

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR June 27, 2018

The Barre Town Development Review Board held a public meeting & hearings on Wednesday, June 27, 2018 at 7:00 p.m. at the Municipal Offices, Websterville, Vermont

Members Present:

Mark Nicholson
Chris Neddo
Jon Valsangiacomo
Mark Reaves
Cedric Sanborn
William Wofle

Members Absent:

Angela Valentinetti
Charles Thygesen, SR

Others Present:

Jerry Dunbar
Linda Bullis
Alfred Blakey

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

Violette states that Town would like the DRB to nominate a member to be on the Code of Conduct board.
Violette would like to add that under miscellaneous.

- E. APPROVE MINUTES

Motion by Sanborn, seconded by Neddo the board voted unanimously to approve the May 09, 2018 minutes at 7:02pm.

F. NON-AGENDA ITEMS (max 10 minutes)

G. SUBDIVISION REVIEW:

PRELIMINARY REVIEW:

Canadian Club (Preliminary)

Request by Canadian Club for preliminary review of a boundary line adjustment on property located 414 E. Montpelier Rd; Parcel ID's: 009/077.00 & 009/080.02; Zoned: Highway Commercial; P-18000004 & P-18000005.

Consultant: None

Date: June 22, 2018

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is preliminary review of a boundary line adjustment (BLA) request between two properties owned by the applicant. The subject parcels are 1.74 acres (parcel 009/077.00) and 22.4 acres (parcel 009/080.02) respectively. The applicant is proposing to transfer approximately 5.75 acres from the 22.4-acre parcel to the 1.74-acre parcel making that parcel approximately 7.5 acres in size. The subject parcels are both located in a highway commercial zone with a minimum lot size of 2.0 acres and 200' of road frontage.

The 1.74-acre parcel as noted above is substandard by today's Zoning Bylaw. It does however have sufficient road frontage at over 400'. This parcel is home to the club's facility and parking lot. The lot as it exists today is mostly covered by development in one form or another. The BLA as proposed makes the lot conforming and reduces the percent of lot coverage. It also will place buildings and other uses such as the horseshoe pits on the same lot as the club, unlike today. The 22.4-acre parcel will reduce to approximately 16.65 acres with sufficient road frontage on both East Montpelier Road and Pine Hill Road. It has been developed with a 500kW solar facility.

This request is on this same agenda for final review as well.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

I don't see any issues with this request, it makes sense in several ways and recommend preliminary approval and moving it to final.

ADDITIONAL COMMENTS:

No additional comments.

MOTION & RECOMMENDATION:

A motion by Reaves, seconded by Wolfe, the Development Review Board voted to unanimously approve the request by Canadian Club for preliminary review of a boundary line adjustment on property located 414 E. Montpelier Rd; Parcel ID's: 009/077.00 & 009/080.02; Zoned: Highway Commercial; P-18000004 & P-18000005.

WARNED PUBLIC HEARINGS

Canadian Club (Final)

Request by Canadian Club for final plat approval of a boundary line adjustment on property located 414 E. Montpelier Rd; Parcel ID's: 009/077.00 & 009/080.02; Zoned: Highway Commercial; P-18000004 & P-18000005.

Consultant: None

Date: June 22, 2018

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a warned public hearing for final plat review of a boundary line adjustment (BLA) request between two properties owned by the applicant. The subject parcels are 1.74 acres (parcel 009/077.00) and 22.4 acres (parcel 009/080.02) respectively. The applicant is proposing to transfer approximately 5.75 acres from the 22.4-acre parcel to the 1.74-acre parcel making that parcel approximately 7.5 acres in size. The subject parcels are both located in a highway commercial zone with a minimum lot size of 2.0 acres and 200' of road frontage. This proceeding assumes preliminary approval was granted earlier on this same agenda.

The 1.74-acre parcel as noted above is substandard by today's Zoning Bylaw. It does however have sufficient road frontage at over 400'. This parcel is home to the club's facility and parking lot. The lot as it exists today is mostly covered by development in one form or another. The BLA as proposed makes the lot conforming and reduces the percent of lot coverage. It also will place buildings and other uses such as the horseshoe pits on the same lot as the club, unlike today. The 22.4-acre parcel will reduce to approximately 16.65 acres with sufficient road frontage on both East Montpelier Road and Pine Hill Road. It has been developed with a 500kW solar facility.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

I don't see any issues with this request, it makes sense in several ways and recommend final approval.

- 1) One (1) (18" x 24") recording plat must be submitted to the Planning office for filing in the Town of Barre land records in accordance with Barre Town subdivision regulation and state statute within 180-days of approval.
- 2) Three (3) sets (24" x 36") paper copies of the final approved plan must be submitted to the Planning Office within 30-days of approval unless a request to extend is made and approved by staff.
- 3) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 4) No changes to the approved plan can be made unless first reviewed by either the Town Planning Officer, or the Town Engineer for a determination of significance. If it is determined that an proposed change is significant, the plan will be required to go back before the Development Review Board for approval of the proposed change.
- 5) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

ADDITIONAL COMMENTS:

No additional comments.

MOTION & RECOMMENDATION:

A motion by Sanborn, seconded by Neddo, the Development Review Board voted to unanimously approve the request by Canadian Club for final review of a boundary line adjustment with conditions 1-5 listed above on property located 414 E. Montpelier Rd; Parcel ID's: 009/077.00 & 009/080.02; Zoned: Highway Commercial; P-18000004 & P-18000005

H. VARIANCES/WAIVERS (WARNED PUBLIC HEARINGS)

DUNBAR (Variance - Final)

Request by Jerry Dunbar for a 6' variance of street setback (Richardson Road) allowing for the construction of a garage within 9' of the right-of-way on property located at 68 Richardson Rd; Parcel ID 038/033.04; Zoned: Very high density residential; V-18000001

Consultant: None

Date: June 22, 2018

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a warned public hearing for the purpose of considering a variance in accordance with Article 7, section 7.9 of the Barre Town Zoning Bylaw whereas the applicant is proposing the construction of a storage building that can't meet street setback. A provision of section 7.9 allows for a variance to be considered prior to issuing a building permit. Mr. Dunbar is seeking a 6' variance of street setback to Richardson Road. Mr. Dunbar's property is located in a very high density residential zone which requires a 15' setback to the road right-of-way.

Mr. Dunbar is proposing the construction of 12'x20 wood storage building adjacent to his existing single-family dwelling. The plans submitted with the application and the narrative provided indicate that the structure is being built so that it is movable. As proposed, the structure will end up with a 9' setback from the right-of-way instead of the required 15'.

This process started when Mr. Dunbar began construction of the garage without a building permit back in April. After discussing this with Mr. Dunbar he explained that he didn't realize he needed a permit because he had previously had a temporary canopy type garage at the same location. His thought was that he was just replacing what had previously existed. However, the assembly of wood, as Mr. Dunbar was doing, is considerably more significant than a canopy garage. As a matter of fact, the canopy garage type structure that Mr. Dunbar had previously is specifically exempt from needing a permit. To make matters worse, the garage was being constructed right next to the road, in the road right-of-way. Mr. Dunbar at my request ceased construction of the garage and agreed to move it further back from the road until the matter was resolved.

Mr. Dunbar immediately submitted a permit for the partially constructed garage. At first glance I had been concerned that he wouldn't be able to meet street setback at all with the structure. The permit application he submitted did show all setbacks being met. One would think, great, no problem, issue the permit, well the plot thickens. The location of the garage on the permit application significantly impacted a Town sewer easement that runs through the Dunbar's property. Mr. Dunbar and staff spend several weeks trying to figure out a way to make the proposed location work. In the end, Mr. Dunbar appeared before the Selectboard seeking permission to construct the garage partially inside the easement. The Selectboard listened and was sympathetic but for a host reasons was not willing to grant Mr. Dunbar permission to infringe on their easement. Mr. Dunbar can keep the garage out of the easement but not without a variance which is what has led him before the DRB.

Mr. Dunbar has submitted very detailed plans and a narrative addressing the five variance criteria. Mr. Dunbar's answers to the criteria claim terrain and the sewer easement as factors as to why he can't build the garage in conformance with zoning.

Due to my significant involvement with this situation I am going to refrain from giving any input

with regard to my opinion on this. Mr. Dunbar's submittals do a very good job laying everything out for the board. I think it is important to note that according to the plans submitted, the garage would still be 16' from the edge of pavement even with a 6' variance.

ADDITIONAL COMMENTS:

Nicholson reviewed the 5 questions with Mr. Dunbar for the record. For complete answers please see file in the planning and zoning office named and dated June 27, 2018, DRB.

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?**

Yes.

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?**

Yes.

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

Yes.

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?**

Yes.

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

Yes.

Dunbar states that the structure is on skids and can easily be moved. Dunbar states that the structure is bigger than what he is going to put in. He is going to be cutting the structure down to fit better with the variance.

Sanborn states that he drove by Mr. Dunbar's house and feels that this building will change

the neighborhood. Sanborn states that all the houses are lined up and they do not have any other buildings that close to the road.

Valsangiacomo states that if the sewer easement was not there than Mr. Dunbar would not need the variance. Valsangiacomo feel that if there was a need for a variance than it would be for this project because the sewer easement takes up a good portion of his land and he has lost considerable use of his land.

Reaves states that the portable garage he had on his land had been there for years therefore one could argue that the portable shed had become part of the neighborhood.

Nicholson questioned that the Town wouldn't move any on the sewer easement. Dunbar states that the Select Board did not want to take responsibility of moving the structure if they are on vacation even if Dunbar wrote a letter stating the Town was not responsible for any damages that occurred if the structure needed to be moved.

MOTION & RECOMMENDATION:

A motion by Reaves, seconded by Valsangiacomo, the Development Review Board voted to approve the Request by Jerry Dunbar for a 6' variance of street setback (Richardson Road) allowing for the construction of a garage within 9' of the right-of-way on property located at 68 Richardson Rd; Parcel ID 038/033.04; Zoned: Very high density residential; V-18000001

***Nicholson: YES Sanborn: NO
Neddo: YES Valsangiacomo: YES
Reaves: YES Wolfe: YES
Thygesen: ABSENT Valentinetti: ABSENT***

BULLIS (Variance - Final)

Request by Linda Bullis for an 8' variance of street setback (Church Street) allowing the construction of a new home (removal of current porch and single wide home) within 17' of the right-of-way on property located at 19 Church Street; Parcel ID 025/040.01; Zoned: High Density Residential; V-18000002

Consultant: None

Date: June 7, 2018

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

This is a warned public hearing for the purpose of considering a variance in accordance with Article 7, section 7.9 of the Barre Town Zoning Bylaw whereas the Ms. Bullis is proposing the placement of a

single-family dwelling that can't meet street setback as proposed. A provision of section 7.9 allows for a variance to be considered prior to issuing a building permit. Ms. Bullis is seeking an 8' variance of street setback to Church Street. The subject parcel is located in a high density residential zone which requires a 25' setback to the road right-of-way.

Ms. Bullis is proposing removing the existing single-wide mobile home that has been on the property for decades and replace it with a new 28'x56' home. Ms. Bullis asserts that because of a slope towards the rear of the property and a large storage building, the proposed home can't be setback any further than is proposed thus leaving it 17' from the Church Street right-of-way or 8' short of the required 25'.

It should be noted that the house will not sit any closer to the road than a 12'x 10 porch roof constructed in 2010 on the front of the existing home after a variance of 8' was issued for it. While the variance request for the proposed house is the same that was granted for the roof, we are now talking a whole house.

Ms. Bullis submitted responses to the 5 criteria and has answered them all in the affirmative. The main reason she justifies the request is because the lot is a little substandard in size for the zone, ¼ acre vs 1/3 acre and that topography towards the rear of the property slopes down. She further goes on to explain that access to a shed on the back of the property would be impacted if the house was placed further back. She also explains that the nature of the land might be conducive to a walk-out basement but notes that she can't afford a full foundation, so a slab is being used. She also notes that the proposed location will not place the house closer to the road than some already are.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

While with some work on the property it probably could be made workable to meet setback. However, it would likely be at a pretty good expense. I think Ms. Bullis makes a good argument for the variance with terrain and existing features being prohibited from meeting the regulation. The house won't be out of character with the neighborhood, some might argue it will be an upgrade and more in character. I recommend approval of the 8' variance.

ADDITIONAL COMMENTS:

Nicholson reviewed the 5 questions with Mrs. Bullis for the record. For complete answers please see file in the planning and zoning office named and dated June 27, 2018, DRB.

- 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?**

Yes.

- 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?**

Yes.

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

Yes.

- 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?**

Yes.

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

Yes.

Sanborn questioned the dimensions of the current dwelling. Bullis states her house is currently 14' wide and 76' long and the new dwelling will be 28' wide and 56' long. They will need to come forwards a little in order to make the dwelling fit.

Sanborn states she will be 8' back. Bullis states that they first measured back the 28' without the variance and by the time they were done grading and installing the house she would not be able to open the shed doors.

Sanborn states that he looked at the other properties on the street and her house will line up with all the other house on the street after the variance.

No other comments.

MOTION & RECOMMENDATION:

A motion by Sanborn seconded by Reaves, the Development Review Board voted to unanimously approve the request by Linda Bullis for an 8' variance of street setback (Church Street) allowing the construction of a new home (removal of current porch and single wide home) within 17' of the right-of-way on property located at 19 Church Street; Parcel ID 025/040.01; Zoned: High Density Residential; V-18000002

Nicholson: YES Sanborn: YES
Neddo: YES Valsangiacomo: YES
Reaves: YES Wolfe: YES
Thygesen: ABSENT Valentinetti: ABSENT

I. CONDITIONAL USE REVIEW (WARNED PUBLIC HEARINGS)

J. SITE PLAN REVIEW NONE

1) WARNED PUBLIC HEARINGS

K. CONCEPTUALS: NONE

L. FOLLOW-UPS: NONE

M. CORRESPONDENCE- NONE

STATE

TOWN

N. MISCELLANEOUS: Code of Conduct Board.

The board nominated Jon Valsangiacomo to be on the code of conduct board. Sanborn states that he can not make it than he can sit in for him.

A motion by Nicholson seconded by Reaves, the Development Review Board voted to unanimously appoint Jon Valsangiacomo to sit on the Code of Conflict Board with Cedric Sanborn as an alternate for him.

O. ROUNDTABLE:

Violette states that this is Emily Marineau last meeting for the DRB. She is going back to work at The University Medical Center: Central Vermont Medical Center Campus. He would like to thank Emily for her time served and wish her well on her next adventure.

P. ADJOURN!

On a motion by Nicholson seconded by Sanborn the Development Review Board voted unanimously to adjourn @ 7:40 pm.

Respectfully Submitted,

Emily Marineau

Mark Nicholson, Chair

Cedric Sanborn

Charlie Thygesen Sr.

Mark Reaves

Jon Valsangiacomo

Angela Valentinetti

Jim Fecteau

Chris Neddo

DRAFT