

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR April 11, 2018

The Barre Town Development Review Board held a public meeting & hearings on Wednesday, April 11, 2018 at 7:00 p.m. at the Municipal Offices, Websterville, Vermont

Members Present:

Mark Nicholson
Chris Neddo
Jon Valsangiacomo
Angela Valentinetti
Mark Reaves

Members Absent:

Charles Thygesen, SR
Cedric Sanborn

Others Present:

Victoria McCarthy
Margaret Lussier
Ryan Pierson
Thomas Foster
Tammi Williams
Ray Williams
Richard Gilbert

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
- E. APPROVE MINUTES

Motion by Reaves, seconded by Neddo the board voted unanimously to approve the March 14, 2018 minutes at 7:05pm, as corrected

F. NON-AGENDA ITEMS (max 10 minutes)

G. SUBDIVISION REVIEW: **NONE**

PRELIMINARY REVIEW:

WARNED PUBLIC HEARINGS

H. VARIANCES/WAIVERS (WARNED PUBLIC HEARINGS) **NONE**

I. CONDITIONAL USE REVIEW (WARNED PUBLIC HEARINGS)

CROSSWAY AUTO CENTER, LLC (FINAL)

Request by Crossway Auto Center, LLC (Alexander Cameron, land owner) for final review of a conditional use permit to run an automotive repair facility and sell used vehicle at 107 Mill St; Parcel ID: 025/141.00; Zone: East Barre Commercial; CUP-18000002

Consultant: None

Date: March 23, 2018

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a warned public hearing for conditional use review in accordance with Article 2, table 2.5 for the sale of vehicles. The applicants are seeking a CUP to operate a used car sales business in addition to the existing vehicle repair at the site. The subject parcel is in an East Barre commercial zone which allows vehicle sales after issuance of a conditional use permit by the Development Review Board.

The applicants are proposing to move their vehicle sales and repair business from Montpelier to East Barre at the current Cameron Garage. The applicants expect to have 10-15 vehicles on display for sale in the front of the property, near where the fuel pumps previously existed. Auto repair will continue so that the use of the property will be dual in nature, vehicle repair and sales. The applicant indicates that 4 or 5 people will work from this location.

The property is currently being used for auto repair and not that long ago also had gas pumps. The pumps were removed but the auto repair has continued.

The applicant has submitted a narrative addressing the CUP criteria.

Below are the criteria and my comments on them based on the applicant's proposal.

The following general and specific standards are enabled through 24 VSA § 4414 (3)

(A) and 4414 (3) (B)

1. The impact on the capacity of existing or planned community facilities, to include but not limited to:
 - a. Emergency services
 - b. Educational facilities
 - c. Water, sewer, or other municipal utility systems
 - d. Recreational facilities
 - e. Conservation or other designated natural areas
 - f. Solid waste disposal facilities

The impact of the existing or planned community facilities should be minimal. The existing use is auto repair and previously it operated a gas station as well. The addition of auto sales along with a few more employees should not have a significant impact on the ability of Barre Town's emergency services or facilities. Further supporting this claim is that this business has existed for several years in Montpelier with little or not impact there. Utilities are existing and should be sufficient with no additional negative impact.

2. 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 zoning at the subject location is East Barre commercial. This zone is defined in the Zoning Bylaw as designed to reflect East Barre's inherent uniqueness given its long-standing mixture of uses including residential and commercial. There are numerous different uses in close proximity to the subject site. The site itself has been used commercially for many decades, if not a century. The current use of auto repair and the former gas station seem to fit in well with the area. There are other commercial uses in close proximity including stores, gas stations, vehicles sales, commercial childcare, and an antique store.

The addition of a small motor vehicle sales use to this location should have little impact on the character of the area affected.

3. Traffic on roads and highways in the vicinity;

The subject location is at the intersection of Vt. Rt. 110 (Mill Street) and a Town class 3 road known as Bianchi Street. Hundreds of vehicles use Vt Rt. 110 each day. Bianchi Street is less used because it is a small street that mostly provides access to a few dozen houses, however this location is at the very end of Bianchi Street. Most traffic coming to the proposed business will be via Vt. Rt. 110. The addition of motor vehicle sales should have negligible impact on traffic and the roads ability to support it.

4. Bylaws and ordinances then in effect;

The current Zoning Bylaws were approved in 2007. With a conditional use permit, the proposed addition of vehicles sales will be in conformance with the Bylaw.

5. Utilization of renewable energy resources.

The applicant is not proposing to use any renewable energy at this time.

6. Minimum lot size;

The minimum lot size for the East Barre Commercial zone is 1/3 of an acre. The parcel is .8 acres in size, well over the minimum lot size.

7. Distance from adjacent or nearby uses;

The closet adjacent use is residential and is approximately 50' away. Other mixed uses are in close proximity.

8. Criteria (as needed) adopted relating to site plan review pursuant to Article 5, Sec. 5.6 of this bylaw;

N/a site plan review not required at this time. The applicants will add some lighting that will be shield and downcast, likely LED.

9. Any other standards and factors (as needed) that the bylaw may require;

N/a

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

Off street parking is determined by the chart in the Zoning Bylaw as part of Article 3, section 3.9. In this case the building is 2,256sf in size. The chart states that for commercial uses, there should be one parking space for every 200sf of overall building. This formula means that about 12 parking spaces are required at a minimum. The project site likely has at least 12 parking spaces out front but many more along the side and out back of the building. Meeting the minimum parking requirement should not be a problem.

11. Loading/unloading facilities.

No specific loading or unloading area is planned. The applicant's state that most deliveries would be common carriers such as UPS, USPS, or Fedex. There will be periodic deliveries of vehicles on flat bed trucks or car haulers. The only real concern with deliveries is that they shouldn't occur on the road, especially the car deliveries.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Overall the impact should be relatively minimal for the proposed use. The fact a business has existed at this location for many years without much impact means adding car sales shouldn't increase the impact significantly. I think more detail on any proposed lighting, number of vehicles and whether a limit is warranted, and possibly a condition restricting the unloading of vehicles to the property and not the road.

Overall, I think the proposed use makes a good addition to East Barre Village and I recommend approval with any appropriate conditions added to the approval.

ADDITIONAL COMMENTS:

Pierson states that Violette cover just about everything they wanted to say but Pierson would like to point out that at their Montpelier facility they have had zero work related incidents where they have needed emergency personal, but he does realize that accidents can happen. As to off-loading cars, they've been thinking that they would have the truck come in from 110, entering the parking lot on the river side of the building. UPS and FedEx will unload in the back of the building. Pierson has provided a sketch of how they might display the cars for sale. As far as the traffic flow, Pierson and Foster believe there will be less traffic than when Cameron's sold gas at this location.

Nicholson questioned if the fuel pumps have been removed? Pierson states that last year two of the tanks were removed and buried one tank. Cameron's had the State and Ross Environmental make sure it was handled correctly and is a clean site with no contamination. Pierson states that the bank is happy with the results. Violette states that in his experience, banks will not sign off on the loan if they are concerned about any environmental contamination.

Foster states that he handles more of the sale side of the business. Foster states that last year they sold, on average, 7.5 cars per month from the Montpelier location. He believes they might do slightly fewer cars at this location. In terms of cars being delivered on trailers, he states that it doesn't happen often. Most of their cars come from Connecticut and are driven up. He states they also have a good line of communication with the transport people and they can park anywhere, then they will go get the car and drive it to the lot.

Valentinetti questioned if the larger trucks will have a harder time pulling into the back of the building. Pierson states it would be easier for them to pull in and pull out the front of the building because they will have more room.

Valsangiacomo questioned the lighting and landscape for the front of the building. Pierson states they are not going to repave until the intersection of 110 and 302 is done. He states that they do have sign permits filed with the Town, one of the sign permits is for a free-standing LED sign. Foster states that Cameron's has a few flood lights that are currently on

the building and they are hoping those will provide enough lighting for the parking lot.

Valentinetti questioned what the back of the lot looks like. Foster states it is grassy, from what they have seen. Valentinetti questioned if it slopes down or if they can use it for parking. Foster states it is pretty flat and would provide parking. They hope to park service cars back there and use the front more for inventory for selling, they will have customers park out front and on the side.

Valsangiacomo wants to make sure there is no loading and unloading on Rte 110 or Bianchi Street.

Reaves questions if the DRB can control that. Violette states the DRB can make it a condition on their permit that offloading not be done in the road.

Pierson questioned if they would be able to use Old 302 if needed. Violette states they do not want to promote loading and unloading on Town and State roads but there is a pull off on Old 302 they might use.

Richard Gilbert states that he lives directly across the street from Cameron's. He states that he hopes that vehicles that are being loaded and unloaded will be during business hours because he feels that it is not acceptable otherwise. He states that when Cameron's would get gas deliveries it would be at 3am which was very disruptive to his sleep. Foster states that he will not be getting deliveries in the middle of the night, he states he is in direct contact with the transports and he sets the delivery times. Gilbert questioned what the business hours are going to be. Foster states that they will be the same as they are now, Monday thru Friday 7:30 am to 5:30pm and Saturday 8:00am to 2:00pm. Foster states that the cars will be delivered when he is there because he needs to inspect the cars to make sure they are not damaged. He states that they do not get the big trailers of cars like the dealerships get, they get smaller one. Gilbert states his only other concern is with lights. He states that if they aren't really changing the current lighting on the building then he doesn't have an issue. He states if they add lights he would like to talk with them to make sure they aren't coming in his front window.

Nicholson states that they require lights to be LED and down cast, no spot lights. Foster states that they can meet with him to make sure the lights don't bother him.

The board had a brief discussion on loading and unloading, hours of operation, and confirmed the conditions they would like listed on the permit.

Reaves confirms the conditions before moving towards a motion. The conditions to be listed are, no loading and unloading on Bianchi street and Rte 110 and Old Rt. 302, all lights must be down cast and LED, all vehicles intended for sale will be delivered between 6:00am to 8:00pm.

MOTION & RECOMMENDATION:

A motion by Reaves, seconded by Valentinetti, the Development Review Board voted to unanimously approve the request by Crossway Auto Center, LLC (Alex Cameron, Land owner) for a conditional use permit for motor vehicle sales (used) located at 107 Mill St; Parcel ID: 025/141.00; Zone: East Barre Commercial; CUP-18000002

VICTORIA MCCARTHY(FINAL)

Request by Victoria McCarthy for final review of a conditional use permit to live in a camper while constructing a single-family dwelling on land located at 245 East Cobble Hill Rd; Parcel ID: 006/138.00; Zone: High Density Residential; CUP-18000001

Consultant: None

Date: March 23, 2018

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is a warned public hearing in accordance with Article 4, section 4.4 campers. The applicant is proposing to use a camper as a temporary residence while building a new home. The subject parcel is in a high density residential zone in an area with mostly large lots just outside of East Barre village.

It should be noted that the applicant is already living in the camper and has done so for more than the allowed 14 days as stated in the Zoning Bylaw. The applicant was unaware of the need for a conditional use permit and immediately applied once she was made aware.

The subject parcel has all local and state permits to construct a single-family dwelling. Construction has started on the house, but I believe it has since ceased. I think the applicant should explain the circumstances as to why construction has ceased and when construction will resume and when they expect it to be completed.

Below are the criteria and my comments on them based on the applicant's proposal.

The following general and specific standards are enabled through 24 VSA § 4414 (3) (A) and 4414 (3) (B)

1. The impact on the capacity of existing or planned community facilities, to include but not limited to:
 - a. Emergency services
 - b. Educational facilities
 - c. Water, sewer, or other municipal utility systems

- d. Recreational facilities
- e. Conservation or other designated natural areas
- f. Solid waste disposal facilities

The use of a camper on a site where a single-family dwelling is permitted and under construction should not impact Town services or facilities any more than the permitted single-family use would.

While there is no impact on municipal sewer or water because they are onsite in this case, it is important to understand how sanitary sewer is being handled in this case. There is a state permitted septic system on site and the applicant states that it is being used for the camper. Water is being supplied from an existing well. As I said the septic system is permitted and constructed as I understand it, however, we do not have a septic certification from the design engineer which we'd require for any new residential use.

The main purpose for this CUP process is to ensure the proper disposal of sewerage. I believe in this case the sewer is being taken care of accordingly, however, we need the septic certification.

2. 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 area affected by the proposed use is residential. The permitted use is residential. The camper is residential, and campers are common on residential properties. If the camper is used temporarily as suggested and there are sanitary sewer provisions being made, the proposed temporary use of the camper should not negatively affect the character of the area.

3. Traffic on roads and highways in the vicinity;

Permitted single-family use, the camper should not impact the traffic on the paved class III road known as East Cobble Hill Road any more than the permitted SFD would.

4. Bylaws and ordinances then in effect;

The most current Zoning Bylaws were adopted in 2007. Article 4, section 4.4 allows the use of campers as a temporary dwelling if a conditional use permit is issued. If the CUP is issued, the proposed use will comply.

5. Utilization of renewable energy resources.

No renewable energy resources are being propped with this use.

6. Minimum lot size;

The subject lot is 5.31 acres in size and the high density residential minimum lot size is 1/3 acre. The parcel conforms with regard to lot size.

7. Distance from adjacent or nearby uses;

The closest adjacent use is residential and is approximately 500' away.

8. Criteria (as needed) adopted relating to site plan review pursuant to Article 5, Sec. 5.6 of this bylaw;

N/a

9. Any other standards and factors (as needed) that the bylaw may require;

N/a

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

Parking requirement is the same for this use as it is for the permitted residential use which is 2 vehicles. The property has plenty of parking.

11. Loading/unloading facilities. **N/a**

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

I'd like to hear more from the applicant about how long they expect the construction of the house to take and how long the camper is going to be used. That is important to know, and a condition may be appropriate. In addition, the applicant is aware that she needs to produce the septic certification which hasn't been done at this point. If those two things can be answered satisfactorily, I recommend approval of this request with appropriate conditions.

ADDITIONAL COMMENTS:

Victoria McCarthy states that her camper is attached to the septic system that is in place now and she is hoping to have the house built by the end of this summer. She states the construction stopped because of winter. McCarthy states that the windows and siding for the house have come in over the winter. She states that she does not believe the camper that she is living in will last another winter. She states that the septic was engineered by Chase and Chase and she is trying to get in touch with them to get a septic certification from them. She states that she is a first-time home owner.

Nicholson questioned if she was the first owner of the property and if she put the septic tank in. McCarthy states that she is not the first owner, she is the third owner of the property and

she bought the land with the septic system installed. She states it was first owned by Marcel Roy and then he sold it to Don Sholan and Don sold it to her and her husband. Violette states Sholan applied for the permits before selling the property.

Valsangiacomo questioned how long she had been living in the camper. McCarthy states she has been living there since August.

Nicholson questioned when she thinks the camper will be gone, questioning if September 15, 2018 will be enough time to get the house built and remove the camper. McCarthy states she hopes that the house will livable by then.

Valentinetti questioned what McCarthy meant when she states that she couldn't find the certificate for the septic system. McCarthy states that she has called Chase and Chase, but she has not received a call back from them.

Valsangiacomo is concerned that McCarthy has been living there and hooked up to the septic system since August with no certification that the septic was built to standards.

Violette states that he recommends continuing this meeting until May so the Town Engineer can go take a look at the system to see if there is a system in place and if it seems to be functioning correctly and to give McCarthy a chance to get the certification. Violette points out the most important issue is to get a look at what she has up there and making sure it is functioning correctly.

Valentinetti states if they continue the meeting than that would mean she would be living there another month without a permit to do so. Violette states that that is what he is suggesting so the Town Engineer can go up and look at the system to make sure it is in working order, if it is not in working order then she will not be allowed to stay there.

Tammi and Ray Williams live above McCarthy and state that they have several problems. Tammi states McCarthy has been living there since last spring, Ray states they are good with her living in the camper, that is what they did when they built their house, but there has been no construction going on since she bought the place last spring. Tammi questions what good is it to give her a permit to live there another year if McCarthy still doesn't finish building the house. The other issue they have is with Don Sholan living in the garage since she bought the property from him. Tammi and Ray question where the permit is for that. Tammi states she called the State of Vermont and there isn't anything on file with them. Tammi states that she has never seen a drill there digging for a well and she hasn't seen anyone putting in a leech field. The Williams don't believe anyone should be living there without water or septic. The Williams feel McCarthy has been taken advantage of by Sholan.

Violette stats that if the hearing is continued it would just be for the 30 days and have the Town Engineer look at it right of way and if the Town Engineer feels it is functioning correctly then they will have McCarthy work on getting the septic system certified but if it is not working correctly than she will have to disconnect and get a septic system in there right

away.

Valsangiacomo is concerned that McCarthy has been living there for 8 months with no construction going on and extending the permit another construction season. Valsangiacomo questioned if someone is living in the garage? McCarthy states that the former owner is living in a studio apartment in the garage, rent free and just helping pay for the utilities.

Violette state that he had a discussion with Sholan and he stated he was not living there. The board and Violette both state that Sholan cannot live in the garage and needs to be told to leave ASAP.

McCarthy states that she bought the land from Sholan and was told there was a well and septic all ready in place. McCarty states that she owns the property outright, there isn't a loan on the property.

Nicholson states that they are acting like this is a duplex which is not allowed and Sholan needs to go. Nicholson also states there are multiple issues that need to be figured out. Nicholson feels that an extension is the only way to get some things figured out.

Violette and the Town Engineer will go out to the property tomorrow (04/12/18) and check out the septic system to make sure it is functioning properly. Violette states that McCarthy could live in the garage until the house is built with a change of use permit. But if the septic system is not functioning properly than she cannot live in the garage or stay on the property. Violette states that he has concerns that the septic system is not in place.

MOTION & RECOMMENDATION:

A motion by Reaves, seconded by Valsangiacomo, the Development Review Board voted to continue the hearing date certain May 9, 2018 for the request by Victoria McCarthy for final review of a conditional use permit to live in a camper while constructing a single-family dwelling on land located at 245 East Cobble Hill Rd; Parcel ID: 006/138.00; Zone: High Density Residential; CUP-18000001

J. SITE PLAN REVIEW NONE

1) WARNED PUBLIC HEARINGS

K. CONCEPTUALS: NONE

L. FOLLOW-UPS: NONE

M. CORRESPONDENCE- NONE

STATE

TOWN

N. MISCELLANEOUS: NONE

O. ROUNDTABLE:

P. ADJOURN!

On a motion by Neddo seconded by Valentinetti the Development Review Board voted unanimously to adjourn @ 8:43pm.

Respectfully Submitted,

Emily Marineau

Mark Nicholson, Chair

Cedric Sanborn

Mark Reaves

Jon Valsangiacomo

Jim Fecteau

Charlie Thygesen Sr.

Angela Valentinetti

Chris Neddo