

# Town of Barre

## Planning Commission

### December 20, 2023

The Town of Barre Planning Commission held a meeting on Wednesday, December 20, 2023, beginning at 7:00 p.m. in the Municipal Building at 149 Websterville Road, Websterville, VT.

#### **MEMBERS**

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

#### **STAFF:**

In person: Brandon Garbacik  
Remote: Cindy Spaulding

#### **PUBLIC ATTENDEES:**

In-person: Lucas John, Lindsay Lozier, Jay Carr, Martha-Jean Weaton, Robert Wheaton, John Appleton, Carolyn Appleton, Giselle Duprey, Jim Duprey, Kala Allen, Matthew Appleton, and Douglas Moyes  
Remote: Brian Voigt (CVRPC), Jeff Olesky (Catamount), Holly Buttera and Rachel Rouleau

#### **A. CALL TO ORDER –**

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

#### **B. CHANGES TO THE PUBLISHED AGENDA**

#### **C. APPROVAL OF MINUTES**

##### **1) November 15, 2023**

*On a motion by Mr. Clain, seconded by Mr. Atwood, the Planning Commission approved the minutes of November 15, 2023 meeting as written. Vote 6-0-0*

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

#### **E. WARNED PUBLIC HEARING(S): None**

#### **F. NEW BUSINESS –**

- 1) Discussion to determine the boundaries of the village centers of East Barre, South Barre, Lower Graniteville, and Upper Websterville as part of the Village Center Designation applications through ACCD. Featuring special guest Brian Voigt, Program Manager for Central Vermont Regional Planning Commission.

Mr. Garbacik provided an overview of the Village Center Designation program through the Agency of Commerce and Community Development and provided a key code map of each area. He then introduces Mr. Voigt of Central Vermont Regional Planning Commission. Mr. Sanborn provided an overview of the Special Site Visit Meeting in October with Richard Amore, Director of ACCD.

Highlights of Discussion:

- Village Center Boundaries of East Barre, South Barre, Lower Graniteville and Upper Websterville
- Separate application for each Village Designation
- CVRPC provide maps of the proposed Village Centers
- CVRPC review the applications to make sure it conforms with the Town Plan

- CVRPC will submit a letter confirming the outcome
  - Draft application with map and Photos for review on January 17<sup>th</sup> and to submit applications in February.
  - Pursue “neighborhood center” within the Village Centers at a later date.
- 2) Preliminary discussion with Lucas John to discuss amending the town Zoning Bylaw for changing the zone of property located at 217 & 223 Church Hill Rd. Property owned by Lucas John; Zoned Industrial; Parcel ID: 002/007.00

### **STAFF REPORT**

This is a request to re-zone a parcel owned by Mr. Lucas John that was discussed at last month’s meeting. With Mr. John’s presence at this meeting, he will pitch to the PC that his property located at 217 & 223 Church Hill Rd deserves a change in zone. As a reminder, Mr. John’s property is located at the site of the former St. Sylvester’s Church and its rectory. Today, it hosts a single-family dwelling (217) as well as a mixed martial arts studio (223). The property is currently zoned industrial. Mr. John is arguing that the property’s zone should be changed to match the closest residential zone, which is very high density residential (VHDR).

I want to clarify a point that was made last month that, upon further investigation, turned out not to be true. This property’s lister card mistakenly showed that the property is connected to public sewer. **This property is not connected to municipal sewer, nor does it have the ability to connect.** Also, there have not been any development plans submitted concurrently with this request, and Mr. John has stated to me that there are no plans to further develop his property at this time. The purpose of this request is to grant this lot the ability to conform to a potential 2-lot subdivision. Mr. John would like to subdivide the property so that each building is on its own lot.

**Recommendation:** Mr. John is seeking the ability to subdivide his lot into two, which is not possible at this time due to the property’s industrial zoning designation. He is requesting that his property’s zone be changed to VHDR. When reviewing Section 2.2 of the Zoning Bylaw, the property does not match any zoning district particularly well. However, it certainly does not fit the definition of the industrial zone, and the industrial zone’s lot standard requirements are preventing a two-lot subdivision from being able to occur.

As mentioned, there are two buildings on this property: a single-family dwelling and a mixed martial arts studio. Currently, these two buildings are part of the same parcel. When Mr. John purchased these two buildings, they came as a package deal. So, if one day in the future, Mr. John wanted to move out of the house at 217 Church Hill Rd, he wouldn’t be able to sell it without also selling the building he runs his business out of. By granting this parcel the ability to make this subdivision, it makes each building easier to sell when the time comes. This lowers the likelihood that either building will ever be abandoned, which ultimately lowers the town’s burden as abandoned buildings can be an increased burden.

In October 2021, Mr. John came before the Planning Commission for review to determine whether the use of a single-family dwelling and a mixed martial arts studio at this location would alter the characteristics of the area or cause an undue burden on the community. Ultimately, the Planning Commission determined that neither use would substantially alter or burden the community and issued Allowed Use Determination (AUD) permits. These uses are already in existence, and no further development is planned. The prospect of further development at this location is hampered due to the fact that municipal sewer is not available.

Taking everything into consideration, I recommend that the Planning Commission votes to take over Mr. John's request to change the zone of the subject parcel (PID: 002/007.00) from Industrial to Very High Density Residential. Though the property does not match most closely with the definition of VHDR, I think this may be the best potential to change the zone of this property from industrial while also avoiding the presence of spot zoning. Plus, there is property zoned VHDR that is less than 200 feet away from this parcel. And, most importantly, the two-lot subdivision would be possible under VHDR zoning.

**DISCUSSION**

Mr. Garbacik provided an overview of his report as stated above. Mr. John stated currently he is paying commercial insurance rate on the house and martial arts studio, as it is in the industrial zone and deemed commercial property. Having the property rezoned would be beneficial to him financially as well as ability to sub-divide the two buildings. Further discussion ensued concerning zones: VHDR, commercial, and industrial and what is allowed in them.

*On motion by Mr. Chase, seconded by Mr. Clain, the Planning Commission will take Mr. John's request into consideration rezoning to very high density residential and add it for further discussion to February 21, 2023 agenda. Vote 6-0-0.*

- 3) 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**

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.

#### **COMMENTS/DISCUSSION**

Mr. Chase recused himself as a Commission member and went into the audience. Mr. Garbacik provided an overview of his staff report outlining ACT 47 "Affordable Housing Act" supports development of cluster housing that are connected to municipal services (water and sewer). He presented the Town Engineer's comments: traffic study to be conducted by the developer, storm water permit for drainage issue and sewer should flow towards West Cobble Hill.

Mr. Olesky (Catamount Consulting Engineers) representative on behalf of Jay Carr explained the request to consider rezoning the property located at 6 Tanglewood Drive with road frontage off of West Cobble Hill Rd from low-density residential (LDR) to high-density residential (HDR). He highlighted:

- Property is 19.5 ± mostly undeveloped and is adjacent to the HDR zoning district
- 50' ROW Off of Tanglewood Drive with ±169 feet of road frontage along W Cobble Hill Road
- Layout options for development are limited due to the impact of large class II wetlands
- Request zoning change supports Vermont State land use law ACT 47 – property is serviced by municipal water and sewer.

Participants in discussion: Brandon Garbacik, Jeff Olesky, Cedric Sanborn, George Clain, Rodney Morin, Alice Farrell, Byron Atwood, Holly Buttera, Rachel Rouleau and other members of the public (did not identify themselves when speaking)

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, especially area flooding in July
- Concerns with the impact of additional traffic in the neighborhoods
- Low Density vs High Density Zones (reduction in road frontage and lot size)
- Supported by the State of Vermont Act 47 legislation

*On motion by Mr. Clain, seconded by Ms. Farrell, the Planning Commission not to pursue Mr. Carr's request for a zoning change from low-density residential to high-density residential at 6 Tanglewood Drive with road frontage on West Cobble Hill Road. Vote 2-3-0 (Atwood, Morin & Sanborn opposed) Motion failed due to lack of a majority vote.*

*On motion by Mr. Atwood, seconded by Mr. Morin, the Planning Commission will take into consideration Mr. Carr's request for a zoning change from low-density residential to high-density residential at 6 Tanglewood Drive with road frontage on West Cobble Hill Road. Vote 3-2-0 (Clain & Farrel) Motion failed due to lack of a majority vote.*

Mr. Garbacik mentioned that another avenue is if the Selectboard specifically requests the zoning change. Mr. Oleski asked if it could be reissued. Mr. Sanborn stated the request could be on the January 17<sup>th</sup> Agenda to see if there is a majority vote.

Mr. Chase returned to the meeting as a commission member.

**G. LEGISLATIVE UPDATE AND BILL REVIEW:** None

**H. OLD BUSINESS:** None

**I. FOLLOW-UP**

**1) Central Vermont Regional Planning Commission report**

Ms. Farrell reported that the CVRPC meeting, they discussed/reviewed: Winooski Basin Tactical Basen Plan; Waitsfield Municipal Plan & Certificate of Energy Compliance, and VAPDA Regional Future Land Use & Act 250 Delegation.

**2) Update on formation of Energy Committee**

Discussion amongst members and Mr. Garbacik, that the PC member appointed to the Energy Advisory Committee would not take the role on as Chair or Vice Chair.

*On motion by Mr. Clain, seconded by Ms. Farrell, Cedric Sanborn was nominated to represent the Planning Commission on the Energy Advisory Committee. Vote 5-0-1 (Sanborn abstained).*

**J. ROUND TABLE**

Mr. Clain asked why the village Center maps of did not include single family dwellings. It was explained that single family dwellings do not qualify for tax credits. It could be considered in the future the town would like to pursue the "Neighborhood Program" through ACCD.

**K. ADJOURN – 9:19 P.M.**

*On motion by Mr. Atwood, seconded by Mr. Chase, the Planning Commission adjourned at 9:19 p.m.  
Vote 6-0-0.*

Respectfully submitted,

Cindy Spaulding, Clerk

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Cedric Sanborn, Chair

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Alice Farrell

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George Clain

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Byron Atwood

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Terry Reil

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Craig Chase

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Rodney Morin

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