

BARRE TOWN PLANNING COMMISSION

MINUTES FOR FEBRUARY 17, 2010

The Barre Town Planning Commission held a public hearing on **Wednesday, February 17, 2010** at 7:00 p.m. at the Municipal Offices, Websterville, Vermont.

Members Present:

Cedric Sanborn, Chair
Charlie Thygesen
Ken Yearman

Margaret Hutchins
Chris Violette

Members Absent:

Claire Duke
Eric Brigham

Others Present:

Jon Womer
Rich Moody
Chris Howe

Staff Present:

Heidi Bennett – Board Clerk

A. APPROVAL OF MINUTES:

Motion made by Mr. Yearman to approve the minutes from January 20, 2010, seconded by Mr. Thygesen; no vote taken and motion withdrawn. Information missing from minutes to be added and on the agenda for approval at next meeting March 17, 2010.

B. WARNED PUBLIC HEARING - FINAL PLANS:

AGENDA ITEM: ONE (1)

Request by Richard Moody of 256 Osborn Road for Allowed Use Determination on his request to operate a commercial firewood business on said property; Parcel ID 009/180.00; Zoned: Medium Density Residential; P10000002

Enclosures: Letter from the applicant & tax map

Consultant: None

Date: February 12, 2010

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

This is an allowed use determination under the authority of the Barre Town Zoning Bylaw Article 2, Sec. 2.4 (C) whereas the proposed use is not specifically allowed in a Medium Density Residential Zone. Mr. Moody lives at 256 Osborne Road (at the top just before the intersection with Phelps and Cutler Corner Road) and would like to start what sounds like a landscaping and a fire wood business. The proposed uses are not allowed for in the Zoning Bylaw, chart of uses, table 2.1. Mr. Moody and Mr. Womer (a partner) submitted a written description of their proposal (enclosed) and after I reviewed it, I made the determination that their only course of action was to seek an Allowed Use Determination from the Planning Commission.

As you can see in the written description there really appears to be two different uses being described. In our first contacts, the main discussion was about a fire wood business. It appears as though by the statement "house all our landscaping tools and equipment" and the fact that they are going to grow perennials and small shrubs that this would be a year round operation, doing landscaping in the summer and cutting and selling fire wood in the winter. Both types of used can have an effect on character of the neighborhood and as such makes sense to have this review.

The written description does not describe the landscaping aspect of the business very well. However, the fire wood component indicates that they would have trucks coming in delivering up to 10 cords of logs at a time. They will cut, split and stack the fire wood on property for sale. They indicate that delivery of the wood would be on weekends. There isn't any indication whether they would allow people to come to their location to pick up the wood themselves. Their proposal indicates that they would have up to 25 cords of presumably split fire wood on site at all times.

I understand the necessity of having fire wood and landscaping for that matter. I am also aware that it is likely some of this, landscaping and fire wood sales, takes place all over town. While I have had complaints about landscaping businesses, I can't recall anybody ever complaining about a fore wood business. My concern here is that this appears to be a pretty large operation, probably more so than anybody else around. The applicants indicate that they would limit their use of chainsaws to Monday thru Friday, 9 a.m. to 5 p.m. and reserve weekends for stacking and deliveries. While the area in question isn't heavily populated, there are neighbors that I think should be considered.

When considering Allowed Use Determination I suggest using the Conditional Use criteria which is listed as follows:

The impact on the capacity of existing or planned community facilities, to include but not limited to

1. Emergency services: **No impact**
2. Educational facilities: **No impact**
3. Water, sewer, or other municipal utility systems: **No impact**
4. Recreational facilities: **No impact**
5. Conservation or other designated natural areas: **No impact**
6. Solid waste disposal facilities: **No impact**
7. 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: **This is an area that could be affected in my opinion and which deserves consideration. The operation of chainsaws to the scare that is being proposed could become a negative impact on the surrounding residents and thus an impact on the character of the neighborhood. Granted the use is**

during the day but often people are home which they might find offensive. The trucks coming and going could also play a role but probably to a lesser degree. The landscaping would probably have a minimal impact.

8. Traffic on roads and highways in the vicinity: **Not knowing for sure if people will take delivery on-site or if delivery is always off-site it is hard to know whether this use will generate a significant increase in traffic. Likely not, Osborne Road is paved class three town road and could certainly handle the potential increase in traffic. Log trucks would have to get a permit to operate on Osborne Road and would be limited during certain times of the year.**
9. Zoning bylaws and bylaws then in effect: **Use is not considered by zoning;**
10. Utilization of renewable energy resources **No impact;**
11. Any required extension or capital expense to the present maintained highway system **(none);**
12. The impact on neighboring uses; **Other than residential uses already discussed, there are no other permitted uses that would be impacted by this use.**
13. Intrinsic capability of the land and its surrounding areas to support the use **(probably no concern);**
14. Minimum lot size; **At over 18 acres this lot more than meets the minimum lot size;**
15. Distance from adjacent or nearby uses; **as detailed previously**
16. Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw; **No impact**
17. Loading/unloading facilities **As long as not done on the street, probably no impact**

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

At this point I really don't have a recommendation, I would like to hear more during the meeting. I do have concerns, mostly about the noise, but traffic could be somewhat of a concern too. I think what is being proposed is a pretty significant operation and believe the rights of the neighbors needs to be preserved.

ADDITIONAL COMMENTS:

CV gave a brief summary of agenda item; noted that applicant mentions landscaping but with not much detail, will need applicant to expand.

CV read a letter from abutter Eileen (Phelps Rd)

Applicants are Rich Moody & Jon Womer both in attendance.

Moody stated that this is primarily a landscaping business. This business will not run five days a week. This is to get them through the winter. There is room to move this operation to the back of the property. There is a VAST trail on the property which he would like to keep open. Moody stated that he would like to sell 60 cords of wood a year. This is only 14% of their business. They will be working in the winter while people are inside. Landscaping is not open to the public, only bringing in planting to prorogate. People will not be coming to get their own firewood.

Womer stated that landscaping would only consist of planting for future jobs, no retail just stock for their business. No mulch just perennials so they have stock.

CV stated that the growing of something wouldn't fall under agriculture.

CV asked if the landscaping will be run out of the house; Moody stated the business is just beginning. They have a shed with some tools, a few plows, trucks (1 ton). Book work is based out of the house. The only product available for retail is firewood. Only Moody & Womer will be employed.

Moody stated that this is primarily a winter operation.

Womer stated that landscaping generally goes from April until the end of November.

Moody stated that they will be bringing in a truck load at time, about 8 cords.

Moody stated that he is purchasing logs locally due to cost.

Thygesen stated that he went to the site today; 25 cords would cover at the max 1100 sq ft of property.

Womer stated they would be installing screening.

Thygesen stated that there is another logging operation just beyond where this property is located.

Chris Howe (Cutler Corner Rd) - What size trucks will be bringing the logs in? Moody stated that they are single axel. CV stated that the trucks would require road permits on dirt roads.

Moody stated that the only access is on the left hand side of the property on the VAST trail; tried to speak to VAST but they haven't returned phone calls.

Howe is requesting that any further expansion come back for approval and that this approval only run with the landowner.

CV asked about access; Moody stated that they would not be using the existing driveway; CV stated that an additional curb-cut would need to be obtained as well as a return visit to the Planning Commission for approval.

Sanborn suggested that this continue until next month; check out the neighbors and see what they are doing for firewood.

Moody feels that this operation will be small can't see selling three truck loads a week.

Moody thinks they can cut three cords a day and that is being ambitious.

On a motion by Mr. Yearman, seconded by Ms. Hutchins, the Planning Commission voted to continue the request by Richard Moody of 256 Osborne Road for Allowed Use Determination until March 10, 2010 on his request to operate a commercial firewood business on said property; Parcel ID 009/180.00; Zoned: Medium Density Residential; P-10000002. All in favor

AGENDA ITEM: TWO (2)

Request by Pike Industries on behalf of Bond Auto for an additional curb-cut off Prospect Street; Parcel ID 005/113.00; Zoned: LDR; P-10000003

Enclosures: Engineer's memo & map

Consultant: Pike Industries

Date: February 12, 2010

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

Bond Auto recently received site plan approval from the Development Review Board (SP-09000006; January 25, 2010) for a significant fill project on land that they won off Upper Prospect Street behind their auto parts warehouse. The fill material is being trucked in by Pike Industries as part of the Airport runway reconstruction project. After the fill has been brought in, Bond's would like to create several playing fields for youth athletics. They are proposing a parking lot and after the site plan process dictated two separate accesses to accommodate bus traffic, they are requesting here, a second and third curb-cut allowance.

This is a large parcel of land at 58 acres and currently has a residential structure located on it from its road frontage on Morrison Road. That access is the first curb-cut. By creating the proposed parking lot, with what was mandated to be a one-way in and a one-way out driveway configuration, second and third curb-cut approval is required. In fact a construction curb-cut will be created first but will go away once the fill project is completed and then at some point the permanent curb-cut will be created.

The Town Engineer has provided a memo (enclosed) and supports the request. I don't see a problem with the request either and supported the DRB's decision to require the one-way in and one-way out configuration. Site distances are more than adequate and having the two accesses actually makes it safer. In the end if approved, the first curb-cut is for the house, the second curb-cut would be for the one-way in, and the third curb-cut would be for the one-way out.

As will be a condition of the driveway permits when obtained I would suggest a condition here that appropriate signage be placed and that the aprons to both driveways be paved to the town standard.

ADDITIONAL COMMENTS:

This is a second and third curb-cut request.

It is Bond Auto's intent to construct recreational fields for youth sports.

On a motion by Mr. Sanborn, seconded by Mr. Violette, the Planning Commission voted to approve the request by Pike Industries on behalf of Bond Auto for additional curb-cuts off Prospect Street' Parcel ID 005/113.00; Zoned: LDR; P-1000003

C. OTHER:

D. ROUND TABLE:

E. ADJOURN!

On a motion by Mr. Violette, seconded by Mr. Yearman, the Planning Commission

voted to adjourn the meeting of February 17, 2010 at 8:05 p.m.

Respectfully Submitted,

Heidi Bennett

Cedric Sanborn, Chair

Eric Brigham

Charlie Thygesen Sr.

Ken Yearman

Chris Violette

Claire Duke

Margaret Hutchins

UNAPPROVED