

# BARRE TOWN DEVELOPMENT REVIEW BOARD

## MINUTES FOR January 10, 2018

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

### Members Present:

Mark Nicholson	Angela Valentinetti
Cedric Sanborn	Chris Neddo
Jon Valsangiacomo	Mark Reaves

### Members Absent:

Charles Thygesen, SR

### Others Present:

George Abrams	Donald Varen
Kennett Drews	Paul Malone
Cheryl Savoy	Sarah Miller
Brian Husk	Kimberlee Rich
Richard Bell	Matt Systo
Terri Murray	Jim Fecteau
Jeff Olesky	

### Staff Present:

Chris Violette  
Emily Marineau

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 - Violette requested to move the 2 variances before Fecteau Residential Inc.

E. APPROVE MINUTES

*Motion by Reaves, seconded by Sanborn the board voted unanimously to approve the December 13, 2017 minutes at 7:03pm.*

F. NON AGENDA ITEMS (max 10 minutes)

G. SUBDIVISION REVIEW  
PRELIMINARY REVIEW:

## **SPEIRS( PRELIMINARY)**

**Request by the Andrew Speirs for preliminary review of a two-lot subdivision of land located at 519 Anderson Rd (new parcel will front on Pierce Road); Parcel ID: 006/108.00; Zoned: low density residential; P-17000021**

Consultant: Richard W. Bell Land surveying, Inc.

Date: January 5, 2017

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

This is a preliminary subdivision request for the purpose of subdividing a 11.77-acre parcel into two lots. The subject parcel is located in a low density residential zone which requires 2-acre minimum lot size and 200' of road frontage. This lot has road frontage on both Anderson Road and Pierce Road. There is an existing single-family dwelling located on Anderson Road. This request is also on this same agenda for final consideration.

The applicant is proposing to create lot 2 which will be 2.0 acres in size with 208' of frontage on Pierce Road. Lot 2 is proposed for single-family development and the plans include an onsite septic design. Water will also be onsite in the form of a drilled well. Access will be directly from Pierce Road. Lot 1, remaining land, will host the existing single-family dwelling and reduces to 9.77 acres. The existing road frontage and access will be unchanged.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

This is a simple subdivision and I recommend preliminary approval and moving it to final later on this agenda.

**ADDITIONAL COMMENTS:**

Paul Malone had a question about if there are pins on the parcel. Richard Bell, who is the surveyor states there are pins on the parcel.

No comments from the Board.

**MOTION & RECOMMENDATION:**

***A motion by Valsangiacomo, seconded by Reaves, the Development Review Board voted to unanimously approve the request by Andrew Speirs for preliminary review of***

***a two-lot subdivision of land located at 519 Anderson Rd (new parcel will front on Pierce Road); Parcel ID: 006/108.00; Zoned: low density residential; P-1700021***

## **ABRAMS(PRELIMINARY)**

**Request by George Abrams for preliminary review of a two-lot subdivision of land located at 6 McHugh Rd and 15 Cogswell Street; Parcel ID: 014/062.00; Zone: very high density residential; P-1700022**

Consultant: Chase & Chase

Date: January 5, 2017

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

This is a preliminary review of a proposed 2-lot subdivision of land. The applicant is proposing to subdivide his .19-acre parcel into two parcels. The subject land is in Upper Graniteville in an area known for small lots and dense residential development. The zoning is very high density residential. This lot has two existing residential dwellings, one single and the other traditionally has been a two-unit apartment house.

The applicant was in front of the DRB last month for conceptual consideration of this request. In fact, he has been before the board two other times in the past to discuss the same proposal. The problem in the past has been parking for the two-unit apartment house. The house sits very close to McHugh Road and there has never really been enough parking for four vehicles. The DRB has always been reluctant to allow the subdivision given the parking situation.

Last month the applicant suggested he'd be willing to make the two-unit apartment into a single-family dwelling. A single-family dwelling would reduce the parking requirement to two vehicles and make the bad parking situation a little better because of one less living unit. The board seem to be willing to entertain that idea. The applicant has put forth plans showing that the existing two-unit apartment house would become a single-family dwelling. I will suggest conditions later to add to any approval the board may give.

Lot 1 is proposed to be .08 acres in size and will front on McHugh Road. Lot 1 contains the existing two-unit that will be converted to a single. Lot 2 will be .11 acres in size and fronts on Cogswell Street. Lot 2 contains an existing single-family dwelling, there are no parking concerns for lot 2.

The new boundary line between the two dwellings is located so that the house on lot 1 will be setback 15'. The minimum setback for very high density residential zoning is 10'. Side setbacks for both houses are nonconforming but they preexist zoning and aren't being altered anyway.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

This request is on this same agenda for final consideration. I recommend approval and moved to final.

**ADDITIONAL COMMENTS:**

No comments from the Board.

**MOTION & RECOMMENDATION:**

*A motion by Sanborn, seconded by Valsangiacomo, the Development Review Board voted to unanimously approve the request by George Abrams for preliminary review of a two-lot subdivision of land located at 6 McHugh Rd and 15 Cogswell Street; Parcel ID: 014/062.00; Zone: very high density residential; P-17000022*

WARNED PUBLIC HEARINGS

**SPEIRS (FINAL)**

**Request by Andrew Speirs for final review of a two-lot subdivision of land located at 519 Anderson Rd (new parcel will front on Pierce Road); Parcel ID: 006/108.00; Zoned: low density residential; P-17000021.**

Consultant: Richard Bell Land Surveying, Inc.

Date: January 5, 2017

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

This is a warned public hearing for consideration of final plat approval of a proposed 2 lot subdivision subdividing a 11.77-acre parcel into two lots. This final hearing assumes preliminary approval was granted earlier on this agenda. The subject parcel is located in a low density residential zone which requires 2-acre minimum lot size and 200' of road frontage. This lot has road frontage on both Anderson Road and Pierce Road. There is an existing single-family dwelling located on Anderson Road. This request is also on this same agenda for final consideration.

The applicant is proposing to create lot 2 which will be 2.0 acres in size with 208' of frontage on Pierce Road. Lot 2 is proposed for single-family development and the plans include an onsite septic design. Water will also be onsite in the form of a drilled well. Access will be directly from Pierce Road. Lot 1, remaining land, will host the existing single-family dwelling and reduces to 9.77 acres. The existing road frontage and access will be unchanged.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

With consideration to the conditions below, I recommend approval of this two-lot subdivision creating one new lot of 2.0 acres and reducing the remaining land to 9.77 acres.

- 1) 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.
- 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) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 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.

**ADDITIONAL COMMENTS:**

Paul Malone asked for a list of all the conditions that were listed. Violette read conditions 1-5 that are listed in the staff comments.

No other comments from the Board.

**MOTION & RECOMMENDATION:**

***A motion by Reaves, seconded by Valsangiacomo, the Development Review Board voted to unanimously approve the request by Andrew Speirs for final review of a two-lot subdivision of land located at 519 Anderson Rd (new parcel will front on Pierce Road) with conditions 1-5 listed above; Parcel ID: 006/108.00; Zoned: low density residential; P-17000021.***

**ABRAMS( FINAL)**

**Request by George Abrams for final review of a two-lot subdivision of land located at 6 McHugh Rd and 15 Cogswell Street; Parcel ID: 014/062.00; Zone: very high density residential; P-17000022**

Consultant: Chase and Chase

Date: January 5, 2017

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

This is a warned public hearing for consideration of final plat approval of a proposed 2-lot subdivision of land. This final hearing assumes preliminary approval was granted earlier on this same agenda. The applicant is proposing to subdivide his .19-acre parcel into two parcels. The subject land is in Upper Graniteville in an area known for small lots and dense residential development. The zoning is very high density residential. This lot has two existing residential dwellings, one single and the other traditionally has been a two-unit apartment house.

The applicant was in front of the DRB last month for conceptual consideration of this request. In fact, he has been before the board two other times in the past to discuss the same proposal. The problem in the past has been parking for the two-unit apartment house. The house sits very close to McHugh Road and there has never really been enough parking for four vehicles. The DRB has always been reluctant to allow the subdivision given the parking situation.

Last month the applicant suggested he'd be willing to make the two-unit apartment into a single-family dwelling. A single-family dwelling would reduce the parking requirement to two vehicles and make the bad parking situation a little better because of one less living unit. The board seem to be willing to entertain that idea. The applicant has put forth plans showing that the existing two-unit apartment hosue would become a single-family dwelling. I will suggest conditions later to add to any approval the board may give.

Lot 1 is proposed to be .08 acres in size and will front on McHugh Road. Lot 1 contains the existing two-unit that will be converted to a single. Lot 2 will be .11 acres in size and fronts on Cogswell Street. Lot 2 contains an existing single-family dwelling, there are no parking concerns for lot 2.

The new boundary line between the two dwellings is located so that the house on lot 1 will be setback 15'. The minimum setback for very high density residential zoning is 10'. Side setbacks for both houses are nonconforming but they preexist zoning and aren't being altered anyway.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

As the board has discussed previously with this request, normally a subdivision of a lot this small wouldn't be considered, however, because two houses on one lot is even less favored, the board had indicated previously that they would be willing to approve a subdivision in this case. Having said that, with the reduction of the two-unit apartment house down to a

single, the parking situation, while will still not be great, will be better than it is now and that is another improvement for the Town.

With consideration to the conditions below, I recommend approval of this request to subdivide this .19-acre parcel into two lots, lot 1 .08 acres and lot 2 .11 acres.

- 1) The existing two-unit apartment house located at 6 McHugh Road must be converted into a single-family dwelling. A change of use permit issued by the Zoning Office shall be required as well as one of the kitchens being eliminated. This house shall never be converted back to a two-unit dwelling.
- 2) 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.
- 3) 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.
- 4) An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
- 5) 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.
- 6) Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

**ADDITIONAL COMMENTS:**

Valsangiacomo asked for clarification on condition number one. Violette confirmed with Mr. Abrams that one of the kitchens in the duplex would be completely removed. Mr. Abrams states that he is going to do that, but he will need time to notify the tenant and have them find a new place to live before removing one of the kitchens. Mr. Abrams feels that a May/ June time frame would be appropriate.

Nicholson questioned the Board if that time frame should be put in the condition.

Valsangiacomo asked Mr. Abrams if he is anticipating any issues with the second tenant moving out. Mr. Abrams states that he isn't but he believes it would be hard for them to find a place to live in the middle of winter but other than that no issues anticipated.

Reaves if condition one is not meet then he would not be able to get a change of use permit

or the subdivision.

Reaves questioned how the first condition should be worded. Violette suggest adding to the second sentence the change of use permit must be executed within 6 months. The condition will now read "The existing two-unit apartment house located at 6 McHugh Road must be converted into a single-family dwelling. A change of use permit must be executed within 6 months then a change of use permit will be issued by the Zoning Office shall be required as well as one of the kitchens being eliminated. This house shall never be converted back to a two-unit dwelling."

Valentinetti asked Mr. Abrams if he could submit a copy of the notice of vacate letter to the tenant. Mr. Abrams states that absolutely can.

**MOTION & RECOMMENDATION:**

***A motion by Reaves, seconded by Valsangiacomo, the Development Review Board voted to unanimously approve the request by George Abrams for final review of a two-lot subdivision of land located at 6 McHugh Rd and 15 Cogswell Street with conditions 1-6 listed above; Parcel ID: 014/062.00; Zone: very high density residential; P-1700022***

**H. VARIANCES/WAIVERS (WARNED PUBLIC HEARINGS)**

**DREWS/ISABELLE(FINAL/VARIANCE)**

**Request by Kennett Drews, NH Exteriors, Inc for Claude Isabelle for a 32ft variance street setback (Miller Road) located at 300 Miller Rd; Parcel ID: 005/052.00; Zone: Industrial; V-17000005**

Consultant: Kennett Drews

Date: January 4, 2017

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

This is a warned public hearing for the purpose of a variance of right-of-way setback. The applicant is proposing the construction of a 12'x24' addition to their existing single-family dwelling. The subject parcel is located in an industrial zone which requires a 50' setback from road rights-of-way. The application is in accordance with Article 7, section 7.9 and in this case the variance is being requested because it was known in advance of a permit being submitted that setback couldn't be met.

The applicants own a house that was constructed in the 1930's long before zoning stipulated setbacks. The house is also located at the intersection of two Town roads, Sherman Drive

and Miller Road. The applicants would like to construct a 3-season porch to the South side of the house. The actual setback from Miller Road to the existing house is only 17' or so. The setback to the proposed addition would be 18' thus the need for a 32' variance.

The applicant provided a good narrative answering the 5 statutory questions. Below are those criteria with a summary of the applicant's comments.

- 1. Are there unique physical circumstances or conditions as to:**
  - a. Irregularity, narrowness or shallowness of lot size or shape;**
  - b. Exceptional topography or physical conditions peculiar to a particular property;**
  - c. Unnecessary hardship due to the above?**

The applicant believes, and I agree, that the lot is irregularly shaped, and that the location of the house leaves little room to expand.

- 2. Are there physical circumstances or conditions that prevent conformity to zoning regulations; And, a variance is necessary to enable "reasonable use" of the property?**

The applicant is stating that large ditches to the West and East limited the building envelope to begin with.

- 3. Is it true that no unnecessary hardship was created by the applicant?**

Again, the applicant believes that a hardship exists because the current house location is basically the only place the house could be built. Furthermore, the applicant purchased this house and did not built it in this location.

- 4. Is it true that a variance will not:**
  - a. alter the essential character of the neighborhood?**
  - b. substantially or permanently impair appropriate use or development of adjacent property?**
  - c. reduce access to renewable energy sources?**
  - d. be detrimental to the public welfare?**

The character of the neighborhood is sparsely populated with dwellings and similar structure to this one. The applicant also states that the proposed construction will not impair development of adjacent properties and access to renewable energy isn't being interfered with. There is also no detrimental effect of the public welfare

- 5. Is it true the variance represents the minimum deviation from regulation and plan to provide relief?**

The applicant states that this location was chosen because it is the only area of the existing home that can accommodate the proposed addition.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

Overall, I agree with the applicant, I think this lot meets most of the criteria given its shape to begin with, the encumbrances of two Town roads, the placement of the house to begin with which was impart dictated by topography. The only way to minimize the variance request would have to be to shorten the addition. So, its hard to say if the request is the minimum or not. However, I don't think the addition of a 3-season porch creates any negative effect on the neighborhood or the public welfare.

I recommend approval.

**ADDITIONAL COMMENTS:**

Kennett Drews from NH Exteriors is here to represent Claude Isabelle. Nicholson reviewed the 5 questions all to which Mr. Drews answered in the affirmative.

Sanborn states that he does not see a problem with approving the variance. He states that the proposed addition is not going to be any closer to the right of way than the current house. He states that he drove by and looked at the house and there isn't another place to put the addition.

**MOTION & RECOMMENDATION:**

*A motion by Sanborn, seconded by Reaves, the Development Review Board voted to unanimously approve the request by Kennett Drews, NH Exteriors, Inc for Claude Isabelle for a 32ft variance street setback (Miller Road) located at 300 Miller Rd; Parcel ID: 005/052.00; Zone: Industrial; V-17000005*

**HUSK/SAVOY (FINAL/VARIANCE)**

**Request by Brian Husk and Cheryl Savoy for a 28ft variance street setback (Bridge Street) and a 2ft rear setback located at 87 Bridge Street; Parcel ID: 030/018.00; Zone: Low density Residential; V-17000006**

Consultant: None

Date: January 4, 2017

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

This is a warned public hearing for the purpose of a variance of right-of-way and rear setback . The applicant is proposing the removal of the existing dwelling and the placement of a new one. The subject parcel is located in a low density residential zone which requires a 50' setback from road rights-of-way and 25' from property lines. The application is in accordance with Article 7, section 7.9 and in this case the variance is being requested because it was known in advance of a permit being submitted that setback couldn't be met.

The applicants are proposing to remove a 1960 vintage mobile home and place a new one. The size of the lot is only .17 acres which is very small and preexist zoning and subdivision regulations. Because of the lot size and the zoning standards, developing this lot with anything other than what is there would be impossible. The applicants are showing that the new house would be setback 22' from Bridge Street which necessitates a 33' right-of-way setback variance. In addition, the rear setback is proposed to be 23' which means a 2' variance is required from there as well.

The applicant provided a narrative answering the 5 statutory questions. Below are those criteria with a summary of the applicants comments.

- 1. Are there unique physical circumstances or conditions as to:**
  - a. Irregularity, narrowness or shallowness of lot size or shape;**
  - b. Exceptional topography or physical conditions peculiar to a particular property;**
  - c. Unnecessary hardship due to the above?**

The applicant believes that the small lot size covers this criteria.

- 2. Are there physical circumstances or conditions that prevent conformity to zoning regulations; And, a variance is necessary to enable "reasonable use" of the property?**

Lot size is the physical circumstance preventing conformity according to the applicant.

- 3. Is it true that no unnecessary hardship was created by the applicant?**

The applicant didn't place the original house in this location or have a hand in creating the lot size. Its creation predates zoning and subdivision regulations.

- 4. Is it true that a variance will not:**
  - a. alter the essential character of the neighborhood?**
  - b. substantially or permanently impair appropriate use or development of adjacent property?**
  - c. reduce access to renewable energy sources?**
  - d. be detrimental to the public welfare?**

The applicant notes that the use is the same and will not change what the lot has been used for. In addition, they note that the proposed project will not impair development of adjacent property.

**5. Is it true the variance represents the minimum deviation from regulation and plan to provide relief?**

Essentially what the applicant is stating here is that they are doing the minimum possible to provide a home to live in by using a small house.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

Overall, I agree with the applicant, I think this lot meets most of the criteria given its small size alone. The house that is there is not in great shape and it is likely not reasonable to expect anybody could make it a home at this point. Replacing it with a small house seems reasonable and ultimately the right-of-way setback is slightly improved by this request. the 2' encroachment to the rear is minimal and should have negligible impact on the abutting property.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

I recommend approval.

**ADDITIONAL COMMENTS:**

Reaves corrected the math and states that it would only be a 28ft variance for the right of way setback.

Valentinetti questioned how will the rear set back compare to what is there now. Mr. Husk states the house will be 6ft further away from the road.

Sanborn states that they are proposing will be improving the setback than what is currently there.

Matt Systo states that he is the neighbor that surrounds their house on 3 sides. He states they own a farm and have 3 concerns. He states that there is not much parking at that residence which causes sight issues for people leaving their farm. He states that if someone is parked in the driveway you can not see past the parked vehicle unless you are all the way on top of the road. He states that it causes issues when people want to pull out of the farm stand they do not have a good line of sight. He states that cars speed on that road making it hard for people pulling in and out to their farm. Second concern is visibility of their farm if a taller and wider structure is there. He states it is really important for people to be able to see their farm from the road. It is their biggest and most important way of advertising. He feels that a taller and wider house is an obstruction to that. He states that it does improve the structure

that is there, but they feel that it is detrimental to their business if there is less visibility to the road. The farm stand is a huge part of their business. Third issue is the rear setback to their property line. They have a pick your own flower garden right behind the property. If there is a house that is bigger and closer to the property line, then it takes away the aesthetic of their farm. He feels the house now is less intrusive because it is small and setback further from the property line. He states people think it is their house because of the location of it to their property. He feels that if it is bigger than it is more intrusive to their farm.

Nicholson states that as far as the view line of this structure it is going to be pushed back 6ft therefore improving the line of sight than what is there now. Systo states that from the plans he reviewed it was only one corner of the structure that will be moving. The garage and parking will remain the same. As it is now if someone is parked in the driveway depending on the length of the car then they are right in the right of way.

Valsangiacomo states that if the homeowners do nothing than nothing changes.

Systo states that he would disagree. If the house is wider than it will block more of the view than what is currently there. Violette states that Systo first expressed concerns about the vehicles in the driveway not the width of the house. Systo states that he meant the house and driveway block the view.

Sanborn states that it is not going to change because they are not changing the garage, so the visibility issue is going to stay the same regardless; so, they are looking at house that will be setback ever so slightly but still setback further than it is now, but it doesn't make it worst.

Neddo asked Systo if he had signage out of his farm stand. Systo stated he did. Neddo states that he is looking at the GIS map print out and he can't see the barn, but he can see the horse barn and equipment shed just fine from where the current house is now.

Reaves questioned if people could see the farm currently now. Systo states they can because of the size of the current house. Reaves states that he drives Bridge Street regularly and there isn't a visibility issue with the sign they have out front. Systo stated that he doesn't question the sign itself but the visibility to the farm stand and entrance to the farm. Reaves states that with the house moving back it will provide a better line of sight than what is currently there. The house size is going to be just about the same with a pitched roof. Reaves states that he feels it enhances the aesthetic of the neighborhood. Systo states that in general it does enhance the aesthetic of the neighborhood.

Nicholson questioned whether there is something the applicants could do to make him more comfortable with this. Systo states there is nothing they could have done to make them more comfortable unless they only replaced the structure with a new home in the same footprint and roof style. Reaves states that they have already established that it will be a better visibility with the new footprint. He asked Systo whether he is willing to trade a better line of sight for keeping the same footprint and a worse line of sight? Systo disagrees that the visibility will improve. Reaves questioned what his objection to the rear setback is? Reaves

wondered if there were plantings done on their property line would that help? Systo states the it would from a privacy standpoint, but it wouldn't work depending on the shrubs that were used because it would block the sun from their pick your own flowers.

Sanborn states that the other option is to push the house back further to improve the line of sight in the front but then the house would be closer to the rear property line.

Husk states that the new house may be 4ft higher than what is there. They haven't figured out all the numbers yet. Neddo states that they do not make flat roof homes anymore.

Valentinetti questioned Systo more on the rear setback issue. Reaves states that there is already a shed in the back of the house now and the new proposed plan has the shed coming down and the house going out to where the shed currently is. Reaves doesn't feel there is much changing. Systo states he disagrees, the shed is smaller, and the house will be more intrusive and bigger.

Valsangiacomo points out that all the houses on that road are nonconforming by today's zoning regulations. He also points out that if they wanted to build an addition to their house they would need a variance.

Terry Murray states that when she wanted to put a porch on her house she had to get a variance.

Neddo questioned how long they have lived there. Savoy states that they started living there after her mother passed away this summer. Husk states they are trying to improve the home that is there with a more up to date and efficient home.

Terry Murray asked Savoy if they were planning on living at the property and not having it be a rental. Savoy states they will be living there.

Nicholson states that it is a residential zone and the up dated house will be conforming to other houses in the neighborhood. With the house moving back it will improve the sight lines.

Kim Rich states the previous owner had a small car that she parked in the garage and now since they have taken it over his large truck has been in the driveway which is obstructing the line of sight and they have had complaints from customers about it. She states that a lot of their customers are elderly and have a hard time seeing. Nicholson questioned if they could move the driveway up the hill a little way. Systo states that their sewer connections are located in that spot.

Valenetti states that we aren't here to talk about the variance for the driveway therefore that will not change based on the approval or denial of a variance.

Reaves states that even if they denied the variance and they lived in that house just as it is., the DRB can not dictate what kind of vehicle they own or what kind of vehicle is parked in

the driveway.

Systo states that the point they are trying to make is not about the truck size its about a wider house won't improve the visibility because their car is still parked in the driveway.

Nicholson asked Cheryl Savoy the 5 questions all of which she answered in the affirmative.

Sanborn states that he would move to approve the variance because it improves the neighborhood. Reaves seconds the motion.

Valsangiacomo states that it is important to be consistence in the variance process. He questions the 5 questions and whether they are always being answered truthfully. He feels that in this case they are being answered truthfully. He also states that he hears the concerns, but it is a residential neighborhood and improving the house will improve the neighborhood. The house is going to be setback a little further than it currently is.

Reaves agrees with the applicants answers to the questions. He believes that we are required by the law to approve the variance. Reaves states the 4D will not change either way. They are concerned with the vehicles more than the overall structure.

Valentinetti feels that the new building will create a better line of sight. The parking is a different issue that is not related to the variance. She feels it will improve the sight issue.

Valsangiacomo state that all the question answered in the affirmatively and if the Board feels they are to be truthful then they cannot deny the variance.

Nicholson states that the parking issue can possibly be resolved by the truck being pulled up to the side of the garage.

Reaves and Valsangiacomo both state that they must follow the State law. The Board made it clear to Systo and Rich that they did hear their concerns but at the end of it they must follow the State law on variances.

Reaves moves to called to question all Board members agreed.

**MOTION & RECOMMENDATION:**

***A motion by Sanborn, seconded by Reaves, the Development Review Board voted to unanimously approve the request by Brian Husk and Cheryl Savoy for a 28ft variance street setback (Bridge Street) and a 2ft rear setback located at 87 Bridge Street; Parcel ID: 030/018.00; Zone: Low density Residential; V-17000006***

**G. SUBDIVISION REVIEW**

**WARNED PUBLIC HEARINGS:**

## **FECTEAU( FINAL)**

**Request by Fecteau Residential Inc for final review of a major subdivision of land and Planned Unit Development that, as proposed, would create 47 new lots with up to a total of 90 new living units located off Beckley Hill Road and Daniels Drive; Parcel ID 008/035.00; Zone: high density residential; P-17000003**

Consultant: Wilson Consulting  
Date: January 10, 2017

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

This is a warned final public hearing for plat approval of a proposed 47 lot subdivision and Planned Unit Development for land located off Beckley Hill Road. The subject parcel is 21.6 acres in size. The applicants have been before the board regarding this development a total of 9 times as follows:

September 14, 2016 – Conceptual  
April 12, 2017 – Conceptual  
May 10, 2017 – Preliminary (abutters notified)  
June 14, 2017 – Preliminary (warned in Times Argus 1<sup>st</sup> of 2 times)  
July 12, 2017 – Preliminary (continued at applicants request)  
August 9, 2017 – Preliminary (continued at applicants request)  
September 13, 2017 – Preliminary (preliminary approval granted)  
October 11, 2017 – Warned final hearing (warned in the Times Argus 2<sup>nd</sup> of 2 times)  
(continued at applicants request)  
November 8, 2017 – Continued warned public hearing (continued to January 10,  
2018)

Selectboard agrees to conceptual takeover of public infrastructure (excluding water) on October 17, 2017

The review of this project really got underway on April 12, 2017 when the applicants presented an overview of it. They showed how the project would have two access points, one to Beckley Hill Road and the other to Daniels Drive. They discussed the PUD standards, proposing to use mostly very high density residential standards in this high-density zone. They began to lay out how the project would look with a combination of single-family dwellings, 2-family dwellings, and 4-family dwellings. The 4-family dwelling proposal was later dropped. One lot was shown to have up to 14 multi-unit housing buildings. Shared accesses were proposed for up to four lots which were debated over several meetings. A

traffic study was presented at this meeting showing that there would be no significant adverse effect for the area roadways as a result of this project. There was discussion about the common land and not only how it was figured but how it would be accessed and maintained. The applicant proposes easements to be given to the other landowners in the development as opposed to all being party to a Homeowners Association. Most of the common land consists of wooded land with trails. At this point there was the first discussion about access to adjacent land, mainly that belonging to Washington County Mental Health. No sidewalks were being shown which everybody agreed was fine but that maybe the roads could be widened to accommodate pedestrians and bicycles.

The main discussion at this meeting was with regard to unit count and how that was being determined. The first meetings of any PUD are usually dedicated to how the total number of lots or housing units is determined. The applicant presented an overview of how many lots could be created if subdivided conventionally. Their original layout showed potentially 52 lots could be created but the applicants admitted that it was unlikely 4 or so of the lots could really be developed. As a result, it was noted that 48 lots could reasonably be developed. One of the proposed lots would ultimately be part of infrastructure so the actual number of lots came down to 47. Assuming that a conditional use permit (CUP) (which was being sought by the applicant) was issued for 2-unit houses (which is allowed with a CUP) the applicants could potentially have up to 94 units of housing.

The second preliminary meeting on May 10, 2017 continued discussion about the viability of 47 lots. The applicants notified the board that they would no longer be looking to use 4-unit housing and the development would be a combination of single and two-unit housing. They also informed the board that they would not be seeking 94 total units, rather the number would be slightly less at 90. This meeting also began discussion that it was probably better not to show housing footprints (type of housing) other than the large common lot where 14 two-unit housing would be used. A discussion began at this meeting about the open space calculation and how it was being done. Preliminary information about the public infrastructure was detailed showing approximately 2,450' of road, 2,355' of sewer line. Abutters were notified by certified mail of this project in advance of this meeting.

The June 14, 2017 meeting formally removed any reference to building footprints, noting that any lot could have at least a 2-unit dwelling. This would allow owners discretion depending on market demand. A long discussion ensued about how open space was calculated and whether it was "net" or "gross". The applicant showed the board several examples of how other towns base the amount of open land using a net calculation of the parcel size. This means that you take the overall parcel size and remove all public infrastructures to calculate the 25% of the overall land size to determine open space. The board decided to have the Town attorney weigh in and if he agreed with the applicant, then net would be used for the open space calculation. Shared access was again discussed because zoning (at the time) only allows up to 2 lots to share access and only 3 on a common curb-cut. The applicants presented the board with information from a local land use attorney showing how shared access agreements were just as, if not more, effective than Homeowner associations with regard to the proposed 4-lot shared access. The board reiterated its desire

to show access to the abutting land. This meeting was warned in the Times Argus.

The September 13, 2017 meeting the project received preliminary approval and was advanced for final consideration. This meeting also solidified the open space calculation after receiving a legal opinion from the Town Attorney that the open space could be calculated using net land. After subtracting out public infrastructure, the applicants showed that the project is 17 acres with 25% open space being 4.6 acres. Proposed Town road B was extended by turning to the left at the end providing potential access to the abutting land. All public infrastructure was shown at this point with detailed engineering plans presented. Four new Town roads are being proposed for a total of 2,470'. Approximately 2,840' of sewer main and 2,840' of water main would be constructed with 4 new fire hydrants. The plans show that 2,200' of new drainage collection mains would be needed. Actual stormwater management plans were still being worked on. Preliminary street plantings (22 3" caliper maple trees) and street lights were also noted on the plans. There were questions whether fencing would be used around the detention pond(s).

After receiving preliminary approval in September, the way was cleared for the applicants to present the proposed public infrastructure to the Selectboard. A full presentation, less complete stormwater plans, was presented to the Selectboard on October 17, 2017 and the Selectboard gave conceptual approval to taking over roads, stormwater collection, and sewer infrastructure.

The November 8, 2017 meeting was mostly a status update meeting with most issues having already been worked out. The applicants engineering consultant were still working on finalizing the stormwater management plans. It was noted that meetings had been held with the City of Barre regarding serving the project with water, but that testing had given inconclusive information and more testing had to be done. They noted that all parties seem to be in agreement that a solution can be reached to whatever issues there may be to provide water to the development. A final subdivision plat was also still being worked on by Chase and Chase Land Surveyors.

That brings us to the January 10, 2017 meeting. Again, no significant changes are being proposed for this meeting. Very detailed plans have now been submitted with existing and proposed conditions including utility, grading, drainage, erosion and sediment control, water, sewer, road plans. Survey map is also now included showing the layout of the lots, along with many easements. Stormwater management plans have also been finalized and are currently being reviewed by the Town's consultant, Watershed Consulting Associates LLC. The potable water design is still up in the air with the City of Barre and the City's consultant Dufresne Group. They are evaluating the existing system and trying to determine whether any improvements are needed. The applicants still feel that there won't be any problem serving the project but there is not a clear ability to serve at this time.

This month's submission proposes a phasing plan as noted in the letter from Wilson. The project is proposed to be broken into three phases. Phase 1 will construct a portion of road B from Daniels Drive, will construct roads C & E and will include the development of lots 22-

45. All the stormwater treatment will be constructed during this phase.

Phase 2 will construct road D and the remaining portion of road B, This phase includes the development of lots 2-21. Phase 3 constructs the 2-unit dwellings on lot 1.

I should also point out that since the November meeting it was realized that a small section of road B, as it leaves the project site and crosses over other lands owned by Fecteau to connect to Daniels Drive, was not going to be turned over to the Town fees simple. Road B needs to cross over what has commonly been referred to as lot 9 (old Lague subdivision) won't be subdivided so that a 50' strip of land for the road can be deeded to the Town. This is because lot 9 is already at the minimum lot size for another potential Planned Unit Development. After discussion between the applicant, the Town, and the Town's Attorney it was determined that accepting a 50' wide easement across lot 9 (parcel ID 039/003.00) to construct a portion of the road connecting to Daniels Drive is acceptable.

Fecteau would like final approval so that they can begin the ACT 250 process. There will be many conditions and I would suggest conditions could be added that both outstanding items be signed off on by the Town Engineer once we have a resolution to the water supply and a report from the stormwater consultant. Fecteau would have to agree to make whatever changes that may come from either of those. Otherwise it would need to come back to the DRB.

The ability to serve determination pretty much stands on its own because without it, this project won't receive State permit especially an ACT 250 permit. That may not be the case for the stormwater as our consultant could make a determination and ask for a change that may or may not affect state permitting but might be significant to the Town of Barre.

Below is a full summary of the final subdivision and PUD:

- 47 new lots
- 46 lots will have either single or two-unit housing (CUP issued May 10, 2017 CUP-000001)
- 1 lot (lot 1) is 7 acre in size and will have 14 two-unit housing on common land with a Homeowners Association. Lot 1 also contains the open space land.
- 90 total housing units
- 4 new Town roads will be constructed
- 2 roads will connect to existing Town roads (Beckley Hill Road and Daniels Drive)
- Lot access will be either direct from road frontage or by shared driveway (no more than 4)
- Project will be served by municipal sewer (Barre Town (confirmed)) and municipal water (Barre City (not confirmed))
- PUD standards as follows:

Minimum lot size: .2 acres

Road frontage: 90'  
Public road right-of-way: 15'  
Side yard setback: 10'  
Minimum spacing between buildings: 30'

So, here we are. Most all aspects of this Planned Unit development have been worked through over multiple public meetings and meetings with staff. The project has come together nicely I believe and is likely ready for final approval pending the outcome of the City's ability to serve with water and results of our independent stormwater review. As previously mentioned these two outstanding items could be included in the conditions if the board feels comfortable.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

1. Lot 1 shall be controlled and managed by a Homeowners Association which shall include the open land.
2. A copy of the Homeowners Association and any other documents associated with said association shall be submitted, reviewed, and accepted by Town staff.
3. All owners within this PUD shall be granted the right to use the open space associated with lot 1.
4. A draft of the shared driveway agreements shall be submitted for review and approval by Town staff.
5. All potential buyers of lots accessed by shared driveway agreement shall be made aware of such agreement prior to sale.
6. All public infrastructure and utilities shall be constructed to the standards specified.
7. All public infrastructure and utilities shall be turned over to the appropriate entity when appropriate. Take-over fees shall apply and be paid by the developers at time of take-over.
8. Conceptual approval, by the Selectboard, of the roads, stormwater management, and sewer systems does not negate the need for the developers, before construction begins, to negotiate a developer's agreement with the Selectboard and furthermore, conceptual approval of any infrastructure does not constitute final approval.
9. The developers must follow the Town road acceptance policy including entering into a Developer Agreement with the Town of Barre within 3 years of this approval.

10. The final plans identified as Proposed Planned Unit Development at Beckley Hill Road dated October 26, 2016 by Wilson Consulting Engineers, PLC as amended shall be incorporated into this decision and shall not be altered or amended unless first reviewed and approved by Town staff. If said amendments are significant enough (based on staff determination) review by the DRB may be required.
11. An ability to serve letter is still pending from the City of Barre. If the City can't affirm its ability to serve this project with potable water, this decision is null and void. If an ability to serve letter is received, it shall be reviewed by the Town Engineer and signed off by him as complete and acceptable.
12. The stormwater management plan review by the Town's consultant is still outstanding. Upon final review by the consultant, Town staff will review with the applicant and any necessary changes shall be made to the final plans. If the applicant does not agree with the suggested changes, they shall come back to the DRB for final review.
13. 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.
14. 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.
15. An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
16. Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

**ADDITIONAL COMMENTS: Jon Valsangiacomo - recuses himself from this applicant's hearing.**

Nicholson states that in regard to condition number 12, Act 250 will review the stormwater plan. Fecteau states that even if Olesky and the Town's consultant agree, the state may not.

Fecteau states that the shared driveway language will be clearly laid out in deeds and recorded in the land records. Violette just wants to make sure that the people buying a lot on a shared driveway understand what is expected with that.

Nicholson feels the Board has reviewed these plans very extensively.

Olesky states that Violette did a great job summarizing the plan. Olesky states that he has provided a summary of the updates that he is happy to review, if the Board would like. Olesky

states that the only things that could change would be the culvert sizes. Olesky states that Fecteau's understand that any major changes would require them to come back to the DRB to update them.

Violette states that he would like to point out that this project has been warned in the paper twice and there has only been once person who called but didn't have any concerns that were not answered, and she has not been back or called again.

Sanborn states that he was surprised when he saw the 16 conditions, but they are standard for a project this size. He likes the project and feels that they are doing a good job. He would recommend approval.

**MOTION & RECOMMENDATION:**

***A motion was made by Reaves and seconded by Valentinetti the Development Review Board voted unanimously to approve the request by Fecteau Residential Inc for final review of a major subdivision of land and planned unit development that, as proposed, would create 47 new lots with a total of 90 new living units located off Daniels Drive and Beckley Hill Rd with conditions 1-16 listed above; Parcel ID 008/035.00; Zone: high density residential; P-17000003***

**J. SITE PLAN REVIEW NONE**

1) WARNED PUBLIC HEARINGS

**K. CONCEPTUALS: NONE**

**L. FOLLOW-UPS: NONE**

**M. CORRESPONDENCE- NONE**

STATE  
TOWN

**N. MISCELLANEOUS**

**O. ROUNDTABLE:**

**P. ADJOURN!**

***On a motion by Sanborn, seconded by Neddo, the Development Review Board voted unanimously to adjourn @ 8:35pm.***

Respectfully Submitted,

Emily Marineau

---

Mark Nicholson, Chair

---

Cedric Sanborn

---

Mark Reaves

---

Jon Valsangiacomo

---

Jim Fecteau

---

Charlie Thygesen Sr.

---

---

Angela Valentinetti

---

Chris Neddo

DRAFT