

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR MARCH 11, 2020

The Barre Town Development Review Board held a public meeting & hearing on **Wednesday, March 11, 2020** beginning at 7:00 p.m. at the **Municipal Offices**, 149 Websterville Road, Websterville, Vermont.

MEMBERS PRESENT:

Chris Neddo, Mark Reaves, Angela Valentinetti, Jon Valsangiacomo, Jim Fecteau

MEMBERS ABSENT:

Charlie Thygesen and Cedric Sanborn

STAFF PRESENT:

Chris Violette and Cindy Spaulding

OTHERS PRESENT: Trevor Abare (observed in audience - Cara Lemieux)

CHANGES TO THE AGENDA:

There were no changes to the agenda.

APPROVAL OF MINUTES:

Mr. Valsangiacomo made a MOTION to approve the January 8, 2020 minutes. Mr. Neddo seconded the motion. All voted in the affirmative.

VARIANCE (WARNED PUBLIC HEARING)

APPLICANT: **Abare/Variance**

Request by Trevor Abare for a 30' variance of Article 2, table 2.2 (dimensional standards) to allow a 20' setback (50' required) for the construction of a detached garage on property located at 600 Cummings Road; parcel ID: 012/043.00; zoned low density residential; V-20000001

Consultant: None

Date: March 6, 2020

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a warned public hearing for the purpose of hearing a variance request in accordance with Article 7, section 7.9 of the Barre Town Zoning Bylaw whereas it was determined prior to the applicant filing a building permit request that the proposed project will not meet setback.

The applicant is Trevor Abare and he owns the house at 600 Cummings Road which is the last house in Barre Town before Plainfield. Mr. Abare owns this 1.04-acre parcel which is located in a low density residential (LDR) zone. The minimum lot size in LDR zone is 2.0 acres. Mr. Abare's parcel is substandard with regard to size but is grandfathered from current zoning. The parcel has a little over 200' or road frontage on Cummings Road which is a Town paved class 3 highway. Mr. Abare's homestead is located on the parcel and is served with both onsite water and sewer.

Mr. Abare would like to construct a 24'x24' detached garage. The only location that is practical for the garage, based on Mr. Abare's written statement, is because of the current house location, the existing driveway, the inability to set it back further from the road because it would block access to the back yard, and the location of leach fields. Mr. Abare feels that this location is the practical location to allow him reasonable use of his property.

The proposed location of the garage is 20' back for the edge of the Cummings Road right-of-way. LDR zoning requires a street setback of 50'. The right setback (the only other setback even close) is 8' which is at the minimum for this zone. Mr. Abare is looking for a variance of 30' from the Cummings Road right-of-way.

Mr. Abare submitted a narrative addressing the 5 variance criteria and a couple of maps which are included in your packets.

Below are the five criteria and a summary of Mr. Abare's responses and comments that I may add.

1) Are there unique physical circumstances or conditions as to:

- a. Irregularity, narrowness or shallowness of lot size or shape;**
- b. Exceptional topography or physical conditions peculiar to a particular property;**
- c. Unnecessary hardship due to the above?**

Mr. Abare states that the lot size of 1.04 acres causes much of the problem (which I agree) and that there is some irregularity with it. He states that the parcel slopes to the rear. Part of the hardship created is the size of the lot and the house positioning. With a leach field to the South (left side of house) the house crowds the property line to the North (right side of house) offering little room for the proposed project.

2) Are there physical circumstances or conditions that prevent conformity to zoning regulations; And, a variance is necessary to enable “reasonable use” of the property?

Another factor that Mr. Abare presents is a condition on the property that is related to the placement of a propane tank to the rear of the property. Apparently, propane trucks must get to the side of the house or even beyond it to reach a 500-gallon propane tank in the back yard. Because the house is at or close to the minimum setback of 50’ he can’t locate the garage any further back and leave room for the propane truck.

3) Is it true that no unnecessary hardship was created by the applicant?

Mr. Abare states that he did not create the lot or build the house, so he did not create the hardship in this case.

4) Is it true that a variance will not:

- a. alter the essential character of the neighborhood?**
- b. substantially or permanently impair appropriate use or development of adjacent property?**
- c. reduce access to renewable energy sources?**
- d. be detrimental to the public welfare?**
- e.**

Mr. Abare states that the garage will be of similar style to the existing house so that there won’t be an alteration to the character of the neighborhood. The area is primarily scattered single-family residential.

The closest adjacent property is a field located in the Town of Plainfield. It is unlikely this proposed project would negatively impact the field.

No renewable energy sources are being impacted.

Mr. Abare doesn’t feel that there will be any negative impact to the public, that at 20’ back from edge of right-of-way, the garage is still beyond the edge of the road enough not to block views or impede the traveling public.

5) Is it true the variance represents the minimum deviation from regulation and plan to provide relief?

Because of the house location and the propane tanks, Mr. Abare cannot push the proposed garage back any further than what is being proposed and that his proposal is the minimum deviation to provide relief.

SUMMARY, RECOMMENDATIONS & CONDITIONS:

I do believe the small lot impacts Mr. Abare’s ability to build a detached garage that is compliant. The house location is also an impediment. The house location is likely largely due to where the septic system and well had to go. A house, a septic, well and the room that all takes up is a large part of why the minimum lot size is now 2.0 acres. I suppose an argument could be made whether a detached garage is a reasonable use of the property when you already have a two-car garage. I believe it is a reasonable use and that there are circumstances beyond Mr. Abare’s control, and he is, short of not building or reducing the size, making every effort to minimize the variance request.

Mr. Violette summarized his staff comments (which are in their entirety above).

Ms. Valentinetti inquired about the setbacks and road frontage. Mr. Violette explained zoning districts have setbacks and for public safety, neighborhood aesthetics and to keep structures from being built close to the traveling roadway.

Mr. Reaves asked Mr. Abare the five variance criteria questions. Mr. Abare answered yes to each question.

A motion by Mr. Fecteau, seconded by Ms. Valentinetti, the Development Review board approved Trevor Abare’s request for a 30’ variance of Article 2, table 2.2 (dimensional standards) to allow a 20’ setback (50’ required) for the construction of a detached garage on property located at 600 Cummings Road; parcel ID: 012/043.00; zoned low density residential; V-20000001. Vote 5-0-0.

OTHER:

Mr. Violette informed the DRB members that the April meeting will have at least two applications to review.

Mr. Fecteau asked if there has been any interest in alternates on the DRB. Mr. Violette stated that he had not seen anything in the previous Selectboard minutes.

ADJORN:

A MOTION was made by Ms. Valentinetti to adjourn the meeting. Mr. Neddo seconded the motion and the Board voted unanimously to adjourn the meeting at 7:20 p.m.

Respectfully submitted,

Cindy Spaulding, Clerk for DRB

Mark Reaves, Chair

Charlie Thygesen Sr.

Jon Valsangiacomo, Vice Chair

Angela Valentinetti

Cedric Sanborn

Chris Neddo

Jim Fecteau