

Town of Barre
Planning Commission
April 17, 2024

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The Town of Barre Planning Commission held a meeting on Wednesday, April 17, 2024, beginning at 7:00 p.m. in the Municipal Building at 149 Websterville Road, Websterville, VT.

MEMBERS

In person: Cedric Sanborn, George Clain, Alice Farrell, Rodney Morin, Terry Reil and Craig Chase
Absent: Byron Atwood

STAFF:

In person: Brandon Garbacik
Remote: Cindy Spaulding

PUBLIC ATTENDEES:

In person: Jay Carr and Lindsey Lozier
Remote: Joey Wilson (Catamount Consulting – Jay Carr)

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. There were no changes to the agenda.

C. APPROVAL OF MINUTES

1) March 20, 2024

On a motion by Ms. Farrell, seconded by Mr. Morin, the Planning Commission approved the minutes of February 21, 2024 meeting as written. Vote 5-0-1. (Chase abstained)

D. NON-AGENDA ITEMS (PUBLIC COMMENT):

There were no non-agenda items.

E. WARNED PUBLIC HEARING(S):

- 1) Request by John Southgate for an **Allowed Use Determination (AUD)**, whereas the applicant is proposing a use (screening and selling topsoil) that is not specifically allowed in an Industrial zone. Property located at 255 Websterville Rd (owned by the applicant); Parcel ID: 006/050.00; **AU-24000001**.

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 (screening and selling topsoil within an industrial zone) shall 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.

Due to an administrative oversight in failing to properly warn abutting property owners in a timely manner prior to the public hearing, this hearing will need to be continued to a later date. I have reached out to the applicant, and he has no issues with moving this hearing to

next month's meeting on May 15th. Therefore, I recommend opening the public hearing and then subsequently making a motion to continue the hearing date-certain to May 15, 2024.

Comments

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

Motion

On motion by Ms. Farrell, seconded by Mr. Clain, the Planning Commission continued a request by John Southgate for an Allowed Use Determination (AUD), whereas the applicant is proposing a use (screening and selling topsoil) that is not specifically allowed in an Industrial zone. Property located at 255 Websterville Rd (owned by the applicant); Parcel ID: 006/050.00; AU-24000001; date certain, May 15, 2024. Vote 6-0-0.

F. OLD BUSINESS:

- 1) 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

STAFF REPORT

UPDATE: I have not received any new information on this matter in the last few months. For more context, the December 2023 & January 2024 staff reports on this topic are available for review below.

JANUARY 2024 STAFF REPORT: Last month, Mr. Olesky and Mr. Carr were in attendance to discuss amending the Zoning Bylaw to change the zone of property located at 6 Tanglewood Drive. The primary concerns brought forward were about traffic safety and drainage/environmental issues. Last month, a vote by the Commission to take over this request from Mr. Olesky failed to pass with a majority of the Commission (Vote 3-2-0, Clain and Farrell dissented, Reil absent, Chase recused). However, with the blessing of the Chair of the PC, Mr. Olesky requested to have a vote be heard again this month with the hopes that a full board would be present.

As you may have noticed, one of the neighboring property owners of this request sent an email out to each PC member detailing some concerns she has about expanding development in the neighborhood. In the email, she requested that the Planning Commission consider taking a site visit to this neighborhood to see the lay of the land first-hand. I believe that for the purposes of this request, a site visit would be unnecessary. However, when it comes time for development review, I think it could be very helpful for the DRB to take a site visit to the area.

I am not changing my recommendation from last month for the PC to take over this request. The concerns brought to light by neighboring property owners are concerns relevant to development review, not planning out zoning districts. As I noted last month, Act 47 has already granted this parcel the ability to construct a multi-unit dwelling with up to four units as a permitted use, and lot/building dimensional standards must allow 5 or more dwelling units per acre starting in December of this year. The main benefit that a change in zone would provide this lot is more favorable road frontage and access requirements. The Barre Town Zoning Bylaw will already have to be amended to comply with Act 47, so it seems to me that denying this request would only be delaying the inevitable.

DECEMBER 2023 STAFF REPORT: This is a request to re-zone a parcel owned by Mr. Jay Carr at 6 Tanglewood Drive. As some of you may remember, a similar proposal was made to the PC for the same property three years ago in October & November of 2020. Last time around, the proposed zone change request was accompanied by a plan being conceptually reviewed by the DRB to perform an eight-lot subdivision. No such development plans have been submitted along with this new zone change request.

The proposal from three years ago did not move forward after Mr. Carr decided to withdraw the request, and the PC wasn't interested in pursuing the request themselves. Since the time of the last request, however, new state legislation has been enacted to encourage expanding residential development opportunities in areas served by municipal water and sewer.

With Act 47 (AKA the Vermont Home Act of 2023, formerly known as S.100) being signed into law this past spring, the state has enacted regulations limiting municipalities' abilities to restrict development in areas served by municipal water/sewer. In any property within a residential zoning district that is served by municipal water/sewer:

- As of July 1, 2023, multi-unit dwellings with up to four units are now a permitted use.
- As of December 1, 2024, lot and building dimensional standards must allow five (or more) dwelling units per acre for each allowed residential use. Density standards for multi-unit dwellings cannot be more restrictive than for single-family dwellings.
- As of December 1, 2024, "affordable housing development" (as defined in 24 V.S.A § 4303(2)) shall be permitted to exceed density limitations for residential developments by an additional 40 percent, including exceeding maximum height limitations by one floor.

Recommendation: When Act 47 got signed into law this June, the state made it clear to municipalities that housing development should expand at locations (such as the subject parcel of this request) that are residentially zoned and have the ability to connect to existing municipal water and sewer infrastructure. As of next December, the subject parcel will have lot and building dimensional standards that allow for five dwelling units per acre for each allowed residential use. And multi-unit structures of up to four units are already permitted as of July of this year.

Cluster housing in areas where municipal services are available is also featured as a Land Use Goal in the Barre Town Municipal Plan. The primary benefit that this lot would receive from a change in zone is a reduction in the road frontage requirements.

For concerns regarding traffic, drainage, or capacity of municipal services, I have reached out to Town Engineer Josh Martineau for his input on each of these criteria and whether he has any concerns. He is quite busy right now working on various projects around town, but I hope to have his comments available for this meeting.

Pending any concerns from Mr. Martineau, I recommend that the Planning Commission votes to take over Mr. Carr's request to change the zone of the subject parcel (PID: 006/095.01) from Low Density Residential to High Density Residential. Any concerns about what potential development might look like can be addressed during development review. Despite the legislation that the state has passed through earlier this year, other roadblocks to development exist on this property (such as the presence of Class II wetlands) that makes rampant development an improbable prospect. However, the state has made it abundantly clear that any parcel with municipal water and sewer access should be zoned to handle a higher density.

Comment

Mr. Garbacik provided an overview of his staff report as stated above. Highlight of discussion amongst PC members, Mr. Garbacik, Mr. Wilson and Mr. Carr:

- Rezone from LDR to HDR will give have more ability to develop property
- Water and Sewer on both ends of property
- Concerns request to rezone was continued for several months without the requestor showing up to discuss.
- Suggest putting the property's Class II wetland buffer in Conservation zone
- Design of Road Access to property on both ends need to be clear
- Reserve deed ROW for the town

On motion by Mr. Chase, seconded by Mr. Sanborn the Planning Commission moved to take over Mr. Carr's request to amend the Barre Town Zoning Bylaws by changing the zone located at 6 Tanglewood Lane (PID: 006/095.01 (East Cobble Hill side) Zoned low density residential (LDR) to high density residential (HDR). Vote 4-2-0. Approval of the written report for this request is planned for May 15, 2024 meeting and the public hearing for this request is to be announced.

G. LEGISLATIVE UPDATE AND BILL REVIEW:

- 1) Update on housing/Act 250 reform legislation. (Time permitting)

Mr. Garbacik and Ms. Farrell reported on VLCT's municipal legislative priorities with highlights on:

- Revenue
- Capacity
- Housing
- Open Meeting
- Public Safety
- Community Development
- Climate Change
- Reappraisal
- Disaster Response

The bills moving through legislature are on the above priority list.

H. ZONING BYLAW UPDATE:

- 1) Discussion on identifying areas in town with both municipal water and sewer service.

Mr. Garbacik presented maps where both water and sewer services are available within Town which would adhere to Act 47 requirements. Maps presented were: Richardson Rd/Beckley Hill Rd; Camp St/Cassie St/Windy Wood Rd; Trow Hill; W Cobble Hill Rd/Route 302; Route 302 (middle section) E Cobble Hill Rd/Rout 302 East Barre Area; Upper Websterville area; Lower Websterville area; top of Quarry Hill/Sterling Hill Rd; S Barre Village area; Route 14 (south section)Upper Graniteville area; and Lower Graniteville area. He explained that the maps still needed to be vetted by the Town Engineer.

Discussion ensued about the Selectboard would be included in the final since the Selectboard had mentioned that it does not want to take over any new expansion of water and sewer service lines. Mr. Garbacik explained the process with zoning bylaw changes and the Selectboard could make necessary changes as it deems necessary.

- 2) Discussion on exploring topics to consider amending in the zoning bylaw. *(Time permitting)*
Mr. Sanborn requested each member come to the May meeting with a list amendments to zoning bylaw.

I. NEW BUSINESS: None

J. FOLLOW-UP

- 1) Central Vermont Regional Planning Commission monthly report
Ms. Farrell reported the Regional plan is being updated with amendments to enhance solar and wind farms as well as housing targets up to 30%. CVRPC has Barre town housing and Transportation at 123 dwelling units by 2030.
- 2) Energy Committee monthly report
Mr. Garbacik reported that the Energy Committee was awarded a \$4000 grant for planning energy-related projects.
- 3) Update on organizing a forum to explain the benefits of Village Center designations to affected property owners.
Discussion ensued regarding inviting stakeholders of the new Village Center Designation to an informational meeting to discuss the benefits of the program. The date and time will be determined.

K. ROUND TABLE

Mr. Clain stated he was impressed with the Barre Town Recreation Department doing a super job brining the recreation areas with activities.

L. ADJOURN

On motion by Mr. Chase, seconded by Mr. Morin, the Planning Commission adjourned at 8:38 p.m. Vote 6-0-0..

Respectfully submitted,

Cindy Spaulding, Clerk

Cedric Sanborn, Chair

Alice Farrell

George Clain

Byron Atwood

Terry Reil

Craig Chase

Rodney Morin