

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR MAY 11, 2016

The Barre Town Development Review Board held a public meeting & hearings on Wednesday, May 11, 2016 at 7:00 p.m. at the Municipal Offices, Websterville, Vermont

Members Present:

| | |
|-----------------------|-------------------------------|
| Mark Nicholson, Chair | Cedric Sanborn |
| Mark Reaves | Greg Richards |
| John Hameline | Jon Valsangiacomo – 7:21 p.m. |

Members Absent:

| | |
|------------------|----------------|
| Charlie Thygesen | Shaun Driscoll |
|------------------|----------------|

Others Present:

| | |
|------------------|--------------------|
| Linda Blaisdell | Amy Duff |
| Bridget Donnelly | Adam Overbay |
| William Wolfe | Mark Booth |
| Jerry Booth | Michael Lajeunesse |

Staff Present:

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

- A. 5:30 P.M. – SITE VISIT – NONE**
- B. 6:30 – 7:00 P.M. – PLANS AVAILABLE FOR REVIEW**
- C. 7:00 P.M. – CALL TO ORDER**
- D. CHANGES TO THE AGENDA**

The Development Review Board moved the site plan request by HP Hood to after the variance and conditional use hearings were completed and added a conceptual subdivision plan to Other.

- E. APPROVE MINUTES**

On a motion by Sanborn, seconded by Reaves, the Development Review Board voted to approve the minutes from April 13, 2016 meeting.

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

- G. SUBDIVISION REVIEW**

- 1) PRELIMINARY REVIEW
- 2) WARNED PUBLIC HEARINGS

APPLICANT:

THYGESEN / GRANGE

Request by Charles & Beverly Thygesen and Perry & Kathleen Grange for a boundary line adjustment for property located off Meadow Wood Drive; Parcel ID 022/024.00 & 022/019.00; Zoned: High Density Residential; P-15000021 / 22

Consultant: Chase & Chase

Date: May 5, 2016

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

This is a warned public hearing (continued from the April meeting) for the purpose of a boundary line adjustment between two neighboring property owners. The subject properties are located off Meadow Wood Drive in a high density residential zone with minimum lot sizes of 1/3 of an acre when municipal sewer and off-site water is used.

The Thygesen lot is around 60 acres in size while the Grange parcel is .33 acres. The proposal calls for .33 acres to go from Thygesen to Grange doubling the size of the Grange lot to .66 acres. The Grange lot would also pick up additional 50 feet of road frontage. Both lots will remain conforming as a result of the BLA. There does not appear to be any current feature that would be affected by the proposal such as building setback, easements etc.

This request was continued from last month to this month based on the fact the applicants had not arrived at an agreement that would allow transfer off the .33 acres. Mr. Thygesen asked for another month to try and put this deal together with the Granges.

As of the writing of this report, I am unaware of an agreement we'll have to see what is in place the night of the meeting.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

If no agreement is in place before the meeting, I recommend denying this request without prejudice.

ADDITIONAL COMMENTS:

Sanborn moved to deny without prejudice.

MOTION & RECOMMENDATION:

On a motion by Sanborn, seconded by Reaves, the Development Review Board, voted to deny the request by Charles & Beverly Thygesen and Perry & Kathleen Grange for a boundary line adjustment without prejudice for property located off Meadow Wood Drive; Parcel ID 022/024.00 & 022/019.00; Zoned: High Density Residential; P-15000021 / 22

DISCUSSION:

CONDITIONS Yes ___ No ___
MOTION BY: SANBORN
SECOND BY: REAVES

ROLL CALL:

Mark Nicholson YES
Charles Thygesen, Sr. ABSENT
Cedric Sanborn YES
Mark Reaves YES
*Jim Fecteau ___
Jon Valsangiacomo ABSENT
Shaun Driscoll ABSENT
Greg Richards YES
*John Hameline YES

**Alternate Development Review Board Members*

APPLICANT: BOOTH LIVING TRUST / SYSTO

Request by Booth Living Trust and Matthew Systo for a boundary line adjustment for property located off Allen Street & Bridge Street; Parcel ID's 005/128.00 & 030/017.00; Zoned: Low Density Residential; P-16000001 & P-16000002

Consultant: American Consulting

Date: May 5, 2016

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

This is a warned public hearing continued from last month to this month for the purpose of a boundary line adjustment (BLA) between two abutting property owners. The subject property is located in a low density residential zone that requires minimum lot sizes of 1 acre when using municipal sewer/onsite water. The area is generally mixed use between residential, commercial, and industrial.

The applicants are proposing a BLA that would see 6.0 acres of land transfer from Mr. Booth to Mr. Systo. The area of land to be transferred is to the Northeast of the Systos Bridge Street property. Mr. Booths property is currently shown to be 16.15 acres with approximately 400 feet of road frontage in two different locations along Allen Street. The Systo's property is currently 11.94 acres with approximately 340 feet of road frontage along Bridge Street.

After the BLA Booth's property will reduce to 10.15 acres and Systo's will increase to 17.94 acres. Road frontage isn't being change on either lot. Both lots will continue to be conforming lots. It does not appear that any significant features are impacted by the proposed BLA.

The sticking point during review last month was the configuration of the lot where Mr. Booth was reserving a small strip of land along the back side of this BLA. The purpose was so that this BLA would not totally cut off Mr. Booths parcel ultimately creating not only a subdivision but causing a land use issue. The strip of land being retained by Mr. Booth varied in size with one area being only 8' wide. The board did not like that configuration so the request was continued to this month to give Mr. Booth a chance to alter the plan.

Mr. Booths has submitted new plans that make the narrowest point 25' on either end with a bit wider in the middle. The new configuration is still a bit odd when viewing this as a lot configuration but at least it is more in line with the standard 25' strips we are more use to.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

While I personally still not like the configuration because it makes an odd lot configuration it would be hard to do it any other way without creating a subdivision.

ADDITIONAL COMMENTS:

CV gave a summary of this item; stating the path left is wider, but still not in favor of creating an odd looking/shaped lot.

Sanborn says that 25' is ample space to move between the lots and believes it will go away in the future.

CV added the standard conditions, 1 – 6.

MOTION & RECOMMENDATION:

On a motion by Reaves, seconded by Sanborn, the Development Review Board voted to approve the request by Booth Living Trust and Matthew Systo for a boundary line adjustment for property located off Allen Street & Bridge Street; Parcel ID's 005/128.00 & 030/017.00; Zoned: Low Density Residential; P-16000001 & P-16000002

DISCUSSION:

CONDITIONS Yes X No

MOTION BY: REAVES

SECOND BY: SANBORN

ROLL CALL:

Mark Nicholson YES

Charles Thygesen, Sr. ABSENT

Cedric Sanborn YES

Mark Reaves YES

*Jim Fecteau

Jon Valsangiacomo ABSENT

Shaun Driscoll ABSENT

Greg Richards YES

*John Hameline YES

**Alternate Development Review Board Members*

APPLICANT: **BOOTH LIVING TRUST / HP HOOD**

Request by Booth Living Trust and HP Hood for a boundary line adjustment for property located off Allen Street; Parcel ID's 005/126.00 & 005/125.00; Zoned: Low Density Residential; P-16000004 & P-16000005

Consultant: American Consulting

Date: May 5, 2016

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

This is a warned public hearing for the purpose of a boundary line adjustment between two abutting property owners. The subject parcels are located in a low density residential zone that requires a minimum lot size of 1.0 acre when served with municipal sewer but water is onsite. The area is mixed use between residential and industrial on average to large size lots.

The proposal calls for Booth Living Trust to convey 1.1 acres of land to HP Hood which would be added to the North end of the Hood lot. The Booth parcel is 43 acres in size while the Hood parcel is currently 7.7 acres. Booths parcel will drop to 41.9 acres while the Hood parcel increases to 8.8 acres. Both lots have ample road frontage on both Allen Street and Morrison Road. The BLA will result in the Booth lot losing 100' of road frontage while Hood picks it up along Allen Street.

The proposed boundary line adjustment does not appear to impact any significant features including any buildings or known rights-of-ways or easements.

The boundary line adjustment will have to be completed filing a merger deed in the land records.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

I recommend approval of this request for a boundary line adjustment between Booth Living Trust and HP Hood subject to the following proposed conditions.

- 1) To complete this boundary line adjustment, a deed conveying 1.1 acres from Booth Living Trust to HP Hood must be completed within 30 days. Said deed must also clearly state that this land is merged, combined as one lot of 8.8 acres.
- 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 a 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:

CV gave a brief summary; recommends approval with six conditions as noted.

MOTION & RECOMMENDATION:

On a motion by Reaves, seconded by Hameline, the Development Review Board voted to approve the request by Booth Living Trust and HP Hood for a boundary line adjustment for property located off Allen Street; Parcel ID's 005/126.00 & 005/125.00; Zoned: Low Density Residential; P-16000004 & P-16000005

DISCUSSION:

CONDITIONS Yes X No ___
MOTION BY: REAVES
SECOND BY: HAMELINE

ROLL CALL:

Mark Nicholson YES
Charles Thygesen, Sr. ABSENT
Cedric Sanborn YES
Mark Reaves YES
*Jim Fecteau ___
Jon Valsangiacomo ABSENT
Shaun Driscoll ABSENT
Greg Richards YES
*John Hameline YES

**Alternate Development Review Board Members*

H. CONDITIONAL USE REVIEW (WARNED PUBLIC HEARINGS)

APPLICANT: OLD ROUTE TWO SPIRITS

Request by Old Route Two Spirits, Inc. for conditional use approval to allow the operation of a distillery on property located at 69 Pitman Rd (owned by Malone Pitman Road Properties); Parcel ID 006/034.02; Zoned: Industrial; CUP-16000001

Consultant: None

Date: May 6, 2016

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a warned public hearing for the purpose of conditional use review at the request of the applicant to operate a distillery that produces spirits for human consumption. Conditional use review is authorized in the Barre Town Zoning Bylaw under Article 5, section 5.5. The subject parcel is located in the Wilson Industrial Park which is zoned industrial.

The applicant is proposing to lease the former Maine Drilling and Blasting building located at the intersection of Pitman and Parker Road on 3 acres of land converting the interior to accommodate their

business. The building is owned by Malone Pitman Road Properties (Pat Malone). The building housed Maine Drilling and Blasting for many years but more recently had been either vacant or used for construction equipment storage. This site is also home to a 500kW solar plant.

The applicants have submitted comments to each of the criterion as is required by a conditional use application. Unfortunately there are few details about the actual operation of the business with regard to hours etc. But in my discussions with them the operation of the distillery should fit in similarly with other industrial park businesses. As part of their operation, the applicants note that they may have a small tasting room which is common with these types of businesses.

Below are the conditional use review standards in accordance with Article 5, section 5.5 of the Barre Town Zoning Bylaw.

GENERAL REVIEW STANDARDS FOR CONDITIONAL USE APPROVAL

The following standards are enabled through 24 VSA § 4414 (3) (A)

1. The impact on the capacity of existing or planned community facilities:

a. Emergency services

The operation of the distillery should not have any more impact on emergency services than what previous business have had at this location and most certainly Barre Town's emergency services have capacity to accommodate this proposed business.

b. Educational facilities

The proposed operation of the distillery should not have any impact of the Town's educational facilities.

c. Water, sewer, or other municipal utility systems

In the comments submitted by the applicant, it is noted that they expect to use around 1,000 gallons of water a day. The site is permitted at this time for 1 sewer unit which is the equivalent of 300 gallon a day of sewer flow. The comments of the applicant create some uncertainty as to what their actual water consumption will be and how much of that water will be discharged into the municipal sewer system. If all 1,000 gallons were discharged, Barre Town has ample capacity within the Barre City sewage treatment plant to accommodate the load but additional sewer units would be required. Sewer units are obtained in increments of ½ units or 150 gallons a day beyond the first sewer unit at 300 gallons a day. Obtaining a half sewer unit carries a fee of \$750.

Another concern when working with food Production Company's is B.O.D. or Biological Oxygen Demand. B.O.D has a negative impact on sewer treatment plants due to oxygen consumption resulting in the depletion of oxygen which is needed for the normal breakdown of solids.

The applicants are aware of the B.O.D. impact and anticipate selling most of the solids that would create B.O.D. This is a common practice for other businesses in the Wilson Industrial Park such as Vermont Creamery. But even as much as Vermont Creamery tries to get rid of B.O.D. producing solids, they still create B.O.D.

Neither the water consumption, whatever that ends up being, or the B.O.D load produced by this company are beyond the ability for the sewer treatment plant to handle. However it will be important for this business to do everything in its power to reduce B.O.D as much as possible.

My suggestion is for the Town Engineer to meet with the owners of the business before operation begins to come up with the final expected sewer flow and B.O.D contribution and to permit accordingly.

d. Recreational facilities

No expected impact on recreational facilities in Barre Town.

2. Conservation or other designated natural areas

The site of this proposed business is located inside the Wilson Industrial Park which was permitted as an industrial park in the 1970's. There are no known conservations or natural areas located at this site.

3. Solid waste disposal facilities

The applicant notes that they will contract with a local trash and recycling company as is the customary process. Solid waste such as dunder and spent mash will be sold to local farmers to be used a fertilizer and feed.

4. The character of the area affected as defined by the purpose(s) of the zone within which the project is located, and specifically stated policies and standards of the municipal plan;

This proposed business will be located in the Wilson Industrial Park along with over 20 other businesses both light and heavy industrial as well as office buildings are located here. This is an existing site with a 5,400sf building and associated parking area. No exterior change to the building is being proposed. The character of the area should not be impacted by this business.

5. Traffic on roads and highways in the vicinity;

The location of the proposed business inside the Wilson Industrial Park is accessed by Town class 3 paved roads. The applicant does not anticipate a substantial increase in traffic noting occasional deliveries and I assume shipments of product leaving the facility. There would be employee traffic and also some if the tasting room is popular but overall traffic should be light. In any case the traffic on the road in the vicinity should not be significantly impacted by

the proposed use.

6. Zoning bylaws and bylaws then in effect;

The proposed use is allowed as light industrial use and being located in an industrial zone will be compliant with the current Zoning Bylaw if a conditional use permit is granted.

7. Utilization of renewable energy resources.

Other than using wood pellets for the boiler system, no other renewable energy is proposed with this application.

8. Any required extension or capital expense to the present maintained highway system;

No extension or capital expenses are anticipated with this use.

9. The impact on neighboring uses;

All surrounding business are either light or heavy industrial or offices. Many of the other businesses in the Wilson Industrial Park are also food production companies. It is not anticipated that this business will have a negative impact on neighboring uses.

10. Intrinsic capability of the land and its surrounding areas to support the use;

The Wilson Industrial Park is a planned park and the land is more than capable of supporting the proposed use.

(B) SPECIFIC REVIEW STANDARDS FOR CONDITIONAL USE APPROVAL

1. Minimum lot size;

2 acres, actual lot size 3 acres.

2. Distance from adjacent or nearby uses;

Nearby uses are in close proximity 200-300 feet.

3. Criteria as adopted relating to site plan review pursuant to Article 5, Sec. 5.6 (6) of this bylaw;

N/a

4. Any other standards and factors that the bylaw may require;

N/a

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

Off street parking consist of room for at least 20 vehicles. Zoning require a minimum of two parking spaces and 1.5 additional space for every 1,000sf of building size. In this case the building is 5,400sf which means 10 parking spaces are needed. This site conforms to the Zoning Bylaw with regard to parking.

6. Loading/unloading facilities.

The building being proposed for this use currently has two overhead doors in the rear of the building. Loading and unloading is likely to take place in this area which should be sufficient for this use.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Other than the question about the sewer and B.O.D use, I believe the criteria show very little concern for this proposed business functioning well within the Wilson Industrial Park. The proposed use is highly regulated as noted by the applicant which should alleviate any concern about it and the Wilson Industrial Park hosing it. With consideration to the conditions proposed below, I recommend approval of this request.

1. All required State and Federal permits must be obtained before operation of the distillery commences.
2. A change of use permit issued by the Zoning Office will be required.
3. Before the change of use permit is granted, the Town Engineer must review the water consumption and the resulting sewer discharge along with potential B.O.D. levels to determine how many sewer units will be necessary and whether any extra charge is required for B.O.D impact. Additional sewer allocation if needed is obtained by permit at \$750 per ½ units.
4. The tasting room as proposed is only to be an accessory part of the overall business and this CUP does not permit a large scale commercial operation at this location.
5. This permit runs with the current applicants and if changed to new owners a new CUP shall be obtained.

ADDITIONAL COMMENTS:

CV provided a summary of this agenda item.

Sanborn asked about hours of operation

Adam – hours will be standard 9 am – 5 pm. May be there on the weekends installing equipment. Would possibly add a second shift down the road. There will be a tasting room this fall which will have Saturday tasting hours.

MOTION & RECOMMENDATION:

On a motion by Reaves, seconded by Sanborn, the Development Review Board voted to approve the request by Old Route Two Spirits, Inc. for conditional use approval to allow the operation of a distillery on property located at 69 Pitman Rd (owned by Malone Pitman Road Properties); Parcel ID 006/034.02; Zoned: Industrial; CUP-16000001

DISCUSSION:

CONDITIONS Yes X No _____
MOTION BY: REAVES
SECOND BY: SANBORN

ROLL CALL:

Mark Nicholson YES
Charles Thygesen, Sr. ABSENT
Cedric Sanborn YES
Mark Reaves YES
*Jim Fecteau _____
Jon Valsangiacomo ABSENT
Shaun Driscoll ABSENT
Greg Richards YES
*John Hameline YES

**Alternate Development Review Board Members*

I. VARIANCES (WARNED PUBLIC HEARINGS)

APPLICANT: HP HOOD

Request by HP Hood for a 50' variance of right-of-way setback allowing for a zero (0) setback for two proposed new vertical storage silos on a concrete pad on property located at 219 Allen Street; Parcel ID 005/125.00; Zoned Low Density residential; V-16000001

Consultant: Lajeunesse Construction

Date: May 6, 2016

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

This is a warned public hearing for the purpose of a variance request in accordance with Article 7, section 7.9 of the Barre Town Zoning Bylaw whereas it has been determined prior to request for a building permit that the proposed structure cannot meet the required setbacks based on the applicants desire to locate said structure in a certain location. The subject parcel is located in a low density residential zone which requires right-of-way setbacks of 50'. The area around this location is mixed between residential and industrial.

The applicant proposes to construct a concrete pad and two vertical silos that will sit next to four other silos that have previously been granted variances prior to construction. What will be six silos will be in front of the existing Hood building directly adjacent to Allen Street. Like the other concrete pads and

silos, the proposed pad and silos will be placed on the edge of the right-of-way (Allen Street) and will have a 0' setback meaning the applicant is seeking a 50' variance.

As mentioned the applicant has received two other variances, on in 2009 (V-09000001) and another in 2012 (V-12000001).

The applicant states that the nature of their business and the layout of the plant inside the building dictate the location of these silos and there are no other options. They also note that the existing building where these silos will be placed next to is only setback 13' from the right-of-way and that the building has existed this way for a long time.

The applicant has submitted responses to the five variance criteria, answering them all in the affirmative.

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?
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.
3. Is it true that no unnecessary hardship was created by the applicant?
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?
5. Is it true the variance represents the minimum deviation from regulation and plan to provide relief?

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

While certainly not optimal to grant a 50' variance, this important Town business needs these silos to operate it business. The nature and the location of the existing building dictates the necessity and location of these silos and it would be a hardship if not granted.

I recommend approval.

ADDITIONAL COMMENTS:

CV gave a brief summary of this agenda item.

Jerry Booth stated that product is growing and the FDA requires that raw and pasteurized milk be separated and the silos would allow HP Hood to go from working six days a week to five days a week.

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?

Jerry Booth – Yes

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.

Jerry Booth – Yes

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

Jerry Booth – Yes

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?

Jerry Booth – Yes

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

Jerry Booth – Yes

Valsangiacomo asked if there is another location; Booth said no this is the only location that is FDA approved.

Bill Wolfe stated that it will be ascetically pleasing to have all the silos together.

MOTION & RECOMMENDATION:

On a motion by Reaves, seconded by Sanborn, the Development Review Board voted to approve the request by HP Hood for a 50' variance of right-of-way setback allowing for a zero (0) setback for two proposed new vertical storage silos on a concrete pad on property located at 219 Allen Street; Parcel ID 005/125.00; Zoned Low Density residential; V-16000001

DISCUSSION:

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

ROLL CALL:

Mark Nicholson YES
Charles Thygesen, Sr. ABSENT
Cedric Sanborn YES
Mark Reaves YES
*Jim Fecteau ___

Jon Valsangiacomo YES
Shaun Driscoll ABSENT
Greg Richards YES
*John Hameline YES

**Alternate Development Review Board Members*

APPLICANT:

BLAISDELL

Request by Linda Blaisdell for a 12' variance of right-of-way setback allowing a 3' setback and a 7' variance to the rear boundary line allowing a 3' setback for a new house on property located at 9 Kings Row; Parcel ID 015/026.00; Zoned: Very High Density residential; V-16000002

Consultant: None

Date: May 6, 2016

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

This is a warned public hearing for the purpose of a variance request in accordance with Article 7, section 7.9 of the Barre Town Zoning Bylaw whereas it has been determined prior to request for a building permit that the proposed structure cannot meet the required setbacks based on the applicants desire to locate said structure in a certain location. The subject parcel is located in a very high density residential zone which requires right-of-way setbacks of 15' and side yard setbacks of 10'. The area around this location is residential.

The applicant owns a .21 acre parcel of land at the end of Kings Row in South Barre. Kings Row is a short dead-end road that has 6 residential homes located on it. The applicants lot is one of the 6 located at the end of the street and currently has an unoccupied mobile home located on it. The applicant would like to remove the old mobile home and place a new home there.

The applicant is seeking a variance of both right-of-way setback and rear property line setback because the lot, while conforming in size is subject to several constraints preventing conformity. The most

prominent and problematic site issue is a rather wide and deep drainage way that basically cuts the lot in two. The second issue is that while the lot is fairly long with over 180' of road frontage, it is relatively narrow at 80' deep on one side and about 65' on the other. Both of these issues make it hard for the lot to be built on with a conventional home.

As noted the lot is bisected by a significant drainage ditch that takes stormwater runoff from the steep abutting property to the East. The smaller side of the property is where the current mobile home is but is not large enough to place a more conventional house. The most usable part of the property is where the applicant is proposing to place the new home. That side of the lot is also the narrowest part making it harder to meet setbacks.

The applicant is proposing to place the new home perpendicular to the road as opposed to parallel. I worked with the applicant and the house would not fit at all parallel thus the reason the perpendicular. The applicant is requesting two variances, a 12' variance of road right-of-way (Kings Row) setback allowing a setback of 3' and rear property line setback variance of 7' allowing a setback of 3'.

It is important to note that even with the 12' variance, the new house will not be any closer to the road than the three other houses on that side of Kings Row and would still be over 10' from the traveled portion of the road.

Below are the variance criterion as stipulated by the State of Vermont 24 VSA § 4469 and the Barre Town Zoning Bylaw Article 7, section 7.9.

The applicant has submitted responses to the below criterion and has indicated she plans to answer all five in the affirmative.

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?
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.
3. Is it true that no unnecessary hardship was created by the applicant?
4. Is it true that a variance will not:
 - e. Alter the essential character of the neighborhood?
 - f. Substantially or permanently impair appropriate use or development of adjacent property?
 - g. Reduce access to renewable energy sources?

- h. Be detrimental to the public welfare?
5. Is it true the variance represents the minimum deviation from regulation and plan to provide relief?

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Upon review of the criteria and my review of the property in question I agree with the applicant that there are unique physical circumstances that relate to exceptional topography and irregularity of the lot. There is a hardship because of both of these, especially the lot being split in two by the drainage ditch. I also believe that it is a reasonable use of the property to want a larger more conventional home other than the small single-wide mobile home that exists today. The applicant didn't create the lot and the physical limitations of it. The character of the neighborhood will not be altered, it will probably be enhanced. The new home will not sit any closer to the road than the existing three homes on that side of the road. The home will still sit quite a way off this little used dead-end road and to put the house that works best for her is likely the minimum deviation that provides relief.

Based on the above, I recommend approval of this variance request.

ADDITIONAL COMMENTS:

CV gave a summary of this agenda item; recommending approval, believing that this meets the criteria.

- 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?

Linda Blaisdell – Yes

- 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.

Linda Blaisdell – Yes

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

Linda Blaisdell – Yes

- 4. Is it true that a variance will not:

Linda Blaisdell – Yes

- 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?

Linda Blaisdell – Yes

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

Linda Blaisdell – Yes

MOTION & RECOMMENDATION:

On a motion by Reaves, seconded by Hameline, the Development Review Board voted to approve the request by Linda Blaisdell for a 12' variance of right-of-way setback allowing a 3' setback and a 7' variance to the rear boundary line allowing a 3' setback for a new house on property located at 9 Kings Row; Parcel ID 015/026.00; Zoned: Very High Density residential; V-16000002

DISCUSSION:

CONDITIONS Yes ___ No X
MOTION BY: REAVES
SECOND BY: HAMELINE

ROLL CALL:

| | |
|-------------------------------------|------------------------------|
| Mark Nicholson <u>YES</u> | Jon Valsangiacomo <u>YES</u> |
| Charles Thygesen, Sr. <u>ABSENT</u> | Shaun Driscoll <u>ABSENT</u> |
| Cedric Sanborn <u>YES</u> | Greg Richards <u>YES</u> |
| Mark Reaves <u>YES</u> | *John Hameline <u>YES</u> |
| *Jim Fecteau ___ | |

**Alternate Development Review Board Members*

J. SITE PLAN REVIEW

- 1) PRELIMINARY REVIEW
- 2) WARNED PUBLIC HEARINGS

APPLICANT:

HP HOOD

Request by HP Hood for minor site plan approval to install two new vertical silos for property located at 219 Allen Street; Parcel ID 005/125.00; Zoned Low Density Residential; SP-16000001

Consultant: Lajeunesse Construction

Date: May 5, 2016

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

This is a warned public hearing for the purpose of minor site plan approval to install two vertical silos. This request is being reviewed as site plan minor under article 5 of the Barre Town Zoning Bylaw because the proposed project does not fall under the criteria for major review but is not an exempt project. The two proposed silos will join four others located along Allen Street in front of the applicant's plant. The applicant's industrial dairy plant is located in a low density residential zone that is primarily residential in nature but does have other commercial/industrial uses in relatively close proximity. These two silos are also on this month's agenda seeking a variance.

Below are the review standards, and my comments, for site plan approval in accordance with Article 5, section 5.6 (F)

1. The proposed land development as it complies with or compliments the policies, regulations, standards, and goals of the Town's Zoning Bylaw and its most recently adopted Town Plan;

The proposed new tanks and associated concrete pad will not meet setback as required by the Barre Town Zoning Bylaw. A separate application (V-16000001) seeks a 50' variance from right-of-way setback which would allow a 0' setback from Allen Street. This same setback variance has been granted twice before for the other four silos and the associated concrete pads. As a result of that variance, one would assume these silos would also be granted a variance and if so would be in compliance with the current zoning bylaw thus meeting this criterion.

HP Hood and this plant are a very big part of Barre Town's and the region's economic stability providing jobs and tax revenue. Their business is expanding which necessitates this application. The Town plans economic development section supports this business and recognizes its importance and as such complies with the Town Plan.

2. The convenience and safety of vehicular movement within the site, and in relation to adjacent areas of vehicular movement. This includes consideration of access management in regards to entrances and exits for the subject site;

The location of the concrete pad and the silos should not interfere with vehicular movement because its location is not a traveled way for vehicles

3. The convenience and safety of pedestrian movement within the site, and in relation to adjacent areas of pedestrian movement. Also included for consideration is the relationship to any pedestrian access deemed necessary for adjacent properties and along public roads;

The location of the concrete pad and silos should not interfere with pedestrian movement within the site or adjacent sites given its location and lack of pedestrian movement now.

4. Storm water and drainage to insure adequate consideration of storm water runoff and drainage issues in order to minimize the impacts of any development project on the adjacent property, the environment, and the Town. The applicant shall bear the responsibility for obtaining and meeting any and all permitting requirements of the appropriate state agency. The Town Engineer shall review the storm water runoff and drainage plan and shall approve the site plan and sign off on the design before the project may be approved;

The concrete pad and silo location is already a paved impervious service. The addition of the pad and silo should not increase stormwater runoff or change the rate of runoff. Stormwater will flow to the same roadside drainage system that it does now.

5. The protection of historic or natural environmental features on the property under review, as well as on the adjacent areas;

There are no known historic or natural environmental features at this location so no impact is anticipated.

6. The impact of new development on public utilities such as water and sewer infrastructure and on other users/consumers;

The installations of the silos themselves do not pose any impact on public utilities. Whether the overall operation of the plants water consumption and sewer usage increases as a result of increased production is an issue that is normally dealt with on an ongoing basis by the Town Engineer.

7. Signage that meets or exceeds the criteria established in this Bylaw, Article 7, Sec. 7.5.

No new signage is anticipated with this project.

8. The utilization of renewable energy resources;

No renewable energy is proposed with this project.

9. Landscaping and/or screening to assist in mitigating undue impact of the proposed land development upon neighboring landowners;

No new landscaping is proposed with this project.

10. The adequacy of parking as well as loading and unloading facilities including their impact on surrounding traffic patterns, in accordance with the provisions established in Article 3, Sec. 3.6 of this bylaw.

This project isn't really having any effect on parking or loading facilities.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

I recommend approval of this request.

ADDITIONAL COMMENTS:

CV gave a summary of this item; recommending approval.

MOTION & RECOMMENDATION:

On a motion by Reaves, seconded by Sanborn, the Development Review Board voted to approve the request by HP Hood for minor site plan approval to install two new vertical silos for property located at 219 Allen Street; Parcel ID 005/125.00; Zoned Low Density Residential; SP-1600001

DISCUSSION:

CONDITIONS Yes ___ No X

MOTION BY: REAVES

SECOND BY: SANBORN

ROLL CALL:

Mark Nicholson YES

Charles Thygesen, Sr. ABSENT

Cedric Sanborn YES

Mark Reaves YES

*Jim Fecteau ___

Jon Valsangiacomo YES

Shaun Driscoll ABSENT

Greg Richards YES

*John Hameline YES

**Alternate Development Review Board Members*

3) CONCEPTUAL REVIEW

CV presented a conceptual subdivision plan for McHugh RD. This is the first time the DRB has seen the proposed subdivision on paper, but the second time they've heard the proposed requests. The DRB wants to see where the cars are going to be parked before they make any comments.

K. FLOOD HAZARD REVIEW

L. APPEALS OF ZONING ADMINISTRATORS DECISIONS

M. OTHER

3) CONCEPTUAL REVIEW

N. FOLLOW-UPS

O. CORRESPONDENCE

STATE
TOWN
MISCELLANEOUS

P. ROUNDTABLE

Q. ADJOURN!

Respectfully Submitted,

Heidi Bennett

DRAFT

Mark Nicholson, Chair

Cedric Sanborn

Mark Reaves

Jon Valsangiacomo

Jim Fecteau

Charlie Thygesen Sr.

Shaun Driscoll

Greg Richards

John Hamelin

DRAFT