

BARRE TOWN PLANNING COMMISSION

MINUTES FOR OCTOBER 21, 2009

The Barre Town Planning Commission held a public hearing on **Wednesday, October 21, 2009** at 7:00 p.m. at the Municipal Offices, Websterville, Vermont.

Members Present:

Cedric Sanborn, Chair	Ken Yearman
Charlie Thygesen, Sr.	Claire Duke
Eric Brigham	Chris Violette

Members Absent:

Margaret Hutchins

Others Present:

Darrell Goslant	Steve Blum
Robert Hutchins	Nicole Lafaille
Doug Farnham	Greg Lord

Staff Present:

Heidi Bennett – Board Clerk

A. APPROVAL OF MINUTES:

On a motion by Ms. Duke, seconded by Mr. Yearman, the Planning Commission voted to approve the minutes from the September 16, 2009 meeting with changes.

B. WARNED PUBLIC HEARING:

AGENDA ITEM: ONE (1)

Request by Darrell Goslant for Allowed Use Determination to have a food service cart on the property of Lazy Lions Campground located off Middle Road; Parcel ID 006/002.00; Zoned: High Density Residential; P-09000015

Enclosures: Letter w/photo from Mr. Goslant

Consultant: None

Date: October 16, 2009

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 High Density Residential Zone. Mr. Goslant owns and operates Lazy Lion Campground at the Top of Middle Road in Graniteville. Mr. Goslant received a Conditional Use Permit in 2006 to expand the existing campground. Now Mr. Goslant would like to offer on-site prepared food cooked and served from what will likely be a moveable wagon or stand. Mr. Goslant terms it a "high end concession stand". I've enclosed a letter and picture submitted by Mr. Goslant describing what he is proposing.

Upon review of our Zoning Bylaw, specifically the use table, I cannot find an allowance for what Mr. Goslant is proposing. The only uses that would be close to what is being proposed would be fast food restaurant or restaurant itself and neither are allowed in this zone. There isn't a provision for a lunch wagon or the like in zoning. I informed Mr. Goslant that this would be the only avenue for him if he wanted to proceed. The Lazy Lion Campground has in the past had a sit down restaurant but hasn't existed for several years now.

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: **The campground is already served by municipal sewer and has onsite water. No additional impact would be anticipated given the nature of this proposed use. The current allocations would likely be acceptable but I will seek the Town Engineers input. I suspect much of the business generated by this will be taken out. For that which is not, either because people eat there or are guests, the campground has restroom facilities that should handle this use.**
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 type of use is hard to compare to either the Zoning Bylaw or the Town Plan. The zone is residential and the bylaw describes it as being designed to encourage predominantly residential uses. The campground, while not a permitted use, it is a pre-existing nonconforming use because it was there before the zoning change that made it nonconforming. While the area around this location is High Density Residential, it isn't highly developed and likely won't be much more than it already is. The existing use already attracts traffic and it is located on a paved class III town highway that is heavily traveled. In addition I believe that the location that the cart will be placed will be well back from the road so it won't objectionably stand out. The applicant has stated and so far has shown with the campground a desire to keep the entrance to his property well kept and appealing.**

8. Traffic on roads and highways in the vicinity: **As mentioned this proposed use is located on Middle Road, a class III paved town road that is heavily traveled. While this use will likely attract a few more vehicles than might otherwise have traveled Middle Road, I suspect it will be minimal.**
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 and the industrial use a ways away there are no other uses that would be impacted by this use. The only possible exception would be uses that also serve food in the general area. However, I don't think zoning should be used to regulate competition.**
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; **there really isn't a standard for this use. However, the fact that this is a campground with lots of land supports the applicant's assertion that there will be plenty of parking.**
17. Loading/unloading facilities **No impact**

SUMMARY, RECOMMENDATIONS & CONDITIONS:

Overall I really don't see that this proposed use is a bad idea. The fact that a restaurant once existed at this site without a problem, that the existing use already generates traffic not associated with residential uses, that the character of the area isn't likely to be overly affected, that it isn't likely the use will generate a tremendous amount of extra traffic and the road can certainly handle it, that there is plenty of off street parking so that parking doesn't occur on the street, and that there won't be a negative impact on Barre Town services, I see no reason why not to approve the use as proposed.

ADDITIONAL COMMENTS:

CV recommends approval.

Duke asked about parking; Goslant stated that parking isn't an issue as there is ample space behind the Lazy Lions sign.

Yearman asked about possible signs; CV stated that the applicant would come to him if he was in need of any signage.

On a motion by Mr. Thygesen, seconded by Mr. Brigham, the Planning Commission voted to approve the request by Darrell Goslant for Allowed Use Determination to have a food service cart on the property of Lazy Lions Campground located off Middle Road; Parcel ID 006/002.00; Zoned: High Density Residential; P-09000015. All in favor.

AGENDA ITEM: TWO (2)

Request by Robert and Ann Hutchins for Allowed Use Determination to use the building, located at 996 East Barre Road (formerly the Mailing Center), for offices and storage in support of their business, Lajeunesse Interiors. Subject parcel is owned by Michael and Nicole Lafaille; Parcel ID 025/134.00; Zoned High Density Residential. P-09000016

Enclosures: One page describing the applicants business

Consultant: None

Date: October 16, 2009

**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 High Density Residential Zone. Mr. & Mrs. Hutchins own and operate an interior accessory contracting business (Lajeunesse Interiors) and currently operate it from their home at 6 Waterman Street in East Barre. They would like to move their business from their home to the building located at 996 East Barre Road (Rt. 302) which is also in East Barre.

The location under consideration was last used for a business known as the Mailing Center. In addition there is an apartment on the second floor. The Mailing Center ceased operation for the most part a few years ago. Since that time the owners, Michael and Nicole Lafaille, have used it for storage. Before the 2008 zoning amendment the property was zoned Commercial but now it is zoned High Density Residential. The primary use of the building that the Hutchins are proposing is for office use. Barre Town zoning does not make a provision for an office building within the High Density Residential Zone. I informed Mr. & Mrs. Hutchins that this process would be their best avenue to proceed as they would like.

I have enclosed a brief description of what Lajeunesse Interiors does. However, most of the accessory components that they install are directly shipped to the job site. Very little product will be stored onsite. For the most part their building will be used for their offices. Office staff consist of about 5 people. Field workers may assemble at the beginning of the work day and leave from the site so there may be vehicles parked there that don't belong to office staff but essentially, except for the offices that would be about it.

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: **The building is already served by municipal sewer and water and is being charged for two sewer units (one residential, one commercial). Occupancy with the proposed use would not be substantially different than the former use. The current allocations would likely be acceptable but I will seek the Town Engineers input. The town will have to problem serving this property with either water or sewer service.**
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: **The zone in question is residential and the bylaw describes it as being designed to encourage predominantly residential uses. In general the immediate uses around this location are residential. However, there is a commercial use not far down the road in the form of a convenience store which also includes the sale of gasoline. The location of East Barre Road, a U.S. Highway, certainly detracts from the residential aspect of the area. East Barre as whole tends to be a mixed use community and while the zoning here does not reflect the zoning in the village, the idea for East Barre was to encourage mixed commercial and residential uses. The former commercial use did not seem to reduce the residential character anymore that what it already is because of the main highway.**
8. Traffic on roads and highways in the vicinity: **As mentioned this proposed use is located on East Barre Road (Rt. 302) a paved U.S. Highway that is very heavily traveled. Many of the vehicles that will travel to this location likely already use this road. They may not drive to the exact part of this road where this building is located but would come in close proximity to it.**
9. Zoning bylaws and bylaws then in effect: **Use is not allowed by right or permit in this zone;**
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 and some commercial uses in the village close by, there are no other 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 .43 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; **The one residential unit will require two dedicated parking spaces. Based on the square footage of the building, (2,592) a total of 13 parking space will be required for the office use.**
17. Loading/unloading facilities

SUMMARY, RECOMMENDATIONS & CONDITIONS:

Many of the criteria above have no impact for the proposed use. Certainly the character of this area, which I believe includes the village of East Barre, has an existing commercial base. I think that the character of the neighborhood is also defined by the major highway that this site fronts on and certainly would support any traffic generated by this use. In addition, the previous commercial uses, which

operated from this site for many many years, provides some insight as to how this proposed use and the neighboring residential uses can live in harmony. I think another good example of how this proposed use can fit in well in this area is that fact that it currently operates out of at least an equally residential area if not more so without conflict.

The only real question I have relates to the parking question. With a total of 15 parking spaces needed, I wonder whether that many are available. I would suggest that the applicants show on paper how that requirement can be met or why it should be reduced. Remember, at least 2 parking spaces have to be available for the residential use while 13 are required for the office use. Beyond that I think there are positives to revitalizing this building and locating this business here. At this point I would recommend approval assuming the parking question can be answered and further information doesn't become available before the hearing.

ADDITIONAL COMMENTS:

Ms. Duke has recused herself from this hearing.

CV recommends approval.

Hutchins stated that there is more than enough parking to cover his employees, tenants and any vendors that may stop by. Living space will remain; site will be used for offices with minimal storage.

Doug Farnham mentioned snow removal; stated that the State needs to come up with an adequate snow removal now that they have widened the road.

On a motion by Mr. Yearman, seconded by Mr. Thygesen, the Planning Commission voted to approve the request by Robert and Ann Hutchins for Allowed Use Determination to use the building, located at 996 East Barre Road (formerly the Mailing Center), for offices and storage in support of their business, Lajeunesse Interiors. Subject parcel is owned by Michael and Nicole Lafaille; Parcel ID 025/134.00; Zoned High Density Residential. P-09000016. All in favor/Duke recused.

AGENDA ITEM: THREE (3)

Request by EF Wall on behalf SB Electronics for a second and third curb-cut approval for property located off Parker Road in the Industrial Park; Parcel ID 006/047.18; Zoned: IND. D-09000029

Enclosures: Site map showing driveway locations.

Consultant:

Date: October 16, 2009

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

E.F. Wall is currently going through many permit processes to construct a 52,800 sq. ft. building in the Wilson Industrial Park. The building will be the location for the relocated and expanded S.B. Electronics business currently located in Barre City. The subject parcel is 10 acres in size. The applicant is seeking approval of three separate curb-cuts onto Parker Road, a town class III road. Only two of the access will be used as part of phase 1 with the other to be used for a possible phased 2 that would increase the building size by 47,000 sq. ft.

Every lot is entitled to one curb-cut and the Town Engineer is authorized by the Selectboard to manage that by way of issuing permits. The Planning Commission through the Highway and Subdivision Ordinance has the ability to grant additional access beyond the one. The way this lot is laid out dictates the need for a total of three accesses. There are many reasons for the layout, I expect a representative from E.F. Wall to be present to answer any question you may have. Essentially, the applicant needs a curb-cut to provide access to the main parking area and the rear of the building. An access to the front of the building and additional parking, and finally a third access that will help facility truck access after phase two construction.

This project has received the first of two approvals from the Development Review Board and will go for final approval on October 28th. In addition, ACT 250 is pending but expect soon. Staff, including the Town Engineer supports this request.

**REVIEW COMMENTS FROM HARRY HINRICHSEN,
TOWN ENGINEER**

There are three driveways for the access on this project which is over the usual single driveway limit. Each of the two driveways in Phase 1 of construction as it relates to the first 52,800 square feet of the building will require 24" culverts based on the storm water design. It appears that the third driveway when built will require a 36" culvert to accommodate the storm water flows from that section of roadway.

The applicant will have to coordinate the placement and sizing of these culverts with the Town of Barre relative to the overall Storm water management plan due to State Permitting issues.

I see no problem allowing the three driveways to this location.

ADDITIONAL COMMENTS:

CV gave a brief summary; recommends approval as does the Town Engineer.

Mr. Lord showed the Board a diagram of how traffic would flow.

Sanborn wanted to know if the Board was getting ahead of themselves by approving a third curb-cut

before phase 2 starts.

Mr. Lord stated that the third curb-cut is a necessity for expansion.

CV stated that this is an 18 million dollar project and have received funding from many different sources, the largest being the Department of Energy; CV stated that DOE is pretty strict and would hate to see funding slide if this curb-cut isn't approved, DOE wants to see everything in place.

On a motion by Ms. Duke, seconded by Mr. Brigham, the Planning Commission voted to approve the request by EF Wall on behalf SB Electronics for a second and third curb-cut approval for property located off Parker Road in the Industrial Park; Parcel ID 006/047.18; Zoned: IND. D-09000029. All in favor.

I. ADJOURN:

On a motion by Ms. Duke, seconded by Mr. Violette, the Planning Commission voted to adjourn the meeting of October 21, 2009 at 8:07 p.m.

Respectfully Submitted,

Heidi Bennett

Cedric Sanborn, Chair

Eric Brigham

Charlie Thygesen Sr.

Ken Yearman

Chris Violette

Claire Duke

Margaret Hutchins