

Town of Barre Planning Commission

December 15, 2021

The Town of Barre Planning Commission held a meeting and public hearings on Wednesday, December 15, 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 Byron Atwood

MEMBERS ABSENT:

Craig Chase

STAFF PRESENT:

Chris Violette and Cindy Spaulding (Teleconference)

OTHERS PRESENT

Jerri and Stephen Howard dba Maple Harvest Specialties (applicant)

1) CHANGES TO THE AGENDA

Mr. Sanborn called the meeting to order at 7:04 p.m. and asked whether there were any changes to the agenda. There were no changes to the agenda.

2) APPROVAL OF MINUTES

November 17, 2021

On a motion by Mr. Reil, seconded by Mr. Gilbar, the Planning Commission approved the minutes of November 17, 2021, as written. Vote 6-0-0.

3) PUBLIC HEARINGS

Request by Jerri & Stephen Howard/dba: Maple Harvest Specialties for allowed use determination in accordance with Article 2, section 2.4 (c) of the Barre Town Zoning Bylaw, whereas Mr. & Mrs. Howard are proposing a use not specifically allowed (commercial retail) in an existing building owned by St. Cecelia & St. Frances Cabrini & Parish Charitable Trust. The subject parcel is located at 50 Washington Road; parcel ID 025/005.00; zoned high density residential; AUD-21000010.

This is a warned public hearing to consider a request by Jerri & Stephen Howard/dba: Maple Harvest Specialties 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 use will not alter the characteristics of the area and will not cause an undue burden on the community.

The parcel subject to this request is .54 acre in size and currently has one structure on it, formerly church. The parcel is located Washington Road (Vermont Rt. 110) in a high-density residential zone. The parcel is served by municipal water and sewer.

The applicant supplied responses to the criteria and provide a narrative about their business and what they'd like to do.

Most commercial/retail uses are not allowed in a high-density residential zone by either permitted or conditional use. The applicant is proposing to turn the former church into a maple products production facility with a potential for retail sales at some point.

Mr. and Mrs. Howard describe their business as a home-based business that produces maple products. They currently produce and sell their products wholesale from their house in Washington. By purchasing and moving their business to 50 Washington Road, they can expand the business, add mail-order, and retail in the form of a gift, coffee, and ice-cream shop. Details regarding what would actually be done inside the building, their production process etc. is scarce, I look forward to hearing more about that during the public hearing.

Below are the criteria used to help the Planning Commission with its review and decision, I've added comments which are in bold.

1. Emergency services:

The Town of Barre operates a full-time Police and Ambulance Service along with a call-paid Fire Department.

While not knowing a lot about the applicants proposed process, it is hard to imagine that what is now a Mon & Pop type business would be able to expand at the proposed site to the degree existing emergency services could not serve. If this proposed use was across the street in the East Barre commercial zone, this wouldn't even be questioned. I believe the Town of Barre emergency services has the ability to serve this proposed use.

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

The subject parcel is served by both water and sewer provided by the Town of Barre. The building currently has one sewer unit attached to it allowing a sewer flow of 300 gallons per day. The applicant's narrative does not detail expected water consumption that would impact both water and sewer. More detail on water use should be provided during the public hearing. The Town of Barre has substantial capacity to serve this property with both water and sewer so it is unlikely regardless of the water consumption during the manufacturing process that Town services would be overburdened.

Water consumption will dictate the number of sewer units that are required. If more than 300 gallons is used, additional sewer allocation in ½ units will be required.

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:

The subject parcel is located in a high-density zone in the village of East Barre. East Barre is largely a mixed-use area with single and multi-family dwellings, and commercial uses. The location is within 500' of four different zones, three residential, one commercial. The East Barre Commercial zone makes up the opposite side of Washington Road and much of the village.

4. Traffic on roads and highways in the vicinity:

The subject parcel is located along the Southeast side of Washington Road (Vermont Rt. 110) which is a North/South paved State highway. Washington Road is a busy road that handles local traffic as well as traffic passing through from both directions.

5. Zoning bylaws and bylaws then in effect:

As noted, Barre Town's Zoning Bylaw doesn't allow the proposed use either by permitted or conditional, use. 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:

Details about the exact manufacturing process are scarce and testimony at the public hearing should help to clear that up.

7. Minimum lot size:

The minimum lot size for high-density residential is 1/3 acre with municipal water and sewer. The subject parcel is .54 acres which conforms with the minimum lot size.

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

The former church property has a large, paved parking lot, approximately 10,000 s.f. in size

9. Loading/unloading facilities:

No formal loading or unloading docks etc. currently exists.

SUMMARY AND RECOMMENDATION

There are few specifics regarding the actual manufacturing process and what the applicant expects the retail component of the business will generate for traffic etc. I suspect the impact overall will be low. Barre Town Emergency services and utilities have the ability to serve this property and the proposed use. Clarity as to expected water consumption would be helpful to determine the adequacy of the existing one sewer unit.

Being located on a Vermont State highway that is use to handling large volumes of traffic, I believe it is unlikely that the proposed use will have a negative impact on traffic by adding a substantial number of daily trips, or cause concern for any nearby Town roads or intersections. Impact on neighboring uses is likely minimal but again there are few details regarding the manufacturing process and what types of by products that may be produced as it relates to sound and smell. With the large parking area parking should not be a problem.

Because the location is in a mixed-use area, with a commercial zone and commercial uses directly across the street, I suspect the impact to the character of the area will be minimal. In past requests similar to this one, there has been a desire to keep the church appearance for both aesthetics and historical value. I'm confident that the applicant can provide more detail to what if any changes they expect to make to the building. They note in their narrative that they may change the color (white) of the building to something that will represent the outdoors and maple at the same time blending with the area.

Unless there is a substantial negative impact from the manufacturing process, which I doubt, I do not believe that changing the use of this former church to a maple product manufacturing facility with retail for gift, coffee, and ice cream shop will alter the characteristics of the area and will not cause an undue burden on the community. In fact, the proposed use may be an enhancement for the area and the Town of Barre providing tax revenue (that doesn't exist now), possibly jobs, and could bring visitors to Town.

With consideration to the proposed conditions below, I will likely recommend approval of this request pending further testimony.

1. The applicant should consult with a Vermont Permit specialist to determine what if any other State permit are necessary. It is likely that a VTrans access permit will be necessary at least updating any current permit there may be.
2. A change of use permit will be required.
3. A determination of water consumption must be made for review to determine if any additional sewer units are necessary to begin with. Beyond that, water consumption is reviewed by the Town of Barre on an annual basis and if water consumption exceeds 300 gallons a day, additional sewer units may have to be obtained.

COMMENTS

On motion by Mr. Clain, seconded by Mr. Atwood, the Planning Commission opened the public hearing. Vote 6-0-0.

Mr. Violette provided an overview of his staff report as stated above.

Mr. and Mrs. Howard provided an overview of their business plan for the building:

- Commercial kitchen for production
 - Production is usually two to three times a week
- Food production: Maple kettle corn, maple cotton candy, maple candies, and jellies
- Retail, Gift shop/Coffee Café to sell maple products
- Partner with other maple producers
- Animated sugarhouse show (Animatron)
- Products are sold at farmers markets, VT Country Store, Bragg Farms, Cabot Creamery, etc.
- Previous shop in Quechee's Antique Mall (too far)
- Business plan working on a small scale and grow in phases

C. Violette

Q: How much water is used during manufacturing maple products?

The Howards answered not much water is used.

Q: How much water do you think you would consume?

The Howards answered they do not see an increase in consumption.

Mr. Howard mentioned that he contacted the Department of Health and the business falls under food wholesale producer. He also had contacted the Agency of Transportation to see if he would need a permit, because of the horseshoe driveway. Mr. Violette explained the process with the State of Vermont Transportation and the change of use to a property.

B. Atwood

Q: Will the product production create any smell/odors?

Mrs. Howard answered on days of production there may be smells of cooked kettle corn or maple.

Mr. Atwood expressed his concerns for large tank trucks delivering maple syrup. The Howards stated they did not want to run a large operation. They weren't to stay a small operation producing maple products and in the future a gift shop coffee cafe with a community room for meetings and parties.

C. Sanborn

Q: What type of lighting will be on the exterior of the building?

Mr. Howard answered LED lighting for security purposes.

Q: What type of changes to the exterior will there be?

The Howards answered there will not be a lot of changes—trying to figure out handicap ramp and landscaping.

Q: What will be the hours of operation?

The Howards answered the hours of operation would be 9/10 a.m. to 5/6 p.m. The gift shop tentatively would be Thursday- Sunday.

Q: If you open the ice cream shop will be open until late?

The Howards answered there will not be window service. It would be made available at the gift shop hours.

Q: Will there be a loading dock area for the whole sale/mail order pickups?

The Howards answered the plan is to build a loading dock platform at the rear corner for loading/unloading.

Q: What do you anticipate the size of the trucks will be?

Mr. Howard answered most will be box trucks (22').

Q: Can you provide an idea of what the parking area will look like such as fencing? (Example Bragg Farm)

The Howards answered they are working on it — need to plan the landscaping.

Mr. Sanborn expressed his concerns with odors of maple products may be over whelming to the area residents.

T. Reil

Q: Will you have any outdoor storage either permanently or temporarily if you receive a big shipment?

The Howards answered they have vending trailers, that we would like to place there if we do not have the gift shop or storage. They would be placed in the corner of the parking lot and put them for sale.

Q: Do you have any delivery vehicles dedicated for your products?

The Howards answered they have a little vehicle for deliveries

Mr. Reil expressed his concerns of the unpleasing scenic esthetics of the property if storage trailers were placed in the parking lot. He suggested fencing the area off where the trailers would potentially be parked.

He stated, if there were an ice cream shop there would be foot traffic from neighborhood kids—concern for the safety of pedestrian traffic as there is no sidewalk.

Discussion ensued amongst Mr. Reil, Mr. Violette, Mr. Atwood, and the Howards regarding various activity scenarios when the church was active and the area playground.

G. Clain

Q: Is there any evaporation in your production or will you buy it already made?
The Howards answered they may buy the product in bulk already made and re-can it.

Q: Have you spoken with the abutters about your plans for the property?
Mr. Violette answered the abutters were notified as part of the public hearing process.

Q. Will the hours of operation 9 am to 6 pm be in the winter?
The Howards answered that the gift shop would be closed sometime in December and reopen in the spring to save on heating the space.

Discussion ensued concerning:

- Conditions of the permit be in two parts: production/retail vs gift coffee shop
- Fencing or plant screening around the property to deter neighborhood pets and youths
- Work with Efficiency Vermont for outside lighting
- No outdoor storage

C. Violette

Q: Would you consider the production/retail/mail order first then come back to the Commission with the matrix for expanding?
The Howards answered Yes.

Mr. Violette added one of the conditions for an allowed use determination is that it is non-transferable if the Howards were to sell the property. Mr. and Mrs. Howard asked it could include their children if they took over the business. Mr. Violette answered potentially it (PC) could consider it.

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

DELIBERATION

On motion by Mr. Clain, seconded by Mr. Reil, the Planning Commission entered into a closed deliberative session at 8:48 p.m. Vote 6-0-0.

On motion by Mr. Gilbar, seconded by Mr. Clain, the Planning Commission returned to open session at 9:25 p.m. Vote 6-0-0.

On a motion by Mr. Reil, seconded by Mr. Gilbar, the Planning Commission approved a request by Jerri & Stephen Howard/dba: Maple Harvest Specialties for allowed use determination in accordance with Article 2, section 2.4 (c) of the Barre Town Zoning Bylaw, whereas Mr. & Mrs. Howard are proposing a use not specifically allowed (commercial retail) in an existing building owned by St. Cecelia & St. Frances Cabrini & Parish Charitable Trust. The subject parcel is located at 50 Washington Road; parcel ID 025/005.00; zoned high density residential; AUD-2100010. 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 conditions was attached to the approval:

1. *Limit production that produces an odor outside the building to no later than 6:00 pm.*
2. *Limit trucks to no larger than 24' box trucks.*
3. *No outside storage of material, supplies, or trailers.*
4. *Dumpster shall be screened on all four sides.*
5. *No exterior alterations to the building that would change the character of the building except for a loading dock and the dumpster.*
6. *Exterior lighting shall be downcast and shielded.*
7. *Retail sales only between the hours of 9:00 am and 6:00 pm.*
8. *Permit is issued to you and/or your children, otherwise, non-transferable. Future potential buyers for the same use or any other use not allowed in that zone would have to seek their own allowed use permit.*
9. *Return to the Planning Commission in 6-months to review progress and any potential impact.*
10. *Retail sales shall be limited to products produced onsite. Coffee and ice cream sales along with any other use not approved herein but may be approved at a later date upon another application with more detail.*

11. *The applicant should consult with a Vermont Permit specialist to determine what if any other State permit are necessary. It is likely that a VTrans access permit will be necessary at least updating any current permit there may be.*
12. *A change of use permit will be required.*
13. *A determination of water consumption must be made for review to determine if any additional sewer units are necessary to begin with. Beyond that, water consumption is reviewed by the Town of Barre on an annual basis and if water consumption exceeds 300 gallons a day, additional sewer units may have to be obtained. Vote 6-0-0.*

- 4) **REVIEW CODE OF CONDUCT AND RULES OF PROCEDURE – (amend as necessary).**
- 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**
- 10) **FOLLOW UP**
- 11) **ROUND TABLE**
- 12) **DELIBERATIVE SESSION (as needed)**
- 13) **ADJOURN!**

On a motion by Mr. Gilbar, seconded by Mr. Reil, the Planning Commission meeting adjourned at 9:35 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