

# BARRE TOWN DEVELOPMENT REVIEW BOARD

## MINUTES FOR May 09, 2018

The Barre Town Development Review Board held a public meeting & hearings on Wednesday, May 09, 2018 at 7:00 p.m. at the Municipal Offices, Websterville, Vermont

### **Members Present:**

**Mark Nicholson  
Chris Neddo  
Jon Valsangiacomo  
Angela Valentinetti  
Mark Reaves  
Charles Thygesen, SR  
Cedric Sanborn**

### **Members Absent:**

### **Others Present:**

**Victoria McCarthy  
Royce and Margaret Lussier**

### **Staff Present:**

**Chris Violette  
Emily Marineau**

- A. 5:30 P.M. – SITE VISIT – NONE**
- B. 6:30 – 7:00 P.M. – PLANS AVAILABLE FOR REVIEW**
- C. 7:00 P.M. – CALL TO ORDER**
- D. CHANGES TO THE AGENDA**
- E. APPROVE MINUTES**

***Motion by Reaves, seconded by Neddo the board voted unanimously to approve the April 11, 2018 minutes at 7:05pm.***

**F. NON-AGENDA ITEMS (max 10 minutes)**

**G. SUBDIVISION REVIEW: NONE**

**PRELIMINARY REVIEW:**

WARNED PUBLIC HEARINGS

H. VARIANCES/WAIVERS (WARNED PUBLIC HEARINGS) **NONE**

I. CONDITIONAL USE REVIEW (WARNED PUBLIC HEARINGS)

## **VICTORIA MCCARTHY(FINAL)**

**Request by Victoria McCarthy for final review of a conditional use permit to live in a camper while constructing a single-family dwelling on land located at 245 East Cobble Hill Rd; Parcel ID: 006/138.00; Zone: High Density Residential; CUP-18000001**

Consultant: None

Date: March 23, 2018

### **STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER**

This is a warned public hearing, continued from April 11, 2018, in accordance with Article 4, section 4.4 campers. The applicant is proposing to use a camper as a temporary residence while building a new home. The subject parcel is in a high density residential zone in an area with mostly large lots just outside of East Barre village.

Last month during testimony it was determined that the applicant did not have a certificate of compliance for the septic system she said was in place and was using for the camper. There were many other questions as you'll remember and a fair amount of contention and even confusion. The board agreed to continue this request to this meeting in order for the applicant to have a bit more time to figure out the septic system and whether it was or could be certified. The board agreed to the continuance contingent upon Barre Town's Engineer confirming that the septic system that is being used appears to at least be functioning normally.

The day after the April meeting (April 11<sup>th</sup>) Harry Hinrichsen (Town Engineer) and I went to the site to inspect the situation. We first observed the camper in question and that it was connected to a riser consistent with a septic tank. Upon further investigation we found an open trench about 40' from the camper with what was clearly effluent (liquid discharge from a septic tank). There were no solids in the trench just the effluent, so it appeared as though the tank was doing its job. It was clear that the leachfield had never been built.

The applicant was surprised at this fact and upon questioning stated, as she had during the hearing, that she didn't know anything about all of this and was going by what she had been told when she purchased the lot. I expressed my extreme displeasure and concern and while Harry and I continued our investigation the applicant proceeded to disconnect the camper from the septic tank and stated she would use the campers on board storage tanks.

Upon completion of our review of the property and determining that only part of the septic system had been built, I informed the applicant that she could not live there anymore as I had indicated I would do to the board if it was determined that there wasn't a functioning septic system. The applicant insisted that she could manage the sewer storage onboard the camper and have it pumped regularly. I informed her that the board never considered whether that would be acceptable because she never presented it as an option and that I had only one recourse. I told the applicant that I would be writing a letter (enclosed) informing her that she could no longer use the camper or the garage to live in.

Since the letter was written much has happened. I spoke to both an engineer and a builder who both indicated that they were willing to help her. The engineer was going to help her build the leachfield and ultimately certify it. The builder is going to do work to the garage to make it more usable for living in. It should be noted that the builder inspected the house that is under construction in its current state as well as associated roof trusses laying on the ground and indicated to me not much of what is there is usable.

While writing this we just received word from the engineer that the leachfield has been completed. I expect we will be getting a certification for it shortly. The applicant indicated to me two days ago that if the leachfield was completed as anticipated, she would be submitting a change of use permit to convert the garage into a residential structure. While that hasn't happened, I expect before the meeting, that permit will have been submitted and likely approved by me. If this is the case, I expect the applicant to withdraw her conditional use request.

If the conditional use permit is withdrawn as expected, the board will still have to deal with the fact there is an application before you. You have two options; straight up deny the permit for whatever reason you deem pertinent or deny the request without prejudice meaning you're not taking a position one way or another and the applicant could refile.

A little more on the change of use process. If the applicant decides to (which I expect her to) she will submit the change of use permit. Assuming that we get the certification on the septic system and there is a water supply (which right now there is, from a spring) there would be no reason for me not to issue the permit. The Town does not dictate what constitutes a residential structure. As a result, even though the building was constructed to be used a garage, there is nothing saying it can't be lived in.

**ADDITIONAL COMMENTS:**

Violette states he has more updates since writing his staff comments. As of Tuesday McCarthy, came into the office to withdraw her application to the DRB and fill out a change of use permit because she was able to get the leachfield installed and certify the septic system. Violette states that he has been in contact with Dwaine Tucker, who is a certified engineer, that will get us the certification letter ASAP. Violette states that McCarthy has been in contact with a builder who is going to help make the improvements on the garage and finish it off as a livable space for her until she can get the house built. Violette states he has

issued the change of use permit since she has running water, and a certified septic system in place. Violette also states that McCarthy has asked the tenant to leave the property and take all his things with him and he is no longer living there. He would recommend the board to deny without prejudice for the conditional use since McCarthy no longer is requesting the permit.

McCarthy updated the board that she is getting quotes to get the well drilled and the camper is getting packed up and will be moving off the lot very soon.

**MOTION & RECOMMENDATION:**

***A motion by Nicholson, seconded by Neddo, the Development Review Board voted to unanimously deny without prejudice for the request by Victoria McCarthy for final review of a conditional use permit to live in a camper while constructing a single-family dwelling on land located at 245 East Cobble Hill Rd; Parcel ID: 006/138.00; Zone: High Density Residential; CUP-18000002***

**J. SITE PLAN REVIEW NONE**

1) WARNED PUBLIC HEARINGS

**K. CONCEPTUALS: NONE**

**L. FOLLOW-UPS: NONE**

**M. CORRESPONDENCE- NONE**  
STATE  
TOWN

**N. MISCELLANEOUS: NONE**

**O. ROUNDTABLE:**

**P. ADJOURN!**

***On a motion by Valsangiacomo seconded by Sanborn the Development Review Board voted unanimously to adjourn @ 7:16 pm.***

Respectfully Submitted,

Emily Marineau

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Mark Nicholson, Chair

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Cedric Sanborn

Charlie Thygesen Sr.

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Mark Reaves

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Angela Valentinetti

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Jon Valsangiacomo

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Chris Neddo

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Jim Fecteau

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