

# BARRE TOWN PLANNING COMMISSION MINUTES

The Town of Barre Planning Commission held its regular meeting and a public hearing on **Wednesday, June 17, 2015** beginning at **7:00** p.m. at the **Municipal Building**, Lower Websterville, to consider the following:

## Members Present:

|                |                  |
|----------------|------------------|
| Cedric Sanborn | Charlie Thygesen |
| George Clain   | Claire Duke      |
| Chris Violette | Debra Bordo      |
| John Hameline  |                  |

## Others Present:

|                |                |                   |
|----------------|----------------|-------------------|
| Cynthia Gable  | Jan Belville   | Christopher Neddo |
| Elaine Wang    | Gladys Agell   | Bert Agell        |
| Alex Bravakis  | Tom White      | Rolland Tessier   |
| Susan Talmadge | Bruce Talmadge |                   |

## Staff Present:

Heidi Bennett

### 1) CHANGES TO THE AGENDA

Notices from Green Mountain Power, H-40 (House bill passed in regard to solar plants) and response letter from Primmer regarding Malone.

### 2) APPROVAL OF MINUTES:

*On a motion made by Clain, seconded by Thygesen the Planning Commission voted to approve the minutes from May 20, 2015.*

### 3) WARNED PUBLIC HEARINGS (7:05 p.m.)

## AGENDA ITEM:      **ONE (1) NEDDO**

|             |                       |
|-------------|-----------------------|
| Enclosures: | Applicant's submittal |
| Consultant: | None                  |
| Date:       | June 12, 2015         |

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

This is a warned public hearing in accordance with Article 2, sec. 2.4 (C) of the Barre Town Zoning Bylaw whereas the applicant's would like to use a portion of their land in a low density residential zone for a winery and tasting

room. The lot subject to this request is owned by the applicant's and is 2.06 acre in size. The applicants have an adjacent dairy farm that sits on 186 acres of land.

The applicants are seeking the allowed use determination because a winery with tasting room is not specifically allowed either by permitted or conditional use. The allowed use determination allows the Planning Commission to hold a public hearing and after hearing testimony make a determination whether the proposed use will change the characteristics of the area or cause an undue burden on the community.

The applicants are already growing grapes as an agricultural crop on the farm land adjacent to their house. They have obtained a federal license as a bonded wine premise. While they have been making wine on a small scale basis they would like to increase their production to between 200-400 cases a year and sell it. They propose to sell the wine on-site as well as at farmers markets and retail businesses. The business would operate May-January only with family members operating it.

The subject parcel is located at the end of Neddo Road which is a gravel Town dead-end road. The property is served by on-site sewer and water.

A winery is defined as follows:

A building or property that produces wine.

Wineries typically produce various wines from grapes by following the winemaking process. This process involves the fermentation of fruit, as well as blending and aging of the juice. The grapes may be from vineyards owned by the winery or may be brought in from other locations. Many wineries also give tours or have tasting rooms where customers can taste wines before they make a purchase.

The following criteria are typically used to the commission make the above findings.

1. **Emergency services:**

I would not anticipate any additional drain on emergency services beyond what they currently have for capacity to handle as a result of the winery. The location already has a dwelling and farm. The applicants state that they only expect 12-24 customer a month.

2. **Water, sewer, or other municipal utility systems:**

The existing house and farm utilize on-site sewer and water. No municipal utility services will be used.

I am uncertain what kind of waste is generated from an operation such as is being proposed with regard to water or solid waste for that matter. Will there be any additional demand on the existing septic system?

3. **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:**

As previously mentioned several times, the location of the proposed winery is at the end of a Town dead-end road at the applicant's house and active dairy farm. The vineyards supplying the grapes are actually located entirely on the farm parcel (owned by the applicants) as an agricultural crop. There are very few houses in close proximity. The closest house is over 500 feet away and is the applicant's uncle.

Below is the purpose statement for low density residential zones:

This district is limited to non-intensive land uses. The purpose of this district is to prevent premature development of land, retain certain areas for non-intensive uses, prevent development where it would be a burden on the community, and retain areas for open space. Since the rural character of these lands depends on open space and natural areas, protection of these features should be considered when evaluating proposed conditional uses. Municipal water and sewer may or may not be available.

Low density residential zoning is also considered in large part an agricultural zone. The growing of grapes fits within an agricultural use. The making of the wine may or may not be an agricultural use and whether it is or is not it will likely have little effect on neighbors. If anything it might have an affect due to the little bit of extra traffic coming and going to taste and purchase wine. Overall I do not believe the proposed use will have a negative effect on the character of the area affected based on the current proposal. Success and expansion may change that in the future solely based on extra traffic. I believe it would take a lot to raise the threshold for altering the character.

**4. Traffic on roads and highways in the vicinity:**

As mentioned the proposed use would be located on a Town class 3 gravel road. Neddo Road is accessed from Sunset Road which is another Town class 3 gravel road. Both roads are primarily used for access to residential dwellings. The proposed use according the applicants will not be operated from between February and April. That period of time is when the roads could be subject to mud and other conditions that might not be desirable for a commercial business to be operated on. Both roads are capable of handling the traffic as proposed.

**5. Zoning bylaws and bylaws then in effect:**

A winery is not mentioned in zoning. However, if approved through the allowed use determination process, the proposed uses would comply with the Zoning Bylaw in effect and allow for a change of use permit to be issued.

**6. The impact on neighboring uses:**

Neighboring uses are residential with the closest one over 500 feet away. The proposed use should have minimal impact on neighboring uses except as noted above under 3.

**7. Minimum lot size;**

The low density residential zone's minimum lot size is 2 acres. The subject parcel is just over the minimum at 2.06 acres.

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

The applicant's homestead and farm run together. Both the applicants homestead and farm lot has plenty of parking. I anticipate that there is plenty of parking.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

A winery on a farm has the feel of agritourism and is potentially a good use to help make farms more viable. This operation while maybe not directly agritourism could development into that. Making and selling wine at a rather

small scale (as proposed) in my opinion will not affect the character of the neighborhood to a large degree. It also should not cause an undue burden on the community.

There may be more state permits needed such as a commercial catering permit from the Dept of Health if food will also be served in any way and a commercial catering license from the department of liquor control. If the applicants haven't already done so they should check into those permits before they begin.

I recommend approval.

**DISCUSSION:**

CV provided a brief summary of this application.

CV feels that there won't be an impact to the neighborhood.

CV recommends a condition that the Neddo's contact a permit specialists and state permits be obtained before operation.

Chris Neddo stated that he's not sure what this will eventually turn into. He is aware that he has to obtain at least five permits, sure there is more.

Claire Duke asked how much water will be used and how much water will go into the septic; Neddo stated the cleaning is done with steam, no more than washing three or four vehicles and can spread it on his property or put it in his manure pit. The septic will not be effected at all.

George Clain asked why the tasting room isn't considered a store; CV stated that he doesn't believe it meets the definition of a store with selling one item.

Clain asked about stipulations and threshold – what happens when those are exceeded? CV stated that the Board should discuss and decide if this application will need further review at some point. Hameline suggested looking at it again in a year. Clain asked about how the stipulations are enforced; CV stated the applicant can be required to come back in a year. Enforcement could be an issue when you're talking numbers.

Duke is wondering about weddings, stating it's beautiful at the farm; Neddo agreed, but has no ideas about weddings right now.

Neddo stated it will take about eighteen months for some of the wine to be ready. If he were to come back in a year, he wouldn't have any changes; two years would be more acceptable. He needs time to get his name out there by taking the wine to farmer markets. He doesn't anticipate selling a lot of wine at the farm and would choose to wholesale.

Hameline asked about a federal license – is there limitations; Neddo stated not on production.

Needo stated that he's been making wine for ten years and would like to share his wine with people.

**Conditions:**

1. When one thousand cases a year are being produced, applicant must come back to the Planning Commission for review.
2. When a couple hundred visitors a month come to the winery, the applicant must come back to the Planning Commission for review.
3. Applicant will come back to the Planning Commission in two years for a review.
4. Applicant must obtain all necessary state permits.

5. Applicant will not hold any events until further review.

**On a motion by Duke, seconded by Hameline, the Planning Commission voted to approve the request by Christopher & Annette Neddo for the allowed use determination to allow a winery on property located at 73 Neddo Rd; Parcel ID 010/035.02; Zoned: Low Density Residential; AU-15000003; Approval is subject to conditions 1 – 5.**

## **AGENDA ITEM: TWO (2) SOLAR ARRAYS LOCATED ON CANADIAN CLUB PROPERTY AND BOOTH PROPERTY.**

Enclosures:

Consultant:

Date: June 12, 2015

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

Alex Bravakis from Novus Energy will be in attendance to discuss the two solar projects in Barre Town that his company is involved with. Two Selectboard members should also be in attendance.

The Canadian Club array is beyond the 45-day pre-application period but to my knowledge a formal application has yet to be submitted to the Public Service Board. I expect that application will be filed shortly. I have drafted a letter for this project but thought it would be best to hear from Mr. Bravakis before it went any further.

The second array is planned for property owned by Gordon Booth and will be behind the Hood Plant off Morrison Road. At this point the 45-day pre-application hasn't even been submitted so that one is a little bit off. However, I asked Mr. Bravakis to speak to that one as well. We do have a very basic site plan for that project but that is it at this point.

With regard to the Wilson Industrial Park project I was planning to wait and discuss a proposed letter for submission to the Public Service Board at this meeting. However, after waiting a week to hear back from the PSB's clerk and doing research myself I found out on June 8<sup>th</sup> (afternoon) that the comment period for the Malone project ended on Tuesday June 9<sup>th</sup>. I was able to write a letter (enclosed) and submit it in time (I believe) to have it considered by the PSB.

I also have other information regarding ACT 40 that was recently passed as it relates to solar projects.

### **DISCUSSION:**

Alex and Lou Bravakis presented

Novus works with schools, hospitals and municipalities so the cost saving benefit is to them.

Projects pay municipal tax and into the state education fund.

When the lease expires (generally 20-25 years) Novus is required to restore the land to what it was prior to the panels being installed unless the lease is extended.

By law you can have a project in one town while another entity benefits (out of town) as long as they're on the same utility.

One 500KW project will generate approximately \$25,000 savings for 20 years for Spaulding High School.

Regarding the Canadian Club: a minimal amount of trees will be cut, and mostly to prevent shading. The trees are providing a really nice buffer for a few of the homes. Proposing to plant a hedge row along the side of the array to mitigate the visual effects of the solar array for the two homes most effected.

Novus makes every effort to meet the new screening and setbacks laws.

Traffic is minimal; 6-8 a week during the construction period to include up to two tractor trailers, bobcats and box trucks.

Solar arrays aren't seen as an impervious surface.

Sanborn asked if any of the panels could move to help alleviate the neighbors' concerns; A. Bravakis stated that it's definitely something they can look at. The land is sloped and there could be some shading issues; can't promise a dramatic change.

Clain asked what else can be done to help shield the neighbors from the visual effects of the panels; L. Bravakis stated that little changes can make big differences like moving a couple of panels to the back or over and maybe making robust screening might make big differences in this case. We understand the question and concern and will do whatever we can to mitigate that view. We don't have to put screening, but did so because of the neighbors. We want to be proactive and might do something more aggressive like taller trees as long as they don't impact the array. The field was growing up to scrub trees and it wasn't being mowed. We will make our best effort to effort to mitigate the view shed as much as we possibly can preserve how the system needs to function.

Sanborn asked that balloons be used for a visual study so the neighbors have something to look at.

L. Bravakis stated the panels are guaranteed for 25-years, but can last for 35-years.

Power is overhead to poles, underground to transformers.

**AGENDA ITEM:     **THREE (3)****  
**PROPOSED ZONING AMENDMENTS**

Enclosures:

Consultant:

Date:

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

I have not had time to put any proposed changes together for any of the amendments that I proposed. I think Cedric may have something for us to look at.

CV handed out a list that Cedric put together.

Sanborn stated discussion will take place at the July 15, 2015 meeting.

4) **OTHER:**

5) **CORRESPONDENTS:**

H-40 all the projects going forward (as of June 11) now must meet a 100' setback from road and 50' property lines. CV stated that he doesn't believe this will affect the Malone project. H-40 does give the Planning Commission automatic party status. Does allow a municipality to require screening; however you have to specific language in your Bylaw or a screening ordinance. H-40 does include language that reports will be available in a year or two on how the projects affected Towns.

Green Mountain Power substation rebuild – CV handed out the information submitted. Duke asked if the brick building on site is a historical structure; CV stated it's talked about in the letter.

Distributed response letter from Primmer (Joslyn Wilschek).

6) **ROUND TABLE:**

7) **ADJOURN!**

*On a motion by Clain, seconded by Hameline, the Planning Commission voted unanimously to adjourn the meeting of June 17, 2015 at 9:35 p.m.*

Respectfully Submitted,

Heidi Bennett

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Cedric Sanborn, Chair

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John Hameline

Chris Violette

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Charlie Thygesen Sr.

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Claire Duke

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George Clain

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Debra Bordo

DRAFT