

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR AUGUST 14, 2019

The Barre Town Development Review Board held a public meeting & hearings on August 14, 2019 beginning at 7:10 p.m. at the **Municipal Offices**, 149 Websterville Road, Websterville, Vermont.

MEMBERS PRESENT:

Cedric Sanborn (Vice Chair), Jon Valsangiacomo, Chris Neddo, Charlie Thygesen,

MEMBERS ABSENT:

Mark Nicholson, Mark Reaves, Angela Valentinetti

STAFF PRESENT:

OTHERS PRESENT:

Mike Rubalcaba, Alicia Compo, Regina & Chris Duquette, Craig Chase, Rob Townsend

CHANGES TO THE AGENDA:

Mr. Sanborn asked whether there were any changes to the agenda. Hearing none he moved on with the printed agenda.

APPROVAL OF MINUTES:

Approval of the July 10, 2019 was passed over and will be approved on September 11, 2019

PRELIMINARY SUBDIVISION REVIEW

Agenda item 7 a: 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 Engineers and Surveyors

Date: August 9, 2019

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a preliminary subdivision review for a proposed 2-lot subdivision of land. This request was continued from July due questions regarding stormwater runoff onto abutting property owners. Final review and a public hearing are also on this same agenda. Final was also continued last month.

The subject parcel (lot 1) is located on Cutler Corner Road in a low-density residential zone (LDR). The minimum dimensional zoning standards for an LDR zone is 2.0 acre in size and 200' of road frontage. The parcel is currently 26.6 acres in size with a little less than 400' of road frontage along Cutler Corner Road. Cutler Corner Road is a Town paved class 3 road. The applicants homestead is located on the parcel and shares a long driveway with 544 Cutler Corner Road, a previously subdivided lot (shown as lot 2, was created in 2000, P-00-06-28, plan 1919). The lots are utilizing onsite water and septic systems.

The proposal calls for the creation of a 2.4-acre parcel (lot 3). Because there isn't 400' of road frontage, there can't be two road frontage lots thus the proposed lot will not have any frontage. Lot 3 will be served by a 25' right-of-way, possibly two. The plans show a stand-a-lone 25' right-of-way across lot 1, however, the plan is to share the current two-way shared driveway, making it a three-way shared driveway. I'm not clear whether that will be done with a separate right-of-way or not. The new proposed lot will have onsite water and septic as well. The proposed new lot is encumbered by an easement to lot 2 for its septic system leachfield.

At last month's meeting, abutter Harding (518 Cutler Corner Road) raised concerns about current water runoff and the potential for even more by adding a developed lot. The applicant and Mr. Harding disagreed on exactly what is occurring currently regarding stormwater runoff. The board decided to continue the request date certain to this month so that both the Town and applicant's Engineer could look at potential current and future impacts to abutter Harding.

Both Harry Hinrichsen (Town Engineer) and Rob Townsend (applicant's Engineer) have reviewed the site. Mr. Hinrichsen has included comments included herein. Mr. Hinrichsen notes significant erosion taking place on the existing shared driveway. He also notes that the culvert is likely substandard at 12". Mr. Hinrichsen gives several recommendations to help the erosion of the driveway and the gravel movement as a result of the erosion. All of this makes good sense for everybody involved, especially the applicant and the other user of the driveway. Adding a third use to the driveway certainly won't help the wear and tear without steps being taken. Whether this helps the concerns of Mr. Harding, Mr. Hinrichsen doesn't say.

Mr. Townsend is planning to submit a narrative regarding the potential for extra stormwater runoff by adding another impervious single-family dwelling. After meeting with Mr. Townsend (Mr. Hinrichsen was present as well) he indicated verbally that given the amount of pervious surface between the location of the proposed house and the road, the impact to stormwater runoff is minimal if nonexistent.

Regarding a couple of other issues with the proposed subdivision, I questioned the shared driveway feasibility and if allowed because the parcel will have a stand-alone right-of-way, I'm not aware of a shared driveway maintenance agreement. The agreement should already be in place for 540 and 544 Cutler Corner Road but I don't know that there is. Access certainly needs to be discussed further, keeping in mind that more driveway increases the amount of impervious surface.

In addition, the proposed configuration creates a bit of an odd shape to lot 1, the lot being subdivide. Because there isn't 400' of road frontage, there can't be two road frontage lots as mentioned earlier. The applicant has chosen to keep the road frontage for his homestead lot and setback the proposed lot from Cutler Corner Road. Does the proposal conform yes, could it be better, yes.

REVIEW COMMENTS FROM HARRY HINRICHSEN, TOWN ENGINEER

I have reviewed the proposed request for subdividing the existing property and creating a 3 lot for development.

Two abutting parcels from the parent parcel currently share an existing driveway with slightly less than 400' of total frontage. One parcel does not have frontage. The proposal indicates the new lot would retain the entire frontage and the two interior lots would have easements and a shared driveway for access. The existing driveway would extend to a new dwelling located near the rear of a third parcel.

Drainage from the existing gravel driveway currently shows signs of significant wash and erosion for a good section, particularly in the lower section of the hill. It doesn't appear the existing driveway culvert is over 12" in diameter. It should be reviewed and upgraded to a minimum of 15" if not already that size.

The frontage is a matter for the DRB to review and consider, however I would recommend the frontage be shown with the front lot with easements going to the other two lots. This doesn't preclude the use of a common driveway however, the use of that common driveway by three different parties should have a maintenance agreement for upkeep and maintenance. Water bars, leadoffs and gravel catchment areas are recommended to reduce the type of erosion going on currently. These measures would also reduce the amount of gravel lost from the driveway to the ditch at the bottom of the hill. If run-off could be dispersed into grassy areas of the it would certainly reduce the rate of runoff.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Zoning Administrator

More discussion must occur about access to the proposed new lot. In addition, whether there is a stormwater runoff concern or not, the erosion of the exiting driveway should be dealt with and I wonder what the willingness of the applicant is to make improvements. Obviously, that warrants further discussion. I do not believe the addition of one more single-family dwelling and the impervious surface that comes along with it will create an appreciable increase in untreated stormwater runoff.

I think there is likely to many issues to discuss to move this request past preliminary at this point.

Town Engineer

Consider revision to the boundary lines of Lots 1 & 3.

Provide notes for the installation of bar bars and leadoffs for the driveway.

Review the existing culvert size and revise if the culvert size is under 15" for the gravel driveway.

Show the approximate direction of drainage along Cutler Corner Rd. and the size and location of the Harding's downstream culvert.

Show an easement of 25' for the rear lot as well as another 25' easement through the front parcel for the interior lot. This would only be needed if the working arrangement for maintenance of the shared driveway didn't work out. It would also tend to force cooperation in the maintenance and upkeep of the shared

ADDITIONAL COMMENTS:

Vice Chair, Mr. Sanborn read Mr. Violette's staff comments.

Rob Townsend, consultant for the applicant, handed out a letter and supporting information regarding soil type and the potential for stormwater runoff concerns. Mr. Townsend stated that the total new impervious surface area for an average size single-family dwelling and drive, to be approximately 4,120 sq. ft. or .09 acres, and given the soil types, the total runoff increase will be around 3%. Mr. Townsend concludes that the increase stormwater runoff is insignificant in his opinion.

Discussion turned to the proposed shared driveway and the runoff from it. Mr. Sanborn stated that he doesn't favor shared driveway and a stand-a-long driveway is preferred. The board directed the applicant to come up with a plan to address the erosion from the existing driveway. In addition, the board would like to see the shared driveway agreement that Mr. Rubalcaba stated is in place.

There was also discussion about the driveway culvert for the existing lot being too small at 12". The board felt that that culvert should be upgraded to 15" dia.

There was discussion as to whether this proposal should be moved forward or not because of continued outstanding issues, mainly related to the driveway. Mr. Rubalcaba stated that they had answered the board's concerns from the last meeting. Mr. Neddo agreed and stated that in order to move this along after the applicant did answer the stormwater runoff concern that preliminary approval should be granted, and the application be moved to final.

Mr. Neddo made a MOTION to grant preliminary approval of this 2-lot subdivision request seconded by Mr. Valsangiacomo, there was no further discussion on the motion, all voted in the affirmative.

WARNED PUBLIC HEARINGS: Subdivision

Agenda item 8 a: 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: August 9, 2019

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

This is a warned public hearing continued date certain to this meeting from the July meeting. I refer to my comments on this same agenda for preliminary review for the overall review. Regardless of whether preliminary is approved or not, this public hearing must be opened again and either give final approval or continue date certain to September 10th. Below are standard conditions if the board elects to move forward and grant final approval. Further conditions may be necessary as well.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

- 1) All easements and/or rights-of-way, as shown on the final (stamped approved) plans by American Consulting Engineers and Surveyors, dated August 8, 2019 shall be created when the need arises in order to fulfill the development as proposed and approved
- 2) 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.
- 3) 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 .
- 4) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 5) 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.
- 6) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

ADDITIONAL COMMENTS:

Preliminary approval was granted earlier during this agenda; however, the board was not ready to grant final approval, wanted to have several questions answered and or a plan to address the concerns about the existing driveway. This warned hearing was continued date certain, September 11, 2019.

Agenda Item 8 b: Ladd (LE Dolin) / Collins BLA (Final)

Request by Mildred Ladd (LE) and Eric Clifford & Willow Wonder for a boundary line adjustment for land located at 50 & 58 Lepage Road; Parcel ID;s 011/015.00 & 011/017.00; zoned low density residential; P-19000003 & P-19000004.

Consultant: Chase & Chase Surveyors & Septic Designers, Inc.

Date: August 9, 2019

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a warned public hearing for the purpose of a boundary line adjustment (BLA) between abutting property owners. The subject parcels are located off Lepage Road and are zoned low density residential (LDR). LDR zoning requires minimum lots sizes of 2.0 acres and 200' of road frontage. Lepage Road is a Town class three gravel road. The general area is residential in relative close proximity.

The lots subject to this request are owned by Mildred Ladd (life estate, Paula Dolan & Regina Duquette) and Eric Clifford and willow Wonder. The Ladd property is currently 32.61 acres while the Clifford property is 2.0 acres. Both lots conform to zoning minimums.

The proposed BLA I have highlighted on the survey map included in your packets. The Orange line is the proposed new line that will add .59 acres to the Clifford lot. You will also note as shown by the green line that currently the common boundary goes through the existing barn. The proposed BLA will place the barn entirely on the Clifford property and will meet the 8' minimum side yard setback. There is a small shed located on the Clifford parcel and while it currently doesn't meet setback on two side yard lines, the proposed alteration will correct one of those but not the other. All other structures meet zoning setback requirements.

The proposed BLA will increase the Clifford/Willow property to 2.59 acres while decreasing the Ladd property to 32.02 acres. No road frontage is being altered. Both lots will be conforming with the new proposed configuration.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

This boundary line adjustment corrects long standing setback issues (except one) and in fact places the barn entirely on one lot (Clifford/Willow). Will all other structures being conforming, except as noted, and the proposal making a bad situation much better, with consideration to the conditions below, I recommend approval of this request for a boundary line adjustment.

- 1) To complete this boundary line adjustment, a deed conveying the .59 acres from Ladd (LE) to Clifford/Wonder must be completed within 60 days. Said deed must also clearly state that this land is merged, combined as one lot of 2.59 acres.
- 2) 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.
- 3) 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 .
- 4) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 5) 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.
- 6) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

ADDITIONAL COMMENTS:

Mr. Sanborn summarized Mr. Violette's staff comments.

A MOTION was made by Mr. Neddo to grant final approval to the boundary line adjustment as proposed, Mr. Valsangiacomo seconded, all voted in favor of the motion without further discussion. The six conditions as noted in Mr. Violette's staff comments were incorporated into the motion.

PARTICIPANTS:

None

OTHER:

ADJOURN:

A MOTION was made by Mr. Valsangiacomo to adjourn the meeting. Mr. Thygesen seconded the motion and the Board voted unanimously to adjourn the meeting.

Note, there isn't an available digital recording of this meeting.

Respectfully submitted,

Chris Violette

Mark Nicholson, Chair

Chris Neddo

Angela Valentinetti

Jon Valsangiacomo

Charles Thygesen Sr.

Cedric Sanborn

Mark Reaves