

BARRE TOWN DEVELOPMENT REVIEW BOARD MINUTES FOR NOVEMBER 8, 2023

The Barre Town Development Review Board held a public meeting & hearing on **November 8, 2023** beginning 7:00 p.m. at the Municipal Building, 149 Websterville Road, Websterville, VT.

MEMBERS

In person: Mark Reaves, Jon Valsangiacomo, Cedric Sanborn, Chris Neddo, and Angela Labrador

ABSENT:

Angela Valentinetti, Gerry Otis, Gina Galfetti (Alt) and Jim Fecteau (Alt)

STAFF PRESENT

In person: Brandon Garbacik

Remote: Cindy Spaulding

PUBLIC PRESENT

David Valsangiacomo, John “Jay” Southgate and Craig Chase

A. 7:00 P.M. – CALL TO ORDER

Mr. Reaves called the meeting to order at 7:00 p.m. He conducted a roll call, there were no alternates available to replace absent members.

B. CHANGES TO THE AGENDA

- 1) Mr. Garbacik suggested to switch the first and second public hearings: Southgate Public Hearings

C. APPROVE MINUTES – October 11, 2023

On motion by Mr. Neddo, seconded by Mr. Sanborn, the Development Review Board approved the minutes of October 11, 2023, as amended. Vote 5-0-0.

D. NON-AGENDA ITEMS (max 10 minutes)

No non-agenda items.

E. SUBDIVISION PRELIMINARY REVIEW:

There were no preliminary subdivision reviews.

F. WARNED FINAL PUBLIC HEARING(S)

- 1) Request by John Southgate for a **conditional use permit** (possible approval) to set up a camper for temporary residency on property located at 255 Websterville Road; PID: 006/050.00; Zoned High Density Residential; **CUP-23000007**.

STAFF REPORT/REVIEW COMMENTS FROM BRANDON GARBACIK, ZONING ADMINISTRATOR/PLANNING OFFICER

This is a warned public hearing for the purpose of hearing a request for a conditional use permit in accordance with the Barre Town Zoning Bylaw, Article 5, Section 5.5 whereas the applicant would like to conduct a use that is only allowed by a Development Review Board (DRB) issued Conditional Use Permit (CUP).

Article 4, Section 4.4 defines campers and RVs as temporary dwellings. Anyone planning to reside in a temporary dwelling for longer than 14 days requires approval through a conditional use permit issued by the DRB.

The applicant currently has another conditional use request for the same proposed use at a different parcel that he is trying to purchase. However, since that process is taking longer than anticipated, the applicant has applied for this second request so that the camper he was planning to use as the temporary dwelling on that parcel can be used on the property where his homestead is located. This request would cover the winter months for this upcoming winter.

In reviewing a conditional use application, the DRB shall use the criteria below to guide them through the process and to create findings as well as help determine what, if any, conditions may be appropriate to mitigate any concerns. Ultimately a determination must be made that the proposed use, structure, or development conforms to the criteria and shall not result in an undue adverse effect on any of them.

As part of the conditional use application, the applicant provided responses to the Development Review Board's conditional use criteria:

1. The impact on the capacity of existing or planned community facilities, to include but not limited to:

a. Emergency services:

If the person need emergency services it will be no different than a house

b. Educational facilities:

N.A.

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

Will be connected as any dwelling to water/sewer, connection fees paid prior to connecting

(SEE: "SUMMARY, RECOMMENDATIONS")

d. Recreational facilities:

N.A.

e. Conservation or other designated natural areas:

N.A.

f. Solid waste disposal facilities:

N.A.

2. 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;

A camper will look a bit weird for the 6-8 months it is there, but then it will be gone

3. Traffic on roads and highways in the vicinity;

No differer from a dwelling

4. Zoning Bylaws and bylaws then in effect;

N.A.

5. Utilization of renewable energy resources:

N.A.

6. Minimum lot size:

This lot is 34.6 ac, min size is 1/3 ac

7. Distance from adjacent or nearby uses;

All setbacks will be exceeded

8. Site Plan Review:

N.A.

9. Any other standards and factors (as needed) that the bylaw may require.

N.A.

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

N.A.

11. Loading/unloading facilities.

N.A.

SUMMARY, RECOMMENDATIONS:

Ahead of drafting this Staff Report, I reached out to Town Engineer Josh Martineau regarding this request. Mr. Martineau has stated to me that he will be unable to issue sewer/water connection permits for the proposed conditional use at this property. However, he did not see any concerns if the applicant wishes to supply water using a hose from the existing connection and use a portable holding tank for the septic.

Section 4.4 of the Zoning Bylaw states, "If no approved on-site disposal method is available, a condition of the conditional use permit, if granted by the DRB, shall be that the owners/occupants of a camper or recreational vehicle must dispose of their wastewater at least once a week, more often, if necessary, at an approved wastewater disposal facility (such as a municipal treatment plant or a commercial campground with such capabilities)."

Provided that these accommodations are able to be made by the applicant, I recommend approval of this conditional use request with the following conditions:

PROPOSED CONDITIONS:

1. This permit grants approval to allow for the occupancy of a camper on the subject property for a duration of no more than one (1) year from the date of approval. Upon expiration of this permit, the applicant shall reapply for a conditional use permit if this request must be extended.
2. Water for the temporary dwelling shall be supplied from a hose using the existing water connection on the property.
3. All wastewater from the temporary dwelling must be disposed of at least once a week (more often if necessary) at an approved wastewater disposal facility for the full duration of occupancy. Proof shall be submitted to the Barre Town Planning & Zoning Office on a regular basis (receipts, pictures, etc.).

COMMENTS:

Mr. Garbacik provided an overview of his staff report as stated above. Mr. Reaves asked if there was anyone to speak about the proposal. Mr. Reaves swore in Mr. Southgate for testimony. Mr. Southgate explained the purpose of the request is temporary housing for a long-time employee on his property at 255 Websterville Road, until he can secure the other property that Rock of Ages/Polycor owns.

MOTION:

On motion by Mr. Valsangiacomo, seconded by Mr. Neddo, the Development Review Board closed the public hearing. Vote 5-0-0.

DELIBERATION:

On motion by Mr. Sanborn, seconded by Mr. Neddo, the Development Review Board approved a request by John Southgate for a conditional use permit (possible approval) to set up a camper for temporary residency on property located at 255 Websterville Road; PID: 006/050.00; Zoned High Density Residential; CUP-23000007 contingent upon the following conditions:

- 1. This permit grants approval to allow for the occupancy of a camper on the subject property for a duration of no more than one (1) year from the date of approval. Upon expiration of this permit, the applicant shall reapply for a conditional use permit if this request must be extended.*
 - 2. Water for the temporary dwelling shall be supplied from a hose using the existing water connection on the property.*
 - 3. All wastewater from the temporary dwelling must be disposed of at least once a week (more often if necessary) at an approved wastewater disposal facility for the full duration of occupancy. Proof shall be submitted to the Barre Town Planning & Zoning Office on a regular basis (receipts, pictures, etc.). Vote 5-0-0*
- 2) Request by John Southgate for a **conditional use permit** (possible approval) to set up a camper for temporary residency while building a new single-family dwelling on property located off of Church Hill Road and Websterville Road (property owned by Rock of Ages); PID: 023/018.00; Zoned Medium Density Residential; **CUP-23000006**. (Continuation from October 11, 2023 meeting)

STAFF REPORT/REVIEW COMMENTS FROM BRANDON GARBACIK,

ZONING ADMINISTRATOR/PLANNING OFFICER

CONTINUATION FROM OCTOBER 11, 2023, MEETING

SEE "SUMMARY, RECOMMENDATIONS" FOR NEW INFORMATION:

This is a warned public hearing for the purpose of hearing a request for a conditional use permit in accordance with the Barre Town Zoning Bylaw, Article 5, Section 5.5 whereas the applicant would like to conduct a use that is only allowed by a Development Review Board (DRB) issued Conditional Use Permit (CUP).

Article 4, Section 4.4 defines campers and RVs as temporary dwellings. Anyone planning to reside in a temporary dwelling for longer than 14 days requires approval through a conditional use permit issued by the DRB.

The applicant is looking to purchase a piece of property from Rock of Ages Corporation to construct a single-family dwelling on it for a family friend to live in. The conditional use request is for this family friend to live in a camper on the property while the house is being built. The subject parcel/building is located in a medium density residential zone off of Church Hill Road, Websterville Road, and Gregoire Street on approximately 3 acres of land with well over 1000' of road frontage.

The applicant plans to hook this camper up to the municipal water and sewer lines, both of which are serviced by the Town of Barre at this location. Once the house is built, the connections would be transferred to the house.

In reviewing a conditional use application, the DRB shall use the criteria below to guide them through the process and to create findings as well as help determine what, if any, conditions may be appropriate to mitigate any concerns. Ultimately a determination must be made that the proposed use, structure, or development conforms to the criteria and shall not result in an undue adverse effect on any of them.

As part of the conditional use application, the applicant provided responses to the Development Review Board's conditional use criteria:

- 1) **The impact on the capacity of existing or planned community facilities, to include but not limited to:**
 - a. **Emergency services:**
If the person need emergency services it will be no different than a house
 - b. **Educational facilities:**
N.A.
 - c. **Water, sewer, or other municipal utility systems:**
Will be connected as any dwelling to water/sewer, connection fees paid prior to connecting
 - d. **Recreational facilities:**
N.A.
 - e. **Conservation or other designated natural areas:**
N.A.
 - f. **Solid waste disposal facilities:**
N.A.
- 2) **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;**
A camper will look a bit weird for the 6-8 months it is there, but then it will be gone
- 3) **Traffic on roads and highways in the vicinity;**
No different from a dwelling
- 4) **Zoning Bylaws and bylaws then in effect;**
N.A.
- 5) **Utilization of renewable energy resources:**
N.A.
- 6) **Minimum lot size:**
This lot is 3 ac, min size is 2
- 7) **Distance from adjacent or nearby uses;**
All setbacks will be exceeded
- 8) **Site Plan Review:**
N.A.
- 9) **Any other standards and factors (as needed) that the bylaw may require.**
N.A.

10) Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw;

N.A.

11) Loading/unloading facilities.

N.A.

SUMMARY, RECOMMENDATIONS:

The applicant has stated to me that the process of purchasing the subject parcel from Rock of Ages has been lengthier than he originally anticipated. He will not be able to set this camper up on this land prior to spring, so he is requesting to have the camper stay on the property where his homestead is located (at 255 Websterville Road) for the winter months.

However, he does not want to withdraw this request yet in case he makes progress on the purchase of this parcel and decides to move the camper to this location during the spring/summer months. Therefore, I recommend continuing this hearing date-certain to the April 10, 2024 meeting.

Also, because this hearing is somewhat dependent on what happens with the other scheduled public hearing, I think it may be a good idea during item B on this month's agenda to switch the order of the public hearings so that this continuation is heard following deliberation of the other public hearing.

COMMENTS:

Mr. Reaves reminded Mr. Southgate that he was still sworn in. Mr. Garbacik provided his staff report as stated above. Mr. Southgate stated there was no update on the purchase and sales agreement with Rock of Ages/Polycor.

MOTION:

On motion by Mr. Sanborn, seconded by Mr. Valsangiacomo, the Development Review Board moved to continue a request by John Southgate for a conditional use permit (possible approval) to set up a camper for temporary residency while building a new single-family dwelling on property located off of Church Hill Road and Websterville Road (property owned by Rock of Ages); PID: 023/018.00; Zoned Medium Density Residential; CUP-23000006 to date certain April 10, 2024. Vote 5-0-0.

G. OTHER

- 1) Conceptual discussion with Ellen Poulin / Chase & Chase Surveyors & Septic Designers, Inc. regarding a potential 2-lot subdivision located on property at 75 Pine Hill Road; PID: 009/019.00; Zoned Low Density Residential

**STAFF REPORT/REVIEW COMMENTS FROM BRANDON GARBACIK,
ZONING ADMINISTRATOR/PLANNING OFFICER**

This is a conceptual discussion regarding a potential 2-lot subdivision on the property of Ellen Poulin located at 75 Pine Hill Road. A GIS map showing the lay of the land has been provided as part of this month's packet.

The subject parcel is a corner lot on Pine Hill Road and Farwell Street. Most of this parcel's road frontage along Farwell Street is located south of 313 Farwell Street (property owned by Wilkins). However, there is a 75'± stretch of road frontage located between 313 & 341 Farwell Street. This narrow strip of land extends back into the parcel approximately 400' before it opens up behind the Wilkins parcel. The applicant is seeking to subdivide a 10± acre lot using the 75' wide stretch as the only road frontage for the new parcel. This parcel is zoned low density residential, with a minimum road frontage of 200'.

As proposed, this request would not comply with Section 3.2 of the Zoning Bylaw. This section states, "No land development may be permitted on lots which do not have the minimum road frontage on a public (class 1, 2, 3) highway for the zone in which the subject parcel lies, or, with approval of the Development Review Board (DRB) access to such road is provided by a permanent easement or right-of-way at least 25 feet in width." However, under the "Exemptions" portion of this section, one of the exemptions to this requirement states, "As approved by the DRB during subdivision review." Therefore, the applicant is hoping to find out whether this subdivision as proposed may be approved.

The proposed parcel does not meet the minimum road frontage requirements. Ultimately, it is at the Board's discretion as to whether or not an exception to these requirements may be made for this proposal. However, if it is decided that this proposal may be exempt from meeting the minimum road frontage requirements, it may open the door to many more of these types of requests.

To make this work, I believe this proposal will have to be fundamentally altered in order to meet the road frontage requirements. Potential solutions may include:

- Add sufficient road frontage on Farwell Street (south of the newly created lot approved in 2022) to the proposed parcel.
- Acquire land (road frontage) from Wilkins through a BLA. The Wilkins parcel has approximately 900' of road frontage. If Poulin and Wilkins could agree on a BLA that would result in at least 200' of road frontage for the proposed parcel, Section 3.2 of the Zoning Bylaw would be satisfied.
- Sell the 75'± wide strip of land to Wilkins or Blakely through a BLA and have them agree to place a 25' wide private right-of-way through the land to access the proposed parcel.

Barring any of the above solutions satisfying Section 3.2 of the Zoning Bylaw, I believe that this proposed subdivision will not comply with the Barre Town Zoning Bylaw.

COMMENT

Mr. Valsangiacomo mentioned he may have a conflict of interest since his wife is the Director of the Montessori School. However, he did not recuse himself since no action was being taken on this item. Mr. Garbacik provided an overview of his staff report stated above. Mr. Chase stated that he knows there is a lack of road frontage and gave examples of two previous subdivisions that had right-of-ways with a lack of road frontage. Discussion ensued regarding subdivisions, road frontage and right-of-ways. The consensus of the board is to talk with the abutting neighbors to see if they would take over the 75' road frontage and deed back a 50' right of way or have an additional 125' of road frontage on the Farwell Street side of the property for a total of 200' of road frontage.

H. FOLLOW-UPS

Mr. Garbacik announced he had the docket number for Benoit (wedding barn) appeal that is in Environmental Court.

I. ROUNDTABLE

J. ADJOURN!

On motion by Mr. Valsangiacomo, seconded by Mr. Neddo, the Development Review Board adjourned at 7:24 p.m. Vote: 5-0-0.

Respectfully submitted,
Cindy Spaulding, Board Clerk

_____ Mark Reaves, Chair	_____ Jon Valsangiacomo
_____ Angela Valentinetti	_____ Chris Neddo
_____ Cedric Sanborn	_____ Angela Labrador
_____ Gerald Otis	_____ Jim Fecteau (alternate)
_____ Gina Galfetti (alternate)	

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