning development to continue to find a good balance between intense land uses and less intense uses. (Art 2, sec 2.10 page 12)
- High Density Residential: Lot size of 1/3-acre or above with off-site water and sewer available as a rule with lot size increases required if not. Non-residential uses would be minimal. (Art 2, sec 2.12 page 13)
- Low Density Residential: Lot size 2-acres, semi-developed, semi-rural and natural areas (typically not served by Municipal water and sewer), reduction in lot size with off-site water and sewer available. This zone is primary area for higher intensity agricultural use. (Art 2, sec 2.12 page 13)

Highlights from the excerpts include:

- Growth is inevitable and desirable.
- Growth should be planned and managed to minimize adverse effect on visual beauty and natural areas and forest integrity.
- Development beyond the sewer service territory is not desired.
- Infill or taking advantage of open space within the infrastructure area is the planned route for development moving forward.
- Low density residential development is primarily land that does not have municipal services.
- Water and sewer availability play a major role in land use development.
- Future land use map support development in this area.
- High density residential 1/3 acre or more with off-site water and sewer.
- Low density residential semi-rural without access to off-site water and sewer.

It is my belief that the subject land meets many factors when determining the best zone for it. There very well may be factors that limit its development potential but those things will be flushed out during development review. This parcel can be serviced by municipal services, it is considered infill, better to build inward than outward, we need growth, development here may mean less development in the outer parts of town thus helping to preserve open space and forest integrity, and the future land use map includes this area for future development.

In the case of this request, the owner isn't considering more lots that what current zoning allows which if he wanted could be supported (less existing conditions). The change to high density just offers options that don't exist with the current zoning that ultimately will likely make for a better development, less impervious service being created, more open space, and an option to split access.

Again, I understand the concerns and share many of them, but those concerns will be addressed during the development review process. It is also important to remember that if the Planning Commission decides to move this request forward to a public hearing, it will still go to the Selectboard for review and public hearings with that body having the final say.

## Comments/Discussion

Participants in discussion: Chris Violette, Jeff Olesky, Robert & Alice Farrell, Derick Archambault, Sandy Rousse, Carolyn Appleton, Michelle Leever, Amy & Christian Parent, John Plante, Jamie Evans, Greg Jancaitis, Chris Violette, Cedric Sanborn, George Clain, Deb Pierce, and Michael Gilbar

Highlights of discussion.

- Concerns about developing the land and contributing to additional surface water drainage and Class II wetland flooding existing properties in the area and overwhelming local waterways causing additional erosion in the area, and downstream in low areas
- Flooding History especially with the 100 yr. old flood
- Neighbors shared experiences of water issues: flooded basements, erosion of land, swampy yards, washed outs in the area.
- Low Density vs High Density Zones (reduction in road frontage and lot size)
- History of the previous owners (Brown) proposed subdivision being denied and the current developer should be treated the same.
- Concerns about the impact of additional traffic in the neighborhoods which includes delivery and utilities such as FEDEX, Heating oil/gas supplier, etc.

Mr. Sanborn polled the attending members regarding their thoughts to move forward or not. It was determined put it on the December 16 meeting for discussion.

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

### 5) **FOLLOW UP**

#### CENTRAL VERMONT REGIONAL PLANNING COMMISSION RELATIONSHIP WITH THE TOWN

Discussion of CVRPC relationship with the town. Mr. Clain requested the members go to CVRPC website and look at the meeting project review committee, he feels that local control is being given up to the RPC.

### 6) **OTHER**

### 7) **ROUND TABLE**

8) **ADJOURN!**

*On motion by Mr. Clain, seconded by Mr. Gilbar, the Commission voted to adjourn at 8:10 p.m.  
Vote 5-0-0.*

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.

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