

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR JUNE 9, 2010

The Barre Town Development Review Board held a public hearing on **June 9, 2010 at 7:00 p.m.** at the Municipal Offices, Websterville, Vermont

Members Present:

Mark Nicholson, Chair
Paul Malone
Charlie Thygesen, Sr.
Jon Valsangiacomo

Cedric Sanborn
Mark Reaves
Skip Bancroft

Members Absent:

Shaun Driscoll

Others Present:

Steve Morrison
Charles & Paula Baldwin
Perry Kiser
Lois Lafreniere
Henri Dessureau

Wayne Lawrence
Arlene Hoskins
Sylvia Gaboriault
Gary McAvoy

Staff Present:

Chris Violette, Planning & Zoning Director
Heidi Bennett, Board Clerk

- 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. APPROVE MINUTES**

On a motion by Mr. Malone, seconded by Mr. Sanborn, the Development Review Board voted to approve the minutes from the May 12, 2010 meeting.

- E. NON AGENDA ITEMS (max 10 minutes)**

F. SUBDIVISION REVIEW

- 1) PRELIMINARY REVIEW
- 2) WARNED PUBLIC HEARINGS

APPLICANT: BALDWIN

Request by Charles & Paula Baldwin for final approval of a boundary line adjustment/lot reconfiguration for property they own at 266 Richardson Road; Parcel ID 011/001.01; Zoned: HDR; P-1000007

Consultant: Richard Bell

Date: June 4, 2010

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This request is a public hearing warned as a lot line adjustment but it is a bit different than others that the board has seen in the past. The two subject parcels, 011/001.02 (lot 1) & 011/001.03 (lot 2) are currently owned by the same person and are 6.39 and 1.85 acres respectively according to the tax records. Lot 1 is developed with a residential use while lot 2 is not developed. The applicant is proposing to move the lot lines around eliminating the frontage that lot 2 currently has and adding it to lot 1's. The boundary line that the two lots currently share would disappear and a new line would be created to the rear.

Lot 2 with a new size being shown as 1.74 acres, (which I have a question about because lot 1 is showing to have the same acres before and after the adjustment and lot 2 isn't) as I said, loses its frontage in this change. To offset that, a 50 foot right-of-way (ROW) is being shown on the plans to provide access for ingress, egress, and utilities. Both lots, the Baldwin's homestead lot (lot 1) and lot 2, are served by municipal sewer and onsite water.

Both lots were acquired by the Baldwin's in separate deeds. So while not exactly sure how to best handle the deed part of this request, clearly some form of deed adjustment needs to be done to offset what is already recorded in the land records. More than likely this can be done with simple quit claim deeds. The only other question I have is placement of the proposed driveway for lot 2. Previously lot 2 had 200 feet of frontage to place a driveway within, now it has 50 feet along the abutting property. Where is the abutting property's driveway in relation and is it far enough away from this one and what are the sight distances for this location?

Finally, according to our GIS environmental data layer, the entire area that is now being shown as lot 2 is in a deer wintering area. I would suggest the applicant contact the Agency of Natural Resources to make sure that a house will be able to be sited in this location. It is

my belief that one lot would not create a problem, but they should be aware and address it accordingly.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Overall I do not see a problem with approving this request assuming the driveway location is acceptable and new deeds are generated reflecting the changes.

1. All easements and/or right-of-ways, as shown on the final (stamped approved) plans by Richard Bell, shall be created when the need arises in order to fulfill the development as proposed and approved
2. Quit claim deeds need to be created that reflect the changes to the lot configurations.
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. One (1) (24" x 36") mylar copy 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.
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:

CV gave brief summary of this agenda item.

CV stated that new deeds will be required as these lots were purchased separately.

CV stated there is a possible issue with the driveway proximity; Mr. Nicholson stated he doesn't see a problem with the location.

MOTION & RECOMMENDATION:

On a motion by Mr. Malone, seconded by Mr. Sanborn, the Development Review Board voted to approve the request by Charles & Paula Baldwin for final approval of a boundary line adjustment/lot reconfiguration for property they own at 266 Richardson Road; Parcel ID 011/001.01; Zoned: HDR; Approval is subject to conditions 1 – 7; P-10000007

DISCUSSION:

CONDITIONS Yes X No ___
MOTION BY: MALONE
SECOND BY: SANBORN

ROLL CALL:

Mark Nicholson **YES**
Charles Thygesen, Sr. **YES**
Cedric Sanborn **YES**
Ernest (Skip) Bancroft **YES**
*Jim Fecteau ___
Paul Malone **YES**
Shaun Driscoll **ABSENT**
Mark Reaves **YES**
*Jon Valsangiacomo **YES**

**Alternate Development Review Board Members*

APPLICANT: **MORRISON**

Request by Stephen Morrison for approval to lift a deferral (P-05-39; Plan #2067; Appr 10/25/05) for property located on Partridge Road; Parcel ID 007/036.10; Zoned: LDR; P-10000008

Consultant: American Consulting

Date: June 4, 2010

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This request by Mr. Morrison is for the purpose of lifting a deferral from a previous subdivision approval (10/25/05; P-05000039; plan 2067). The reason a deferral is placed on a property to begin with is that the applicant at the time the lot is created is not prepared, for whatever reason, to show the development of the lot and the requirement elements that go along with that. In this case, the applicant deferred showing the septic information, a proposed driveway and house location as well as contours.

The applicant, through his consultant, has produced a plan showing the required elements.

Everything appears to be in order with the plan except that final plan submission will have to have a copy of the septic details. Updated abutter information would also be helpful along with current Low Density Residential zoning information.

A review of the file from 2005 does not show that there were any outstanding issues or concerns with the subdivision. The only interesting point to discuss I would say is that the applicant is proposing to construct the driveway in an existing 50 foot right-of-way (EOW) (reserved across the subject lot in favor of the abutting lot) that provides access to an abutting piece of property. The subject lot originally came out of the abutting land subject to the ROW and the ROW was reserved upon transfer to the previous owner of this parcel. The deed indicates that the 50 foot ROW was to be used in common with a condition that the parties utilizing it share in the cost of maintaining it. Further the deed states that the cost of the initial construction would be borne by the owner of the reserved parcel. That parcel is not subject to development at this time and I don't know what is development potential even is.

The question that I guess deserves to be asked is could we potentially end up with a shared driveway? Should we consider that now and set this up so that the curb-cut is built in the center of the ROW then having the applicants driveway turns to the left side of the ROW leaving plenty of room for a second driveway? I'm not sure now is the time for a shared landing because who knows when or if the other driveway will be built and if it is the shared curb cut landing could be built then.

According to our GIS environmental layer, there are no known limitations on this parcel.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The deferral lifting of this property is pretty basic and other than the driveway question I see no reason not to approve assuming an acceptable resolution to the driveway issue.

1. Staff comments about missing plan details need to be added to the final plans.
2. 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.
3. One (1) (24" x 36") mylar copy 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. 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.

5. Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.
6. Driveway to be constructed to the left side of the 50' ROW.
7. If the second driveway is constructed, a shared curb-cut will be required with language to added to deed reflecting that requirement.
8. Drainage arrows need to be added to final plans.
9. Show ditch and culvert system for drainage on the final plans. Said ditch must be maintained at all times with language added to deed reflecting that requirement.

ADDITIONAL COMMENTS:

CV gave a brief recap of the previously approved subdivision from 2005.

CV suggested that this driveway be built to the left of the 50' ROW so that in the event another driveway is ever installed there will be room within the ROW for that to occur.

Sylvia Gabroilaut – would like to see the new driveway be built to the left side so that a shared access can be established.

Lois Lafreniere - This 50' ROW runs parallel to a 50' ROW on the Kindestin lot which is access for the Lafreniere lot. CV stated that nothing is changing as the ROW's exist today and driveways could go in. Ms. Lafreniere is concerned that her ROW is going to be impacted with runoff if a driveway goes in.

The DRB recommends additional drainage be added when the driveway is constructed to help with the drainage issues.

MOTION & RECOMMENDATION:

On a motion by Mr. Malone, seconded by Mr. Sanborn, the Development Review Board voted to approve the request by Stephen Morrison for approval to lift a deferral (P-05-39; Plan #2067; Appr 10/25/05) for property located on Partridge Road; Parcel ID 007/036.10; Zoned: LDR; Approval is subject to conditions 1 – 9; P-10000008

DISCUSSION:

CONDITIONS Yes X No ___
MOTION BY: MALONE
SECOND BY: SANBORN

ROLL CALL:

Mark Nicholson **YES**

Charles Thygesen, Sr. **YES**

Cedric Sanborn **YES**

Ernest (Skip) Bancroft **YES**

*Jim Fecteau ____

Paul Malone **YES**

Shaun Driscoll **ABSENT**

Mark Reaves **YES**

*Jon Valsangiacomo **YES**

**Alternate Development Review Board Members*

APPLICANT: **HOSKINS/DECICCO**

Request by Arlene Hoskins & Brenda Decicco for revised final approval for purpose of amending a condition (P-09-20; #2163; Appr 1/28/10) for land located off Middle Road; Parcel ID 006/001.00; Zoned: HDR; P-10000009

Consultant: Wayne Lawrence

Date: June 4, 2010

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

As we discussed last month, Ms. Hoskins has been receiving conflicting information from the town and is before the board this month to seek an amendment to her approved subdivision from January of 2010. In that approval, Ms. Hoskins and Ms. Decicco received a three lot subdivision approval with two new lots being created, both of which were proposed with residential uses. Both lots are shown to connect to the town's municipal sewer system by way of a shared line under the road. The following condition (number 11) was attached to that approval:

Only one (1) sewer crossing of Middle Road will be permitted and should be at the lower portion of the property. A manhole shall be installed on the applicant's side of the road which will receive the new lots and will exit across Middle Road to the municipal sewer system. Installation of the crossing should be done before paving or boring maybe required.

The Engineer has talked with Ms. Hoskins about this and has stated he thinks a manhole would be better suited on the opposite side of the road in line with the existing sewer line. With only two lots approved to date, a single shared crossing to a manhole should be adequate and that if either of these two lots is further developed, a manhole on their side of the road could be added then.

I am expecting comments from the engineer regarding this matter and expect him at the meeting.

If you choose to amend the condition, I would suggest simply reworking condition number 11 to meet whatever you decide.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

- 11 A common crossing of Middle Road is required for lots 3 & 4 and shall be at the lower portion of lot 3 to an existing man-hole on the West side. Installation of said crossing shall take place before paving of Middle Road later in 2010 or boring may be required. If lot 4 is ever further subdivided, the developer of that lot shall be required to install a man-hole on the East side of Middle Road at the location of the crossing approved herein and all lots shall use said man-hole and common crossing. Deeds conveying both lots 3 & 4 shall reflect that requirement.

ADDITIONAL COMMENTS:

CV gave a brief summary and recap of this item. Ms. Hoskins is seeking an amendment to a condition that was placed on the subdivision she received approval for in January 2010.

Harry Hinrichsen stated that there is an existing man-hole that the applicant's can core-cut in to. A new man-hole on the applicants side of the road would be required if the larger lot (lot 4) was to be subdivided.

Whoever develops the back lot (lot 4), as approved in January, is required to install a man-hole and deeds conveying both lots 3 & 4 must reflect that.

MOTION & RECOMMENDATION:

On a motion by Mr. Bancroft, seconded by Mr. Valsangiacomo, the Development Review Board voted to approve the request by Arlene Hoskins & Brenda Decicco for revised final approval for purpose of amending condition 11 (P-09-20; #2163; Appr 1/28/10) for land located off Middle Road; Parcel ID 006/001.00; Zoned: HDR; P-10000009

DISCUSSION:

CONDITIONS Yes X No ___
MOTION BY: BANCROFT
SECOND BY: VALSANGIACOMO

ROLL CALL:

Mark Nicholson <u>YES</u>	Paul Malone <u>YES</u>
Charles Thygesen, Sr. <u>YES</u>	Shaun Driscoll <u>ABSENT</u>
Cedric Sanborn <u>YES</u>	Mark Reaves <u>YES</u>
Ernest (Skip) Bancroft <u>YES</u>	*Jon Valsangiacomo <u>YES</u>
*Jim Fecteau ___	

**Alternate Development Review Board Members*

3) CONCEPTUAL REVIEW

Gary McAvoy – received conceptual approval of the plan he brought to the DRB.

G. SITE PLAN REVIEW

- 1) PRELIMINARY REVIEW
- 2) WARNED PUBLIC HEARINGS

APPLICANT: WCMHS

Request by Washington County Mental Health for site plan approval for the proposed construction of a 23,600 sq ft building with associated drives, parking, utilities and stormwater treatment system on property located at 260 Beckley Hill Road; Parcel ID 008/030.00; Zoned: High Density Residential; SP-1000001

Consultant: DeWolfe Engineering

Date: June 4, 2010

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

Please see the enclosed letter that I received from Philip Zalinger, Jr., on behalf of Washington County Mental Health Services (WCMHS) withdrawing the site plan application (SP-1000001) from consideration. No reason is given for the withdrawal but effectively is the end of this current application. In consulting with the Town Attorney, Bruce Bjornlund on the proper disposition of this application, he has suggested that you open the hearing and promptly, without discussion expect for an official comment about the withdrawal, deny this request based on the following reason.

The applicant has withdrawn their application, see letter dated May 14, 2010 by Philip H. Zalinger Jr., attorney for the applicant; therefore the applicant has failed to meet the requirements of Article 5, sec. 5.6 site plan review. You should do so without prejudice.

Again as in the past, if anybody is in the audience I would caution the board not to hear any public comment on this matter.

ADDITIONAL COMMENTS:

As stated above, the applicant has withdrawn their application.

MOTION & RECOMMENDATION:

On a motion by Mr. Bancroft to approve the request by Washington County Mental Health for site plan approval for the proposed construction of a 23,600 sq. ft. building and associated drives, parking, utilities, and stormwater treatment that was seconded by Mr. Sanborn, the Development Review Board voted to deny the request without prejudice due to insufficient information to conform to the site plan requirements because the applicant withdrew their application; property is located at 260 Beckley Hill Road; Parcel ID 008/030.00; Zoned: High Density Residential; SP-10000001

DISCUSSION:

CONDITIONS Yes___ No___
MOTION BY: BANCROFT
SECOND BY: SANBORN

ROLL CALL:

Mark Nicholson **NO**
Charles Thygesen, Sr. **NO**
Cedric Sanborn **NO**
Ernest (Skip) Bancroft **NO**
*Jim Fecteau ___
Paul Malone **NO**
Shaun Driscoll **ABSENT**
Mark Reaves **NO**
*Jon Valsangiacomo **NO**

**Alternate Development Review Board Members*

- 3) CONCEPTUAL REVIEW
- H. CONDITIONAL USE REVIEW (WARNED PUBLIC HEARINGS)
- I. VARIANIANCES (WARNED PUBLIC HEARINGS)
- J. FLOOD HAZARD REVIEW
- K. APPEALS OF ZONING ADMINISTRATORS DECISIONS
- L. OTHER
- M. FOLLOW-UPS
- N. CORRESPONDENCE

STATE
TOWN

MISCELLANEOUS

O. ROUNDTABLE

P. ADJOURN!

On a motion by Mr. Nicholson, seconded by Mr. Malone, the Development Review Board voted to adjourn the meeting of June 9, 2010.

Nicholson/Malone

Respectfully Submitted,

Heidi Bennett

Mark Nicholson, Chair

Cedric Sanborn

Ernest "Skip" Bancroft

Mark Reaves

Jim Fecteau

Charlie Thygesen Sr.

Paul Malone

Shaun Driscoll

Jon Valsangiacomo

