

Town of Barre Planning Commission January 17, 2024

The Town of Barre Planning Commission held a meeting on Wednesday, January 17, 2023, beginning at 7:00 p.m. in the Municipal Building at 149 Websterville Road, Websterville, VT.

MEMBERS

In person: Cedric Sanborn, George Clain, Terry Reil, Alice Farrell, and Rodney Morin

Remote: Craig Chase

Absent: Byron Atwood

STAFF:

In person: Brandon Garbacik

Remote: Cindy Spaulding

PUBLIC ATTENDEES:

In-person: Tyler Whittemore (applicant), Ashley Kennett, and Peter Carpenter.

Observed in audience: Will Pitkin (CVRPC)

Remote: Brian Voigt (CVRPC) and Justin Bolduc

A. CALL TO ORDER –

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

B. CHANGES TO THE PUBLISHED AGENDA

Mr. Sanborn asked if there were any changes to the agenda. Mr. Garbacik announced item 2 under old business Zoning by law request for 6 Tanglewood Drive be moved to the February 21st meeting. He mentioned that there was legislative update to discuss.

C. APPROVAL OF MINUTES

1) December 20, 2023

On a motion by Mr. Reil, seconded by Mr. Clain, the Planning Commission approved the minutes of December 20, 2023 meeting as written. Vote 6-0-0

D. NON-AGENDA ITEMS (PUBLIC COMMENT): None

E. WARNED PUBLIC HEARING(S):

- 1) Request by Tyler Whittemore for an **Allowed Use Determination (AUD)** for a proposed use (motor vehicle garage, minor) in an existing building (owned by the applicant) that's not specifically allowed. Property located at 12 Ferris Street; Parcel ID: 028/024.02; Zoned High Density Residential; **AU-23000008**.

STAFF REPORT BY B. GARBACIK

This is a warned public hearing in accordance with Section 2.4(C) of the Barre Town Zoning Bylaw for the purpose of determining if a use not specifically allowed within a zone (motor vehicle garage, minor within a high density residential zone) should be permitted to operate. If it is determined that the proposed use in the proposed location will NOT alter the characteristics of the area and will NOT cause an undue burden on the community, the PC may issue an Allowed Use Determination permit.

The applicant supplied responses to the AUD criteria, as well as a brief description for his vision of the business. Mr. Whittemore wishes to operate a minor automotive garage at the property of his residence at 12 Ferris Street. This garage would be run solely by Mr. Whittemore (auto mechanic) and his fiancée (bookkeeper), and would perform primarily minor maintenance and repairs, with the occasional engine or transmission repair/replacement.

Ferris Street is a small side street off of Websterville Rd with two spurs. Over half of Ferris Street residents live on the spur that juts out perpendicularly to the right 150 feet after turning in off of Websterville Road. The property at 12 Ferris Street is located at the end of the other spur that continues straight (only 350 feet of roadway total), which helps limit the effect any minor increase in traffic may have. The 24' x 24' detached garage at 12 Ferris Street that is planned to host the business was constructed in 2016.

Though this application meets *some* of the requirements for it to be considered a Home Occupation eligible for a Home Occupation Permit, it does not meet all of the requirements. The main requirement that it does not meet is that the use of a minor motor vehicle garage is not considered an allowed use within the zone that the applicant would be operating in.

I have reached out to Town Engineer Josh Martineau to ask if he had any potential concerns with the application. He stated that his primary concern is the disposal of hazardous fluids. Floor drains are not allowed unless permits are obtained with the Wastewater Management Division through DEC as well as updating the existing sewer connection with the Town. If floor drains are sought and approved, Mr. Martineau says a grease trap will be required along with the necessary State permits. The preferred method for disposing of fluids is through the use of storage tanks (which also require State permits).

Below are the criteria used for reviewing Allowed Use Determinations. The applicant's response is in regular font, my additional comments are in *italics*:

- 1. Emergency services** – There would be no changes in emergency services needed at 12 Ferris St. *Impact should be negligible.*
- 2. Water, sewer, or other municipal utility services** – There would be no change to the current water, sewer and utility systems with an automotive shop located at 12 Ferris St. *As long as no floor drains are planned to be used, it is true that no changes to utility systems should be necessary.*
- 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 area should not be affected as the property sits back away from other nearby properties and is located at the end of a dead-end street. We feel an automotive garage located at 12 Ferris Street with a MAX of 10 cars a day would not affect the character of the area. We say a max of 10 cars this would basically only be two times a year during tire season, on a normal day maybe a max of 5 cars a day depending on the service/time the vehicle needs. We are surrounded by outer lying commercial land and we feel our small one person run automotive shop would have little to no affect on the area. *This property is well-shielded by foliage from all directions the majority of the year. It is tucked away at the end of Ferris Street. This property also abuts Town-owned property zoned Office Business Retail. I believe a small commercial auto shop on a 1.7-acre property pushed away from nearby residences should not have any substantial impact on the character of the area.*
- 4. Traffic on roads and highways in the vicinity** – There would be less than 10 cars a day with an occasional service vehicle, the customer vehicles would be dropped off either the night before or the morning of, depending on the service needed for the vehicle it may need to be taken for a test drive when the work is completed but other than that the traffic on the road is kept to a minimum and the traffic isn't constant, AM drop off and PM pick up with the occasional test drive. *Traffic on Ferris Street would increase, but not substantially enough to be concerned. Ferris Street is a Class 3 paved Town Highway capable of accommodating the additional traffic.*

5. **Zoning bylaws and bylaws then in effect** – There would be no changes, we wouldn't be increasing any owned vehicles, the only vehicles that would be coming to 12 Ferris St would be those of customers needing work and leaving within the same day or day after depending on the service needed on the vehicle. *Most commercial businesses are not allowed (either permitted or conditional) in the high density residential zone. However, if it is determined through review of the application that the use will not alter the characteristics of the area and will not cause an undue burden on the community, then the PC can grant the applicant an AUD for the proposed use.*
6. **The impact on neighboring uses** – Very little added traffic, like mentioned above the majority of the traffic would be in the morning when vehicles are dropped off and night time when they are picked up with the occasional test drive during the day, there is a fair amount of distance between neighbors and it is a short section of the road the customers would need to travel. *Besides the abutting vacant land owned by the Town of Barre that is zoned Office Business Retail, the rest of the neighboring properties are residential uses zoned either High Density Residential or Very High Density Residential. Given the proposed location is shielded and pushed away from abutting properties and from the roadway, I believe the impact on neighboring uses would be minimal.*
7. **Minimum lot size** – The automotive shop that would be located at 12 Ferris is on 1.7 acres which is more than what the bylaws require for a home to be suited on in a high-density zone. *Minimum lot size is 1/3 of an acre, the subject parcel is 1.7 acres.*
8. **Off street-parking requirements in accordance with standards outlined in Section 3.9 of the Zoning Bylaw** – For the automotive shop there would be no off-street parking, no changes in the layout of the existing driveway/parking. *There appears to be plenty of room on the premises to accommodate vehicles being dropped off for service, including by service vehicles/tow trucks.*
9. **Loading/unloading facilities** – There would be no need for loading and unloading at the automotive shop located at 12 Ferris St. *As noted in criterion 8, there appears to be plenty of room on the premises to accommodate vehicles being dropped off. I'd assume that parts deliveries may be required on a somewhat regular basis. However, no major deliveries requiring the presence of loading/unloading facilities are anticipated.*

Summary and Recommendation:

The applicant is proposing to use the existing 24' x 24' detached garage at his property on 12 Ferris Street to serve the use of a minor motor vehicle garage. The applicant's business would be composed primarily of minor incidental repairs and maintenance of personal vehicles, including oil changes. There was no mention of repairs/maintenance of heavy equipment being included as part of his business.

The two potential concerns are disposal of hazardous waste and the impact on the character of the area. In order for an auto repair garage or service station to operate, there are numerous environmental standards (set and enforced by the State) that are mandated. This includes requirements on the disposal of fluids such as used oil, used antifreeze, and waste paints and solvents. The applicant is advised to work with a Vermont Permit Specialist to navigate the necessary state permits. If the applicant plans on using the municipal sewer system for disposal of any such waste (presumably via floor drains), Town Engineer Josh Martineau will need to be contacted to discuss proper disposal, and a revision to the parcel's sewer allocation may be necessary.

As for the character of the area, this property is located on the outskirts of a residential neighborhood off of Websterville Road consisting of Ferris Street and Buick Street. The stretch of road on Ferris Street that would be used to access the subject property is approximately 350 feet long total. The property itself is well-shielded by foliage in all directions most of the year, and the garage sits back 200 feet from the roadway. In his narrative about the business, the applicant states that he would typically have 1-4 jobs scheduled per day, with an increase around tire changing season.

Any other potential future uses for the 1.7-acre lot, including further development, are limited due to the property's lack of road frontage and irregularly narrow shape. The backside of the parcel abuts over 600 feet of property owned by the Town of Barre (87 acres of vacant land, visible behind the Municipal Building) that is zoned Office Business Retail, where the proposed use is permitted and an AUD would not be required (only a Change of Use permit). This would be adding a commercial service that will always be needed in a convenient location to Websterville and surrounding residents. Considering the emphasis on the *minor* nature of this operation, I believe this will not alter the characteristics of the area nor cause an undue burden on the community.

I recommend approval with the following conditions:

1. The applicant should contact the regional permit specialist employed by the Agency of Natural Resources to determine which State permits will be necessary.
(Jeff McMahon, 802-477-2241, Jeff.McMahon@Vermont.gov)
2. A Change of Use permit issued by the Barre Town Planning & Zoning Office shall be required.
3. In accordance with state and federal environmental regulations, proper disposal of hazardous waste shall be adhered to and complied with. If the municipal sewer system is anticipated to be used to dispose of any hazardous waste, the applicant shall contact Town Engineer Josh Martineau to determine necessary municipal requirements.

Plus any conditions the Commission wishes to add or amend.

DISCUSSION/COMMENTS

Mr. Garbacik provided is staff report as stated above. Mr. Sanborn asked if there was anyone to speak to the matter. Mr. Whittemore explained that the hours of operation would be between 8 am and 5 p.m. Monday thru Friday with no weekends. There are no floor drains in garage for hazardous waste to go down.

Q&A

AF: How many vehicles will be serviced per day?

TW: There could be ten to twelve vehicles per day.

AF: What about the noise from the garage such as impact tools?

TW: The garage doors would be closed.

AF: How will you dispose of hazardous waste?

TW: The hazardous waste such as oil will be stored in sealed barrels on a concrete pad. Storage would not be more than 220 pounds per month.

RM: Will you be conducting state inspections?

TW: Not at this time, as it would require revamping existing garage.

TR: will you be doing autobody work, undercoating or sand blasting?

TW: No, I would like too away of commercial.

Mr. Clain expressed concerns for parking spaces, storage of tires and bathroom facilities. Mr. Whittemore explained that the tires would be stored for a short time and disposed up properly. The bathroom facilities would be available at the residential single-family dwelling.

Mr. Chase expressed his only concern was if business increases, it may need to be reclassified. Ms. Farrell asked what the difference was between a minor or major garage business. Mr. Garbacik explained the difference.

MOTION

On motion by Mr. Reil, seconded by Mr. Clain, the Planning Commission approved a request by Tyler Whittemore for an Allowed Use Determination (AUD) for a proposed use (motor vehicle garage, minor) in an existing building (owned by the applicant) that's not specifically allowed. Property located at 12 Ferris Street; Parcel ID: 028/024.02; Zoned High Density Residential, AU-23000008; contingent upon the following conditions:

- 1. The applicant should contact the regional permit specialist employed by the Agency of Natural Resources to determine which State permits will be necessary. (Jeff McMahon, 802-477-2241, Jeff.McMahon@Vermont.gov)*
- 2. A Change of Use permit issued by the Barre Town Planning & Zoning Office shall be required.*
- 3. In accordance with state and federal environmental regulations, proper disposal of hazardous waste shall be adhered to and complied with. If the municipal sewer system is anticipated to be used to dispose of any hazardous waste, the applicant shall contact Town Engineer Josh Martineau to determine necessary municipal requirements.*
- 4. Remain a small garage (no medium or heavy duty equipment)*
- 5. No outside storage. Vote 6-0-0*

F. OLD BUSINESS:

- 1) Discussion wrapping up Village Center Designation applications through ACCD. Featuring special guest Brian Voigt, Program Manager for Central Vermont Regional Planning Commission.

STAFF REPORT BY B. GARBACIK

I will be meeting (virtually) with Brian Voigt prior to this meeting to help him wrap up the mapping for the applications. He stated that he does not yet have the maps completed but hopes to have them ready for Wednesday night's meeting. If it's the case that the mapping is unable to be completed by this meeting, we can discuss submitting the applications ahead of the March deadline instead of the February deadline. The rest of the application for each village center has been completed and can be reviewed and discussed further. As of the time of writing this, I have not contacted Richard Amore from ACCD to review the applications since the mapping portion is not yet complete.

COMMENTS/DISCUSSION

Mr. Garbacik introduces Mr. Voigt and Mr. Perkins from CVRPC. He then provided an overview of his meeting with Mr. Voigt of CVRPC regarding the Village Center Designation maps. Commission members, CVRPC Staff and Mr. Garbacik reviewed:

- maps for lower Graniteville, East Barre, Upper Websterville and South Barre
- Historical districts within village designations (upper Websterville does not)
- Adding additional parcels (single-family dwellings) to the maps
- Prepare to submit applications to ACCD by March.
- Schedule a meeting with Richard Amore for preliminary review of proposed districts
- TBA special meeting of PC to approve submission to ACCD in March

- 2) Preliminary discussion with Jeff Olesky from Catamount Consulting Engineers (on behalf of Jay Carr) to discuss amending the town Zoning Bylaw for changing the zone of property located at 6 Tanglewood Drive. Property owned by the Jay Benton Carr Revocable Living Trust; Zoned Low Density Residential; Parcel ID: 006/095.01 – TABLED to February 21, 2024

G. LEGISLATIVE UPDATE AND BILL REVIEW:

Mr. Garbacik provided an overview of the bills being introduced in legislation with highlights on H.719. Mr. Sanborn suggested that members familiarize themselves with it.

Mr. Chase disconnected from the meeting as there were technical difficulties at his remote location.

H. NEW BUSINESS:

- 1) Discussion about Section 3.2 of the Barre Town Zoning Bylaw.

Mr. Garbacik provided an overview of continued subdivisions before the DRB concerning Section 3.2 of the Zoning Bylaw with regards to back lots, shared driveway access, no more than three properties sharing one access.

I. FOLLOW-UP

- 1) Central Vermont Regional Planning Commission monthly report

Ms. Farrell provided an overview of the CVRPC projects: flood recovery, ACT 250 review overhaul, dredging rivers to mitigate flooding.

- 2) Consider approving a written report for a proposal to change the zone of property located at 217 & 223 Church Hill Rd (property owned by Lucas John).

Mr. Garbacik provided written report for the approval of a zoning change of property located at 217 & 223 Church Hill Road changing from industrial to high density residential.

On motion by Mr. Reil, seconded by Ms. Farrell, the Planning Commission approved the written report for a proposal to change the zone of property located at 217 & 223 Church Hill Rd (property owned by Lucas John) and set the public hearing for February 21st. Vote 5-0-0.

Mr. Clain asked if Mr. John would need a new allowed use determination permit for the mix martial arts building. Mr. Garbacik stated he would not need one.

J. ROUND TABLE

Mr. Garbacik announced the Selectboard has appointed five members of the Energy Committee with one being Mr. Sanborn. The Energy Advisory Committee will meet on Wednesday, February 7th at 7:00 p.m. in the Municipal Building in Conference Room 3.

K. ADJOURN

*On motion by Mr. Reil, seconded by Ms. Farrell, the Planning Commission moved to adjourn at 9:00 p.m.
Vote 5-0-0.*

Respectfully submitted,

Cindy Spaulding, Clerk

Cedric Sanborn, Chair

Alice Farrell

George Clain

Byron Atwood

Terry Reil

Craig Chase

Rodney Morin

