

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR OCTOBER 10, 2018

The Barre Town Development Review Board held a public meeting & hearings on Wednesday, October 10, 2018 beginning at 7:00 p.m. at the Municipal Offices, 149 Websterville Road, Websterville, Vermont

Members Present:

Mark Reaves
Angela Valentinetti
Chris Neddo

Charles Thygesen, SR
Jon Valsangiacomo
Cedric Sanborn

Members Absent:

Mark Nicholson

Staff Present:

Chris Violette – Planning & Zoning Director

Others Present:

Susan & Skip Poczobut
Lisa Lemieux
Rob Townsend
Jan Ruta

Bill Chase
Alice Farrell

- 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 - NONE**
- E. APPROVE MINUTES**
 - Approval of the September meeting minutes will be on the November agenda*
- F. NON AGENDA ITEMS (max 10 minutes)**
- G. SUBDIVISION REVIEW**
 - 1) WARNED PUBLIC HEARINGS

APPLICANT: Monty – Amended Subdivision Review

Request Alfred Monty Revocable Trust, Susan Poczobut, Trustee, for amended subdivision approval reversing a 6-lot subdivision approved August 14, 2006 (P-06000006 & P-06000007, plan 2126) and reestablishing the original 2-lots on land located off Richardson Road; Parcel ID 008/013.07 & 008/013.08; zoned high density residential; P18000023 & P-18000024

Consultant: American Consulting

Date: October 5, 2018

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a warned public hearing for amended subdivision review taking an approved 6-lot subdivision and reverting it back to its original 2-lot configuration. The subject parcels are located off Richardson Road, behind 229 -267 Richardson Road. The zoning for this area is high density residential with minimum lot sizes of 1.0 acre (municipal sewer, onsite water) and 110' of road frontage.

The current configuration of 6 lots was created in 2006. The approved plan had a short Town road being constructed using a 50' right-of-way from Richardson Road to provide access to all lots. The subdivision was approved with all lots using pump stations to access the municipal sewer system, water was approved to be onsite.

The original creator of the subdivision Al Monty is deceased, and the trustee of the trust has determined the land is more marketable as two lots where a Town road wouldn't have to be constructed.

Also, reverting back to its original configuration is another Monty Trust lot 008/023.00 which is mostly open undeveloped land and is only slightly affected.

The new configuration (which is really the old configuration) will have 2 lots remaining. Lot 17 (lot numbering is sequential including other subdivisions of Monty) will be 4.4 acres in size proposed to have a single-family dwelling located on it. The parcel will be served by municipal sewer using a grinder pump station. Access will be from Richardson Road using the existing right-of-way, 25' will be dedicated to this lot.

Lot 18 is the second remaining lot and has all the same items as lot 17 noted above.

A shared curb-cut will have to be utilized because it is unlikely two curb-cuts in such proximity would be allowed. The applicant should be responsible for building that

common curb-cut which is the DRB's standard practice. The first lot developed will construct a driveway. The second lot developed could use the first driveway if agreed to by the first lot. If not, the second lot developed will have to build its own driveway. Deed language must be included in each deed describing the shared use and maintenance responsibly of the common curb-cut.

I should note that this subdivision was controversial when first reviewed. Abutters on either side of the right-of-way objected to the use of it for a Town road to be built. The DRB's approval was appealed to the Environmental Court and ultimately a settlement was reached to allow the project to move forward. As you know, the road was never built. It seems as revising the subdivision back to its original form should be better for everybody. I haven't had any inquiries from either party subject to the 2007 appeal. Only one abutter has contacted me and didn't have any objections.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Reverting this subdivision back to its two-lot status prior to the 2006 subdivision shouldn't be a problem and in fact should help both the abutters and the landowners. While it was unlikely the six lots would be developed, the two lots makes it much more marketable. With consideration to the conditions below, I recommend approval of this request to amend the 2006 subdivision reverting it back to two lots as was the case prior.

- 1) The common curb-cut shall be constructed by the applicant before a lot is sold. The curb-cut shall be 20' wide and 30' deep and paved.
- 2) There shall be language included in the deeds that convey either of the two lots indicating that they are using a common curb-cut and there will be a shared maintenance of it.
- 3) The first driveway build shall be constructed in one of the 25' easements or the other. It shall not be constructed in the middle of the 50' right-of-way.
- 4) All easements and/or rights-of-way, as shown on the final (stamped approved) plans by American Consulting shall be created when the need arises to fulfill the development as proposed and approved
- 5) 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.
- 6) 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.

- 7) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 8) 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.
- 9) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.
- 10) Power serving the two lots shall be underground from the road to the site.

ADDITIONAL COMMENTS:

Chris Violette summarized his staff comments (which are in their entirety above). Mr. Violette suggested one additional condition that power be underground.

Rob Townsend reiterated the request.

Cedric Sanborn asked whether the right-of-way would be on lot 17. Mr. Townsend stated that yes, the ROW would be on 17 and it would favor lot 18. Mr. Sanborn also asked that a ROW was still being retained for other lands of Monty, Mr. Townsend said yes.

MOTION:

On a motion by Mark Reaves, seconded by Charlie Thygesen, the Development Review Board voted unanimously to approve the request by Alfred Monty Revocable Trust, Susan Poczobut Trustee, for amended subdivision approval reversing the 2006 subdivision creating two lots instead of six. Approval is subject to the 10 conditions as noted in the staff comments

PARTICIPANTS:

Rob Townsend

H. CONDITIONAL USE REVIEW

- 1) WARNED PUBLIC HEARINGS

APPLICANT: **Bilodeau 8-unit Multi-family dwelling**

Request by Mike Bilodeau for a conditional use permit review (continued from 8/8/2018) to allow for an 8-unit (two buildings) multi-family dwellings on open land adjacent to 770 East Barre Road (Rt. 302); Parcel ID 006/068.01; Zone: highway commercial; CUP-18000003

Consultant:

Date: October 5, 2018

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

This is a warned public hearing, continued from last month to this month, for the purpose of conditional use review and possible approval for the applicants plan to create a residential development using two 24' x 60' buildings to create 8 units of residential housing (apartments).

This request was continued last month because the applicant had not submitted written comments related to the conditional use criteria. As of this writing, those responses still haven't been received. A new plan was also to be submitted with changes discussed at last month's meeting including inclusion of a manhole for both structures to feed into, parking showing enough parking for two cars per unit, and better representation of lighting.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

ADDITIONAL COMMENTS:

Cedric Sanborn opened the hearing and then asked Chris Violette how long this had been on the agenda and how many continuances had occurred. A discussion about how many there had been followed but nobody was exactly sure.

MOTION:

On a motion by Mark Reaves, seconded by Jon Valsangiacomo, the Development Review Board voted unanimously to deny, without prejudice, the request by Mike Bilodeau for conditional use approval for multi-family dwellings adjacent to 770 East Barre Road. Denial is based on the applicant not supplying follow-up information.

PARTICIPANTS:

None

APPLICANT: Chase – Camper for Residential Use

Request by William Chase for conditional use approval in accordance with Article 4, section 4.4 of the Barre Town Zoning Bylaw to place and use a camper for seasonal residential purpose on land owned by Craig & Kristine Chase, 7 Tanglewood Drive; Parcel ID: 006/087.03.

Consultant:

Date: October 5, 2018

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a warned public hearing for conditional use review to allow a camper to be used for seasonal residential purposes. The subject parcel is in a high-density residential zone with adjacent uses all residential.

The applicant and the landowner came before the board last month and presented the plan conceptually. The board didn't indicate that they had any major concerns.

The subject parcel is 6.0 acres in size with road frontage on Tanglewood Drive. There is currently a single-family dwelling on the property served by both municipal sewer (Barre Town) and water (Barre City). The property is owned by the applicant's son.

The applicant is proposing to place a camper (park model) on a portion of the subject lot well the north of the existing dwelling, approximately 350' away. The camper and the dwelling will share the access from Tanglewood but split about 300' from the road. A new driveway (assume gravel) will be constructed to the camper. The camper will sit on a gravel pad and will have a deck adjacent to it. A new sewer line will be run from the camper and Y into the existing sewer. The plans show an entirely separate water line being run from Tanglewood to the camper. Electrical service will also be run to the camper.

Article 4, section 4.4 limits a camper being used for residential purposes beyond 14 days. However, residential use can be allowed if the DRB reviews the project under a conditional use permit. The most significant concern related to using the camper for more than 14 days is waste water disposal. In this case, the applicant is investing a fair amount of money to provide the camper with everything it needs to provide waste water disposal.

The only thing I'm not sure of and haven't received an answer yet is whether a sperate sewer allocation will be required from the Town. Waiting on an answer from the Town Engineer.

The following general and specific standards are enabled through 24 VSA § 4414 (3) (A) and 4414 (3) (B)

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

This project is small in nature and a seasonal residential use. Little impact to any of the community facilities is expected.

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 proposed use as a residential camper is not any different than if a house was built here. The area is entirely residential, and the proposed use fits in with other uses and I don't believe because it is a camper the character changes. The camper will likely only be visible by one or two houses with some screening it appears.

Overall, I don't see a negative affect on the character of the area.

3. Traffic on roads and highways in the vicinity;

Equal to a single-family dwelling only less because of the seasonal use, little impact to the Town highway network.

4. Bylaws and ordinances then in effect;

Barre Town Zoning Law allows the use after issuance of a conditional use permit.

5. Utilization of renewable energy resources.

N/a

6. Minimum lot size;

Minimum lot size for this zone is 1/3 acre. Parcel is 6 acres in size.

7. Distance from adjacent or nearby uses;

The closest use is residential and is approximately 250' away.

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

N/a

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

N/a

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

The Zoning standard for residential parking is 2 parking spots per dwelling. The proposed project has ample space for two parking spaces.

11. Loading/unloading facilities.

N/a

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

This plan as presented is more thorough than most. The main concern with a camper being used for residential purposes is waste water disposal. The applicant is investing a fair amount of money to make sure all utilities are available. I think the request fits within the requirement of the Zoning Bylaw and the applicant has demonstrated little impact to the neighborhood and the Town and recommend approval of this request for a camper to be used seasonally for residential purposes.

ADDITIONAL COMMENTS:

Chris Violette summarized his staff comments and entered into the record above. Mr. Violette noted that within the CUP criteria, the one looked at mostly for this type of request is how waste water is being handled. In this case, both water supply and sewer disposal will be municipal.

William Chase showed the board a plan of the project.

Alice Farrell, 1 Tanglewood Drive, asked about the right-of-way next to her house that goes to the Chase house. She wondered how much additional use there would be? She also asked about three pallets on the property? Mr. Chase advised Ms. Farrell that what she called pallets is a deck for the camper once installed. The right-of-way mentioned is land owned by Craig and Kristin Chase, not a right-of-way. Some additional use of the driveway is likely but limited due to the scope of the use.

Jon Valsangiacomo asked whether another lot could be developed there? Mr. Violette said yes, the lot is large enough and the access could support a 25' right-of-way.

Mark Reaves asked whether any conditions were needed? Mr. Violette suggested a standard condition that requires the plans to be followed according to what was presented and approved. There was also discussion about whether to limit the use of the camper to the applicant only. Finally, a sewer allocation will have to be obtained via a permit.

MOTION:

On a motion by Mark Reaves, seconded by Angela Valentinetti, the Development Review Board voted unanimously to approve the request by William and Carol Chase to place and use a camper for seasonal residential purposes on property owned by Craig & Kristine Chase, 7 Tanglewood Drive.

Conditions

1. The plans as submitted by William Chase are incorporated into this decision and shall be followed unless a request is made to alter and reviewed by Town staff. If the revision is determined to be substantial, a revised application shall be submitted to the DRB for approval.
2. This approval is limited to this applicant only, William and Carol Chase.
3. A Town building and sewer allocation permit shall be obtained by the applicant before placement of the camper.

PARTICIPANTS:

William Chase
Alice Farrell

I. OTHER

Chris Violette handed out to the Board the new Town adopted Conflict of Interest Policy. Mr. Violette noted that both Cedric Sanborn and Jon Valsangiacomo sat on the special committee that drafted the policy. Mr. Violette asked whether either wanted to give an overview of the new policy.

Mr. Valsangiacomo said he thinks the biggest issue is whether the new Town policy conflicts with the DRB's existing Conflict of Interest Policy. The thought is that the DRB's policy may incorporate Rules of Procedure as well. The consensus is that a review of the two policies needs to be done and see how they work together and whether something needs to be amended.

J. FOLLOW-UPS

K. CORRESPONDENCE

STATE
TOWN
MISCELLANEOUS

L. ROUNDTABLE

M. ADJOURN!

On a motion by Jon Valsangiacomo, seconded by Chris Neddo, the Development Review Board unanimously voted to adjourn the October 10, 2018 meeting.

Respectfully Submitted,

Chris Violette

Mark Nicholson, Chair

Cedric Sanborn

Mark Reaves

Jon Valsangiacomo

Jim Fecteau

Charlie Thygesen Sr.

Angela Valentinetti

Chris Neddo

William Wolf

