

# BARRE TOWN DEVELOPMENT REVIEW BOARD

## MINUTES FOR JULY 10, 2019

The Barre Town Development Review Board held a public meeting & hearings on July 10, 2019 beginning at 7:02 p.m. at the **Municipal Offices**, 149 Websterville Road, Websterville, Vermont.

### MEMBERS PRESENT:

Chris Neddo, Mark Reaves, Charlie Thygesen, Mark Nicholson (Chair), Angela Valentinetti

### MEMBERS ABSENT:

Cedric Sanborn, Jon Valsangiacomo

### STAFF PRESENT:

Chris Violette

### OTHERS PRESENT:

Charlie Harding, Alicia Compo, Mike Rubalcaba, Peter Uttero, Charlotte & Robert Edwards, Rob Hutchins

### CHANGES TO THE AGENDA:

Mr. Nicholson asked Mr. Violette and the board whether there were any changes to the agenda. Hearing none he moved on with the printed agenda.

### APPROVAL OF MINUTES:

*Mr. Thygesen made a MOTION to approve the April 10, 2019 minutes. Mr. Reaves seconded the motion. All voted in the affirmative.*

*Mr. Reaves made a MOTION to approve the May 8, 2019 minutes. Mr. Neddo seconded the motion, all voted in the affirmative.*

### PRELIMINARY SUBDIVISION REVIEW

#### **Agenda item 7 a.: Uttero 2-lot subdivision**

**Request by Peter Uttero for preliminary subdivision review of a 2-lot subdivision located at 252 Phelps Road with frontage also on Windywood Road. Parcel ID 010/046.02; zoned low density residential; P-19000000.**

Consultant: Richard W. Bell Land Surveying, Inc.

Date: July 2, 2019

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

This is the first of two requests on this month's agenda for Mr. Uttero. This first one is for preliminary review of a 2-lot subdivision of land with road frontage on both Phelps and Windywood Road. The second one will be a warned public hearing for final review and possible approval of the same subdivision.

The subject parcel, according to assessment records and previous surveys, has the parcel size at 65.7 acres of land. The survey map provided for this subdivision show it at 65.4 acres. I've asked for clarification from Mr. Bell. The current configuration is the result of a 2004 subdivision and merger (P-04000009; plan 2033) where 20.4 acres was subdivided and added to Mr. Uttero's homestead lot. Mr. Uttero's homestead had/has 433' of road frontage along Phelps Road while the 20.4-acre parcel had 500' of road frontage along Windywood Road.

The subdivision request herein simply recreates the 20.4 acres. No development is planned at this time, the plan is to convey this parcel to an abutting property owner that for now has no plans for the parcel. The new plan show lot 1 being the 20.4-acre lot with 500' of road frontage along Windywood Road. Lot 2 is shown to be Mr. Uttero's homestead parcel at 45.0 acres (I'm questioning why not 45.3 acres as shown on the 2004 survey).

I've asked Mr. Bell to place a note on the plan referencing the original subdivision.

### **SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

Simply a two-lot subdivision with not development planned, I recommend approval and moving it to final approval later on this agenda.

### **ADDITIONAL COMMENTS:**

**PENDING**

*Mr. Reaves made a MOTION to approve the preliminary 2-lot subdivision request, Mr. Neddo seconded, there was no further discussion on the motion, all voted in the affirmative.*

Nobody from the public participated during testimony.

#### **Agenda item 7 b: Edwards 2-lot subdivision**

**Request by Robert and Charlotte Edwards for preliminary review of a 2-lot subdivision located at 289 Cutler Corner Road. Parcel ID 010/001.00; zoned low density residential; P-19000001.**

Consultant: American Survey Company

Date: July 2, 2019

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

This is the first of two actions for this request for a 2-lot subdivision of land. This first one is for preliminary review, the second one is a warned public hearing for final review and possible approval.

The applicants are proposing to subdivide their existing 10.1-acre homestead lot (which has two dwellings on it) located on Cutler Corner Road. The subject property is located in a low-density residential zone with minimum dimensional standards of 2.0-acre lot size and 200' of road frontage. The parcel has 483' of road frontage along Cutler Corner Road.

The applicants propose to create a lot of 2.0 acres that will not have road frontage but will have a 30' unrestricted right-of-way through the applicants parcel to Cutler Corner Road. There is an existing single-family dwelling on this lot. The parcel complies with both zoning and subdivisions regulations as proposed.

The applicants homestead lot will reduce to 8.1 acres and retains all the frontage on Cutler Corner Road. As proposed, the homestead lot complies with both zoning and subdivision regulations.

Neither lot is numbered but should be, this can be corrected for final plan submission.

#### **SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

This is a simple subdivision that supports the Barre Town Zoning Bylaw that prohibits multiple dwellings on a lot. While the parcel is grandfathered having two dwellings on the same parcel, this subdivision move the parcel to meet current zoning. I recommend preliminary approval and moving this request for a 2-lot subdivision to final consideration later on this agenda.

#### **ADDITIONAL COMMENTS:**

**PEDNING**

*Mr. Reaves made a MOTION to approve the preliminary 2-lot subdivision request, Ms. Valentinetti seconded, there was no further discussion on the motion, all voted in the affirmative.*

Nobody from the public participated during testimony.

#### **Agenda item 7 c: Rubalcaba/2-lot subdivision**

**Request by Michael Rubalcaba for preliminary subdivision review of a 2-lot subdivision located at 540 Cutler Corner Road; Parcel ID 010/017.00; zoned low density residential; P-19000002**

Consultant: American Consulting

Date: July 3, 2019

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

This is the first of two actions for this request for a 2-lot subdivision of land. This first one is for preliminary review, the second one is a warned public hearing for final review and possible approval.

The applicant owns 26.6 acres with approximately 400' of road frontage along Cutler Corner Road. The applicant's homestead is located on this parcel with onsite septic and water. The proposal is to subdivide a lot

from the homestead lot that will split the road frontage. I believe the new lot is being proposed with a single-family dwelling.

As of this writing, which is early because of the 4th of July holiday, I have not received a copy of the survey plan for this subdivision. I am not certain of some of the particulars at this point. I'm confident that they'll be a plan to review before the meeting.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

None

**ADDITIONAL COMMENTS:**

**PENDING**

*Mr. Reaves made a MOTION to continue this preliminary 2-lot subdivision request date certain August 14, 2019, Ms. Valentinetti seconded, there was no further discussion on the motion, all voted in the affirmative.*

**Mr. Harding & Mike Rubalcaba participated during testimony.**

**WARNED PUBLIC HEARINGS: SUBDIVISIONS**

**Agenda item 8 a: Uttero / 2-lot subdivision**

**Request by Peter Uttero for final subdivision review of a 2-lot subdivision located at 252 Phelps Road with frontage also on Windywood Road. Parcel ID 010/046.02; zoned low density residential; P-19000000.**

Consultant: Rick Bell Surveying, Inc.

Date:

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

This is the second of two requests on this month's agenda for Mr. Uttero. This first one for preliminary review of a 2-lot subdivision of land was approved and moved to this final review. This is a warned public hearing. The subject parcel is located in a low density residential zone with minimum standards of 2.0 acres and 200' of road frontage.

Unless noted during the preliminary review, nothing has changed with this request between preliminary and final.

The subject parcel, according to assessment records and previous surveys, is 65.7 acres of land. The survey map provided for this subdivision show it at 65.4 acres. I've asked for clarification from Mr. Bell about the discrepancy. The current configuration is the result of a 2004 subdivision and merger (P-040000009; plan 2033) where 20.4 acres was subdivided and added to Mr. Uttero's homestead lot. Mr. Uttero's homestead had/has 433' of road frontage along Phelps Road while the 20.4-acre parcel had 500' of road frontage along Windywood Road.

The subdivision request herein simply recreates the 20.4 acres. No development is planned at this time, the plan is to convey this parcel to an abutting property owner that for now has no plans for the parcel. The new plan show lot 1 being the 20.4-acre lot with 500' of road frontage along Windywood Road. Lot 2 is shown to be Mr. Uttero's homestead parcel at 45.0 acres (I'm questioning why not 45.3 acres as shown on the 2004 survey).

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

I recommend final approval of this 2-lot subdivision request creating a 20.4 acre parcel with road frontage on Windywood road subject to the following conditions:

- 1) Clarification regarding the acreage as noted above.
- 2) A note be added to the final plans referring to the original approval, P-040000009, plan 2033.
- 3) 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.

- 4) 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.
- 5) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 6) 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.
- 7) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

**ADDITIONAL COMMENTS:**

**PENDING**

*Mr. Reaves made a motion to grant final approval to this 2-lot subdivision attaching all 7 conditions as recommended by Mr. Violette in his staff report, Ms. Valentinetti seconded, there was no further discussion on the motion, all voted in the affirmative.*

**There was no participation from the public during testimony.**

**Agenda item 8 b: Edwards / 2-lot subdivision**

**Request by Robert and Charlotte Edwards for final review of a 2-lot subdivision located at 289 Cutler Corner Road. Parcel ID 010/001.00; zoned low density residential; P-19000001.**

Consultant: American Survey Company

Date: July 2, 2019

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

This is the second of two actions for this request for a 2-lot subdivision of land, preliminary approval was granted earlier on this agenda. This is a warned public hearing for final subdivision review and possible approval.

The applicants are proposing to subdivide their existing 10.1-acre homestead lot (which has two dwellings on it) located on Cutler Corner Road. The subject property is located in a low-density residential zone with minimum dimensional standards of 2.0-acre lot size and 200' of road frontage. The parcel has 483' of road frontage along Cutler Corner Road.

The applicants propose to create a lot of 2.0 acres that will not have road frontage but will have a 30' unrestricted right-of-way through the applicants parcel to Cutler Corner Road. There is an existing single-family dwelling on this lot. The parcel complies with both zoning and subdivisions regulations as proposed.

The applicants homestead lot will reduce to 8.1 acres and retains all the frontage on Cutler Corner Road. As proposed, the homestead lot complies with both zoning and subdivision regulations.

Both lots are served by onsite water and sewer.

Neither lot is numbered but should be, this can be corrected for final plan submission.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

I recommend final approval with consideration to the conditions below for a 2-lot subdivision of land creating a 2.0-acre parcel of land that has an existing single-family dwelling located on it.

- 1) Both lots should be given lot numbers.
- 2) All easements and/or rights-of-way, as shown on the final (stamped approved) plans by American Survey Company, shall be created when the need arises in order to fulfill the development as proposed and approved

- 3) 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.
- 4) 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.
- 5) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 6) 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 a proposed change is significant, the plan will be required to go back before the Development Review Board for approval of the proposed change.
- 7) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

**ADDITIONAL COMMENTS:**

**PENDING**

*Mr. Reaves made a motion to grant final approval to this 2-lot subdivision attaching all 7 conditions as recommended by Mr. Violette in his staff report, Mr. Thygesen seconded, there was no further discussion on the motion, all voted in the affirmative.*

There was not participation from the public during testimony.

**Agenda item 8 c: Rubalcaba / 2-lot subdivision**

**Request by Michael Rubalcaba for final subdivision review of a 2-lot subdivision located at 540 Cutler Corner Road; Parcel ID 010/017.00; zoned low density residential; P-19000002**

Consultant: American Survey Company

Date: July 3, 2019

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

This is the second of two actions for this request for a 2-lot subdivision of land. This warned public hearing assumes preliminary approval was granted earlier on this agenda. Because plans were not available at the time of writing, I can't be sure preliminary approval will be granted. If not, this hearing still needs to be opened and either approved, denied, or continued.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

None

**ADDITIONAL COMMENTS:**

**PENDING**

*Mr. Nicholson made a motion to continue this final 2-lot subdivision request date certain August 14, 2019, Mr. Reaves seconded, there was no further discussion on the motion, all voted in the affirmative.*

**Participation pending**

**WARNED PUBLIC HEARINGS:      CONDITIONAL USE**

**Agenda item 8 d: Hutchins/CUP (multi-unit dwelling)**

**Request by Robert Hutchins for Hutchins Building 996 East Barre LLC for conditional use review to repurpose an existing commercial/residential (1-unit) building by eliminating the commercial and adding two additional residential units for a total of three for property located at 996 East Barre Road. Parcel ID 025/134.00; zoned high density residential; CUP-19000000.**

Consultant: None

Date: July 3, 2019

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

This is a warned public hearing for the purpose of conditional use review in accordance with the Barre Town Zoning Bylaw, article 5, sec. 5.4 whereas the applicant would like to conduct a use that is only allowed by a Development Review Board (DRB) issued Conditional Use Permit. The proposed use is a multi-family dwelling located in a high-density residential zone. Article 2, table 2.1 identifies multi-family dwellings as being allowed by Conditional Use Permit.

The applicant is proposing to convert his existing mixed commercial/residential use building into three residential units, while ceasing the commercial operation. Article 3, sec. 3.3 under equal treatment of housing, subsection E allows up to eight living units without exterior alteration to allow for the units. The applicant is proposing to add two living units to the existing unit for a total of three (3 apartments).

The applicant has submitted a narrative addressing the review standards as well as pictures and a site map.

Conditional use review requires the following criteria to be used to help the DRB make a decision and apply conditions if necessary. My comments are in bold

1. The impact on the capacity of existing or planned community facilities, to include but not limited to:
  - a. Emergency services
  - b. Educational facilities
  - c. Water, sewer, or other municipal utility systems
  - d. Recreational facilities
  - e. Conservation or other designated natural areas
  - f. Solid waste disposal facilities

Regarding the impact on emergency services, the applicant states that the three living units would have minimal impact especially because the net impact won't be substantial due to the prior use having 8 employees plus the one living unit. So while three living units may have a need for emergency services, the impact is minimal and even more so because of the prior use. I agree with this assessment. Barre Town Emergency services will be able to handle any additional impact.

The applicant indicates that while there may be school ages children living at any of the apartments, the nature of them may limit that likelihood. I agree and regardless, the number would not be high enough for a noticeable impact to the school system.

The subject building is serviced by municipal sewer and water. The building currently has 1 sewer unit attached to it, a 2nd unit was discontinued in 2014. The addition of two living units will require 2 additional sewer units, each living unit must have its own sewer allocation. The sewer permit fee is \$1,500 per unit. Barre Town has the capacity to serve these three living units with sewer and water.

Recreational impact will be minimal with only three new units.

There will be a solid waste impact but very minimal especially compared to the previous use.

2. The character of the area affected as defined by the purpose(s) of the zone within which the project is located, and specifically stated policies and standards of the municipal plan;

The immediate area surrounding the subject parcel is residential. The greater East Barre area is a mix of commercial and residential. Single and multi-family residential is mixed throughout the area. The use of this building was commercial surrounded my residential so the change to all residential is more in character than it was and generally in character anyway.

3. Traffic on roads and highways in the vicinity;

The subject parcel is located on US Rt. 302 a State/Federal class 1 paved highway with ample ability to serve the traffic potentially generated by 3 new living units. As pointed out by the applicant, the previous commercial use likely generated more traffic than the proposed use will.

4. Bylaws and ordinances then in effect;

The Barre Town Zoning Bylaw allows multi-family dwellings in a high-density residential zone in accordance with Article 2, table 2.1 after issuance of a Conditional Use Permit. Issuance of a permit will satisfy standard.

5. Utilization of renewable energy resources.

No renewable energy generation is proposed with this project nor should it interfere with any potential future renewable energy production.

6. Minimum lot size;

The minimum lot size for high density residential is 1/3 acres. The size of the subject parcel is .43 acres well over the minimum lot size.

7. Distance from adjacent or nearby uses;

Adjacent uses are residential and are in close proximity.

8. Criteria (as needed) adopted relating to site plan review pursuant to Article 5, Sec. 5.6 of this bylaw;

Not applicable

9. Any other standards and factors (as needed) that the bylaw may require;

Not applicable

10. Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw;

The Zoning Bylaw, Article 3.9 (G) requires two parking spaces for each living unit. The parcel appears to have ample parking and the applicant has submitted a drawing showing six parking spaces which meets the minimum standard.

11. Loading/unloading facilities.

Being a residential use there will be no need for loading/unloading facilities. There is a loading dock that likely will remain for storage but not applicable to this application.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

The applicants plan to repurpose this former commercial building into residential overall as the standards above show will have little impact on the Town or the area. It will provide two more residential living units which is never a bad thing. The use for this parcel is likely better suited for residential than commercial given its location to other residential uses surrounding it.

With consideration to the conditions below, I recommend approval of this conditional use review to add two living units for a total of three.

1. The applicant, if not done already should contact a State of Vermont permit specialist to determine what permit are necessary and shall obtain all required permits from the State of Vermont before occupancy is allowed.
2. Two additional Town of Barre sewer units must be obtained.
3. Plans and maps included with the applicant's application and used during review shall be incorporated into the decision and shall not be altered unless reviewed by the Zoning Administrator and if determined to be substantial, may require an amended Conditional Use Permit by the Development Review Board.

**ADDITIONAL COMMENTS:**

**PENDING**

*Mr. Reaves made a motion to grant final conditional use approval for a 3-unit multi-family dwelling attaching the 3 conditions as recommended by Mr. Violette in his staff report, Mr. Neddo seconded, there was no further discussion on the motion, all voted in the affirmative.*

**There was no participation from the public during testimony.**

**OTHER:**

**ADJOURN:**

*A MOTION was made by Mr. Reaves to adjourn the meeting. Ms. Valentinetti seconded the motion and the Board voted unanimously to adjourn the meeting at 7:40 p.m.*

Respectfully submitted,

Chris Violette

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Mark Nicholson, Chair

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Chris Neddo

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Angela Valentinetti

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Jon Valsangiacomo

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William Wolfe

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Cedric Sanborn

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Charles Thygesen Sr.

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Mark Reaves

DRAFT