

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR June 14, 2017

The Barre Town Development Review Board held a public meeting & hearings on Wednesday, June 14, 2017 at 7:00 p.m. at the Municipal Offices, Websterville, Vermont

Members Present:

Mark Nicholson	Shaun Driscoll
Cedric Sanborn	Chris Neddo
Jon Valsangiacomo	Greg Richards

Members Absent:

Charles Thygesen, SR
Mark Reaves

Others Present:

Vic Fecteau	Derek & Meghan Archambault	Brian Ouellette	Claire Duke
Jim Fecteau	Gary & Sarah Blow	Gianni Badeau	
Jeff Olesky	Tom Mancini	Russ & Melissa Brown	

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 - NONE**
- E. APPROVE MINUTES**

Motion by Sanborn, seconded by Valsangiacomo, the board voted unanimously to approve the May 10, 2017 minutes.

- F. NON AGENDA ITEMS (max 10 minutes)**
- G. SUBDIVISION REVIEW**
PRELIMINARY REVIEW

Fecteau Residential Inc (PRELIMINARY)

Request by Fecteau Residential Inc for preliminary 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 Engineer's PLC

Date: June 06, 2017

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE, PLANNING OFFICER

This is preliminary review of a proposed Planned Unit Development (PUD) for land located off Beckley Hill Road with access from Daniels Drive. The proposed PUD would create 47 new lots with a mixture of single and two-unit residential housing. This application has been reviewed as preliminary two times previously, April 13, 2017 and May 10, 2017. Plans are still early in the design process as the applicant and the DRB work through several issues.

While not required because this isn't a final hearing, I did warn this month's review in the newspaper so that any other parties that may have concerns or input have now had a chance to be made aware of the project.

A recap of the overall project: **The latest comments are bold**

The subject parcel is in a high density residential zone with a minimum lot size of 1/3 acre and 110' of road frontage. Water and sewer is being proposed to serve this project. Being a proposed PUD, the applicant is asking for several deviations from zoning standards as is allowed for in the Zoning Bylaw for PUD's.

The subject parcel is 21.6 acres in size with access to two Town roads. The parcel sits behind several lots that front along Beckley Hill Road but the parcel includes a 50' strip of land that runs between two of those lots providing access to said road. In addition, the applicant owns land at the end of Daniels Drive (off Richardson Road) and have access there as well.

The plan creates 47 new lots. Most of the lots are shown to be around 8,700sf in size. Of the 47 lots, several of them have the potential to be developed with duplexes. Last month the Development Review Board issued a Conditional Use Permit to allow up to 31 duplexes. Many of those will be on one lot. There will be numerous single-family house lots as well.

The proposed plan will create four new Town Roads totaling approximately 2,450 feet along with approximately 2,355 feet of sanitary sewer line and numerous manholes. The applicant has indicated that most stormwater collection will be done underground so that there will

also be a significant quantity of piping and of course numerous catch basins. While not yet designed, there will also be a stormwater treatment area. While part of the Barre City water system, there will be several thousand feet of water pipe as part of the development. All infrastructure, with the exception of the water line must be turned over to the Town. The water line must be turned over to the City of Barre. At some point during preliminary review, or at a minimum, before final consideration, the applicant must seek Selectboard approval for takeover of the infrastructure. The DRB will also have to see a commitment from the City of Barre for their ability to serve and take the water system over.

The applicant is still hoping to get approval for shared access to many of the lots and will be presenting information on how that would be handled as part of the overall development. Only a few of the proposed lots will have a stand-alone access along their road frontage. **The applicant believes there are many advantages to the shared access concept including fewer curb-cuts, less impervious service, and easier to conserve open space. How snow will be dealt with at the end of these shared driveways was also a topic of discussion last month.**

There was more discussion last month regarding the overall number of lots. Last month the applicant showed the board a plan that solidified their belief that the lot could be subdivided into 47 total lots. Assuming duplexes on all 47 lots, there could be a total of 94 housing units in this PUD.

With regard to the PUD standards, the applicant is essentially requesting the very high density residential standards be used for the project. A detailed list is below of the deviations being requested:

Lot size: 8,700sf lots as opposed to .33 acre (14,374sf)

Road Frontage: 85' as opposed to 110'

Lots without road frontage: served by one 25' right-of-way instead of each having its own 25' ROW)

Shared access: Four lots as opposed to two lots

Shared curb-cut: Four lots as opposed to three

Setback: 15' road right-of-way as opposed to 25'; 10' side and rear as opposed to 12'

Building spacing: 20' as opposed to 30'

The most recent plans show two roads widened to 26' from 24' as previously discussed to accommodate pedestrian and bicycling. The plans also include a small parking area at the top of the development near the majority of the two-unit dwellings. This parking area is for the purpose of overflow parking and parking for the common land.

At some point traffic will have to be discussed. The applicants have had a traffic study completed by VHB of South Burlington. The study includes this project as well as another off-Rudd Farm Drive which is near this project. The total projected residential units considered as part of this study is 130. The study concludes that the proposed PUD will not generate unreasonable congestion or unsafe conditions on the adjacent roadway network

which includes the intersection of Richardson Road and North Main Street and Beckley Hill and North Main Street, both in Barre City. I've included a copy of the report in your packets. You may wish to have somebody from VHB come in and go over the study with you. The Town could also have an independent look at the study.

The applicant will be submitting a new narrative addressing some of the outstanding issues. One of the things they will present is how total area or "net" area is calculated. The PUD standard as provided for in the Zoning Bylaw says, "open space shall be required and shall be not less than 25% of the net ground of the PUD". What is net will be discussed.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

ADDITIONAL COMMENTS: Jon Valsangiacomo- recused himself from this applicant's hearing

Olesky states that the first change that has been made is that the only lot showing duplexes will be the large (upper) lot that will include a home-owners' association and the remaining 46 lots that some were shown with duplexes are now not shown with any development. The Fecteau have decided to simplify the lay out with the understanding that they can have up to 90 units and they have 28 units accounted for in the upper lot and the remaining units will be left up to the owner's discretion and market demand. Olesky states that with leaving the unit placement open it allow single-family dwellings to be constructed there if that it was the market demands and if Fecteau falls under the 90-unit count then they would be fine.

The second component would be the open space concept. Olesky states that they went back and did some more research on what is meant by open space which comes down to two different issues. First issue the Zoning bylaw has changed from Gross to Net, therefore they were trying to figure out what net meant. They looked at other towns to try and get a definition since Barre Town does not have a definition of net and gross area of development. The conclusion that they were able to come up with (based on other towns) is the 25% of the net development area of the total lot or parcel of the land, excluding streets right of ways and other publicly dedicated improvements such as parks, open space, and storm water detention and retention facilities. Therefore, Fecteau have met the requirement for open space with using the dedicated area of open space at the top of the parcel. Olesky states that Fecteau would like to know that the board is comfortable with that calculation before they spend the time with furthering their design.

Nicholson would like clarification that the land at the top of the parcel is 25% of the open space. Olesky states that it is, if you take the 21 acres and pull out the 50ft right of ways, storm water treatment area and town roads then calculate 25 % the area at the top of the parcel is more than 25%. Based on the regulations as interoperated this would more than meet the requirement. Olesky states that they pulled regulations from several towns and provided them to the board.

The last thing that Fecteau would like an answer on is the shared access. Olesky states that they would like to move forward with their design of 4 houses on a shared access. Fecteau feels that this would minimize the number of curb cuts on the main road and minimize impervious surfaces. The 4 lots that share the access would have deed language that noted the shared cost of maintenance and snow removal. In support of the shared access Fecteau's have contacted a local relator attorney who wrote

a letter advocating for shared access and the legality of it. The memo showed there was no difference in the lots having a shared access maintenance agreement or a home owner's association. In fact having a home owner's association would complicate the matter more than would need to be. The upper lots that are on a home owner's association would have more guidelines and different fees that would be associated with them than the shared access owners would. Fecteau's would like to move forward with the shared access and making the deed very clear on what is expected of the land owner on the shared access.

Olesky states that they have had a preliminary meeting with Act 250 and the meeting went well.

Nicholson asked if the plan for the open space is to include maintained trails. J. Fecteau states that they have not put much thought into who was going to maintain the open space but they can always write something into the home owners association have them set aside money for the maintenance,

Gianni Badeau Questions if the 25% area is for the community and remains set aside for everyone to use. Olesky states that the open space is for everyone. Badeau thinks that the whole idea of doing a development like this is great instead of having houses right on top of each other. He thinks that it is a great idea.

Driscoll questions the access points from the smaller lots to the duplex lots above and then to the communal area? Olesky states that there is over flow parking at the entrance of the open field and along the back of the lot, there is an easement that continues to the over flow parking. This is the only really flat spot and there is natural break away from the parking to the entrance of the open space. About 15 acres of the lot is all clear cut and at the top of the parcel there is about 5 or so acres that are all wooded. With leaving that area wooded it provided a good buffer, there is natural trails and disc golf being installed. There will also be a hammer head on the town road allowing the plow truck to turn around and snow removal.

Nicholson ask if the HOA would be ones to oversee and maintain the trails. J. Fecteau states that they would have the HOA the ones responsible for the land and maintenance, J.Fecteau acknowledges that it may not be fair but that is something that will be made very clear for the person buying into the development. J.Fecteau feels that it would be the easiest way to control the maintenance, instead of having an association for 28 units and then another association for the master plan, with another fee to pay to maintain the recreation area. Olesky states that the 28-unit association will already have minimal fees therefore making it cost friendly.

Driscoll ask if they are still planning on making a pedestrian walking lane. Olesky states that they are, there will in fact be a painted line on the road way with signage posted pedestrian walking.

Richards and Neddo did not have any questions

Sanborn questions if there should be a connection to the next parcel in case of future development, if it is not feasible then they can officially put that to bed, Olesky states that there is a significant raven that follows down the parcel next to Fecteau's land and trying to develop that would be problematic. J.Fecteau states that he does not have a problem placing a 50ft right of way next to the last duplex on the left next to Washington County Mental Health's land for future development. Olesky states that there may be a few different ways they might be able to dedicate an easement. He would need to talk with Fecteau about possibly moving the easement line to the over flow parking allowing for a right of way if needed. V. Fecteau states that he does not have a problem with a 50ft right of way easement

it may or may not ever be needed.

Sanborn questions the net vs gross of the open space. He has no idea where or when the definition changed from gross to net. Sanborn would like the planning commission to come up with a definition of that they believe net open space is. He does believe that it is good to have other towns as guidance but he does not feel that can have something that is not defined.

J.Fecteau states that they need to have an answer because this is now the third meeting and they need to know if they can continue on with their plans.

Sanborn would like the Planning Commission to write a definition of what net is. Fecteau wants to know how long that would take. Violette states that it all depends on the Planning Commission. V. Fecteau states that net means what is left of something. Sanborn states that in his mind roads are part of the development. But he states that he is one voice in the table. Olesky ask if that is something that the board can weigh in on, because they need to know how to proceed because the next step for them to provide the next level of detail is a big step from where they are now. J.Fecteau would like the board to weigh in on what net is and if they cannot then he would like to know how the board feels on the validity of the storm water area as open space. Sanborn states that the DRB does not come up with the definitions it is the Planning Commission who oversees making the definitions. Nicholson ask Violette if he has any recollection of why it was changed from gross to net. Violette can not remember why it was changed but he states that they must have looked at other towns and how they handled their PUD's and they must have taken it from there. There is a difference between gross and net, Violette is unclear of what that definition is. Violette is concerned that it wasn't defined and it is the Towns fault for not defining what they meant by net, Violette believes that it would be problematic for the town to try and define net during an application process and feels that they should seek legal advice on how to continue. Nicholson agrees that they should be looking at this project under current rules and he understands where Sanborn is coming from in wanting a definition. Violette states that they have always looked at it as gross. Nicholson states that if they go under current rules and get our attorneys advice then he would support the open space 100% because they have met the requirement. Nicholson states that moving forward after the Planning Commission has looked at a definition then it very well might go back to gross instead of net but this project will need to be looked at current regulations. Nicholson would like to get legal counsels advice on the matter.

Sanborn would like to talk about the shared driveways, if fecteau's were to build duplexes on each of the four lots sharing access, then there would be twice as many people coming and going on that driveway. The Planning Commission is reviewing the Zoning Bylaws which would approve in a PUD only to allow the higher density driveways but with the zoning bylaws right now he is unsure they could approve 4 houses on a driveway. Violette states that it could be problematic because the bylaw does not leave much room to deviate from what is there. J.Fecteau ask then why can they do 28 on one driveway at the top of the lot. Sanborn states that because it is a HOA and not private lots. J. Fecteau states that if they can do 28 units than they can do 4. Nicholson states that with a HOA has very clear rules on what is expected of the owners. He stats that a HOA has very strict rules that people have to agree to before they buy into that condo. J. Fecteau states that the condos are all on one property and the shared driveway are on their own parcel and the only thing they have in common is the road, therefore it did not make sense to put just the roads in the HOA with the 28 units. J.Fecteau states if they had 2 different associations one for the shared driveway and one for the 28 units instead of one master HOA. J. Fecteau ask if there were 2 different master associations then would they get approval? Sanborn said he was more on board with that idea.

Sanborn would still like to get a definition of what net vs gross is. Violette states that it is not uncommon to look at other towns and get a meaning of net. Violette would like to get the town attorney involved to see what he would define net as and if they Planning Commission can create a definition mid-stream of an application being heard. Then the Planning Commission can come up with a definition or change it back to gross. Violette states that he will reach out tomorrow to the attorney.

Driscoll believe that the Planning Commission needs to write a definition of what net and gross mean and that it would be presumptuous for the DRB to say what net and gross mean when in fact the definitions come from the Planning Commission. He feels that they need a legal definition on what is currently in the bylaw and then go from there.

Fecteau ask if the storm water treatment is not going to be counted as part of the 25% open space. Violette states that he feels the board was not going to count that as open space unless the public was going to be able to use that land.

Nicholson feels that everyone agrees with the design and if the attorney comes back saying yes what the Fecteaus have put forth tonight on how to calculate the open space, then they can move forward with the design. Violette ask if he gets the attorney's opinion then does he have to report back to the DRB next month or can Fecteau's just move on with the design. Nicholson states that they can make a motion stating that if interoperation comes back positive then the motion can reflect that, if it comes back negative than Fecteau's will have to come back anyways. If the attorney agrees with Fecteau then it's time to move on.

MOTION & RECOMMENDATION:

A motion was made by Sanborn and seconded by Driscoll the Development Review Board voted to move forward with the request by Fecteau Residential Inc for preliminary 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; Parcel ID 008/035.00; Zone: high density residential; P-17000003 with the following revised plans, seek legal advice on the meaning of Net vs Gross. If the attorney is in agreement with Fecteau then they may move forward with design, if the attorney is not then Fecteau Residential Inc will need to come back for further review.

Valsangiacomo returned to his seat on the board

Russell and Melissa Brown (Preliminary) Jon returns for this applicant review

Request by Russell and Melissa Brown for preliminary review of a two-lot subdivision of their land located at 186 West Cobble Hill Rd; Parcel ID; 006/095.00; Zoned; low density residential; P-17000005

Consultant: American Consulting

Date: June 06, 2017

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE.

PLANNING OFFICER

This is preliminary review of a two-lot subdivision request for the purpose of separating the applicants homestead from the large parcel that they own. The subject parcel is in a low density residential zone which requires a minimum lot size of 1 acre when municipal water and sewer is available (as is the case with this request) and 200' of road frontage. The parcel is located in a residential area off West Cobble Hill Road with fairly dense development.

The applicants own a home on 21.0 acres with road frontage on both West Cobble Hill Road and Tanglewood Drive. The applicants propose to create a subdivision that would separate the existing house on 2 acres of land from the larger parcel 19.0 acres. The house is served by both municipal water (Barre City) and sewer (Barre Town). The newly created lot (lot 2) will have 313' of road frontage on West Cobble Hill Road, the remaining land (lot 1) will have split road frontage, 171' on West Cobble Hill Road and 50' on Tanglewood Drive via Town owned land that was left for access to Tanglewood Drive. As proposed, both lots comply with minimum standards established by zoning.

No new development is proposed at this time for the remaining land.

While this is a preliminary review, this request is also on this same agenda for final consideration as well.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Straightforward subdivision with nothing new occurring, I recommend preliminary approval moving this request to final.

ADDITIONAL COMMENTS:

Nicholson states that with the split road frontage it conforms to current zoning regulations but will that be problematic down the road for future development. Violette states that it could be problematic down the road if it were to be developed. They would need to set 25ft right of ways for development out back. A future developer would never be able to separate out the bottom lot from the top lot.

Rus Brown states that they didn't like the driveway being divided that would have given the 200ft of frontage. They didn't want anyone buying the home to have to deal with part of the driveway being on somebody else's land. That is why they used the split road frontage for the other lot. They do not have plans for development. They are selling the land as is.

Sanborn states that it will be hard for anyone buying that lot to do anything with the land because of the split frontage. Sanborn would like to see the 200ft of road frontage on the top of the lot and place a right of way in the current driveway.

Melissa Brown does not want to do that to the house. They have a fence and flowers right

where the pin would go. She feels that the fence and flowers are really part of the lot. They have spoken with the town and they can do to split road frontage and that is what they are going to do.

Sanborn feels that it would be hard to sell the land that way. Melissa states that they have had an offer on the land. They have not accepted the offer yet.

MOTION & RECOMMENDATION:

A motion by Sanborn, seconded by Valsangiacomo, the Development Review Board moved to approve the request by Russell and Melissa Brown for preliminary review of a two-lot subdivision of their land located at 186 West Cobble Hill Rd; Parcel ID; 006/095.00; Zoned; low density residential; P-17000005

- 1) WARNED PUBLIC HEARINGS

Russell and Melissa Brown (Final) Jon returns for this applicant review

Request by Russell and Melissa Brown for final plat approval of a two-lot subdivision of their land located at 186 West Cobble Hill Rd; Parcel ID; 006/095.00; Zoned; low density residential; P-17000005

Consultant: American Consulting

Date: June 06, 2017

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

This is warned public hearing for the purpose of final review and potentially final plat approval of a two-lot subdivision request for the purpose of separating the applicants homestead from the large parcel that they own. The subject parcel is in a low density residential zone which requires a minimum lot size of 1 acre when municipal water and sewer is available (as is the case with this request) and 200' of road frontage. The parcel is located in a residential area off West Cobble Hill Road with fairly dense development.

The applicants own a home on 21.0 acres with road frontage on both West Cobble Hill Road and Tanglewood Drive. The applicants propose to create a subdivision that would separate the existing house on 2 acres of land from the larger parcel 19.0 acres. The house is served by both municipal water (Barre City) and sewer (Barre Town). The newly created lot (lot 2) will have 313' of road frontage on West Cobble Hill Road, the remaining land (lot 1) will have split road frontage, 171' on West Cobble Hill Road and 50' on Tanglewood Drive via Town owned land that was left for access to Tanglewood Drive. As proposed, both lots comply with minimum standards established by zoning.

No new development is proposed at this time for the remaining land.

While this is a preliminary review, this request is also on this same agenda for final consideration as well.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Straightforward subdivision with nothing new occurring, with consideration to the conditions below, I recommend final plat approval.

- 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:

No additional comments.

MOTION & RECOMMENDATION:

A motion by Sanborn, seconded by Valsangiacomo, the Development Review Board moved to approve the request by Russell and Melissa Brown for final plat approval of a two-lot subdivision of their land located at 186 West Cobble Hill Rd; Parcel ID; 006/095.00; Zoned; low density residential; P-17000005 with the above conditions listed 1-5.

H. SITE PLAN REVIEW NONE

- 1) PRELIMINARY REVIEW
- 2) WARNED PUBLIC HEARINGS

I. CONDITIONAL USE REVIEW (WARNED PUBLIC HEARINGS)

J. VARIANCES (WARNED PUBLIC HEARINGS)

GB Construction LLC

Request by GB Construction for Brian Ouellette for a 20' and 9' variance street setback located at 33 Clark Rd; Parcel ID 009/085.01; zone: low density residential

Consultant:

Date: June 06, 2017

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a warned public hearing for the purpose of a variance request. The subject parcel is located in a low density residential zone which requires setback from Town road rights-of-way to be 50'. Clark Road is a Town class 3 gravel road.

The applicant is seeking a building permit to construct a 30'x30' two bay garage on property that also contains his clients house. In accordance with Article 7, sec. 7.9 of the Barre Town Zoning Bylaw, it has been determined prior to construction that the garage will not meet the minimum setback of 50' from the right-of-way known as Clark Road.

In this case the applicant has actually been issued the permit based on information provided that indicated the garage would meet the 50' setback. It was later determined that in fact the minimum setback can't be met and a variance is necessary.

The garage will sit at a bit of an angle to the road so there are two different setback variances necessary. The applicant is seeking a 20' and 9' variance of right-of-way setback meaning the proposed garage will be setback 30' on one end and 41' on the other.

I discussed other possible location for the garage with the applicant but there are limiting factors there as well. If he were to place the garage on the opposite side of the house, first, either the driveway would have to be extended to cross in front of the house, or a second driveway might be needed. Also, the septic system, including the septic tank but especially the leachfields are located in the way on that side of the house. The proposed location seems to work best other than the setback limitation.

Below is 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.

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 indicates that the lot is a “triangle shape (which in fact it is) and is inhibiting the ability to meet setback”.

I think there is evidence, looking at the lot, that with other physical conditions noted below, that the irregularity of the lot is hindering a better placement of the garage where it might be able to meet setback. There also appears to be topography issues behind the proposed placement of the garage. The garage can't really be pushed back much further because of a significant topo change. It appears that if the garage is a reasonable use, the above are creating a hardship.

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 states that another reason the garage can't be pushed back further is that there are other physical circumstances that prevent conformity. The location of the power to the house and the well won't allow the garage to be further back from the road.

I concur with this assessment. There are the limiting factors noted above by the applicant.

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

The applicant's client is a subsequent purchaser of this house and did not create the hardship because he did not build the house.

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 states that it is true that none of the above will be affected.

Generally, I agree, the only argument that might be made is that the garage being closer to the road than the setback allows places it closer than the house itself and closer than other houses in the area and along Clark Road. However, the question is, is it significant enough to alter the essential character of the neighborhood?

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

The applicant answer to this question is that they believe so.

I guess if the applicant desires or needs to have a detached garage and it is reasonable, and this is the only real viable location for the garage, then it likely does represent the minimum deviation from the bylaw.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Overall, I think that many, if not all the variance criteria are met. If the board finds that the request is reasonable, I think a variance is justified. I don't think the character of the neighborhood is negatively impacted enough.

ADDITIONAL COMMENTS:

Nicholson clarifies with the home owner if the garage can be moved back. Ouellette states that the garage cannot be moved because of the water lines for his well. He states that the road curves around his property and he would like the garage to line up with the house.

Nicholson ask how far back is the well. Ouellette states that he not only has his water line underground but he also has his power lines. He states that it is about 6-8 feet. He doesn't feel that it could go any further back.

Nicholson ask if the garage could go on the other side of the house. Ouellette and Badeau both states that it cannot. Ouellette has his septic tank on the other side of his house and there is a bank on the other side. He would also have to run another driveway and added expense to the home owner.

Violette states that he did have the discussion with Badeau about placement on the other side of the house and it would not be possible with the location of the septic tank.

Valsangiacomo ask if the garage can be moved closer to the house and make it an attached

garage. Ouellette states that there is paved driveway that he would like to maintain and he would still need a variance because the garage would not meet setback.

Sanborn ask what is the distance between the house and garage. Ouellette states it is about 20ft of pavement.

Sanborn states that if he moved it the 20ft closer than the variance would not be as big as what he is asking for. Ouellette states that with moving the garage he is losing driveway and doesn't want to lose the driveway, he needs to keep his driveway the way it is. He also states that his home owner's insurance will go up significantly with an attached garage opposed to a detached garage.

Sanborn clarifies if he really needs a 30ft deep garage. Ouellette states that he does.

Nicholson states that the board is having a hard time with question number 5 Is it true the variance represents the minimum deviation from regulation and plan to provide relief? If in fact you attached the garage then the deviation would be only 10 ft where Ouellette is asking for the whole garage. Ouellette states that the board is asking for him to increase his cost of the garage with attaching it because the will then have his home insurance increased, digging up blacktop that he wants to keep, and then having to match the garage to his house. Ouellette states that he needs the parking that his blacktop provides. Nicholson states that he would still have parking it would just be in the garage. Ouellette states that the garage is for his son's race car and he will not be able to park in garage therefore he would be losing parking by attaching the garage to the house. Ouellette states that he believes that he is asking for the garage is the minimum set back.

Richards ask if there is going to be a frost wall or floating slab. Ouellette states there is going to be a 12-inch-thick slab.

The question comes up as to how long setbacks have been in place and if the house was built according to that zone. Violette states the setbacks have been in place since zoning stated but he cannot speak to what the zone was when that house was built. Nicholson states that it probably was low density since the house is 51ft back,

Sanborn ask if that was the original well and if he were to move the garage then how far back would he have to move the garage to clear the well. Ouellette states that he wouldn't be comfortable going back any further. He does not want to relocate the power or water lines and is not comfortable building the garage over the power and water lines. Sanborn ask again what the distance from the well is if the garage was moved closer to the house. Nicholson states if the drawing is to scale than it would be 6ft. Ouellette states that he does not want to do that. He states that he cannot miss the well with moving garage. Ouellette states that it would add a significant cost to relocating the power and water lines.

Valsangiacomo states that the lot is odd shaped.

Nicholson feels that the garage could slid back 6-8 ft and would make it conform and the variance wouldn't need to be as big. Ouellette states that he could not do that because of the water and power lines. Nicholson states that he could leave the power and water line there and put blue board over them and build away. He states that it is done all the time. Badeau states that the power line is down 18 inches so it could work. And the water line is down 6 ft so it could work. Ouellette states that is still something he does not want to do. Valsangiacomo ask what if something breaks then how would he get to it. Nicholson states that the water line could just be moved and rerouted at that time if there is an issue.

Nicholson asked Ouellette the 5 questions which he answered all in the affirmative.

Valsangiacomo mentions that the board needs to be constant on what the board grants and has not granted in the past.

Nicholson does not believe this variance meets the minimum requirements.

MOTION & RECOMMENDATION:

On a motion by Nicholson, seconded by Sanborn, the Development Review Board voted 3-3 on this request by GB Construction for Brian Ouellette for a 20' and 9' variance street setback located at 33 Clark Rd; Parcel ID 009/085.01; zone: low density residential, Because the vote was a 3-3 the motion failed.

*Neddo YES Nicholson NO Richards NO
Sanborn YES Driscoll NO Valsangiacomo YES*

K. CONCEPTUALS

Pierre Couture

Request by Pierre Couture for conditional use review for the conversion of an existing barn into a community center/recreation facility located at 29 Little John Rd, Parcel ID 006/051.00; Zone: Medium Density Residential; CUP-17000003

Consultant:

Date: June 06, 2017

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a warned public hearing continued from May 10, 2017 for the purpose of conditional use review to consider the conversion of an existing barn into a community center/recreational facility. The subject parcel is located on Little John Road in a medium density residential zone.

The applicant is proposing to refurbish an existing barn he owns and convert it to a wedding and event venue. The applicant currently operates a similar operation just up the road at Millstone Hill Lodge and has hosted numerous large events including weddings. The applicant hopes to preserve the existing barn by repurposing it and expanding his existing business.

When asked about doing this, I determined that seeking a conditional use permit for a community center/recreation facility fairly closely matched the intended use. The definition is as follows: A building, together with accessory buildings and uses, used for recreational and cultural activities operated for profit for the benefit of the community. Community center/recreational facility is allowed by conditional use permit and is listed under the heading places of assembly.

The plan calls for later this summer, the barn getting a significant renovation preparing it for an event hall. In all the hall will consist of three floors, ground floor is the entrance, the second floor will house the main events hall that will include a kitchen, the third-floor mezzanine will have additional seating. Bathrooms will be located on both the first and second floor.

Parking will be located to the rear of the property access by a second driveway.

CONDITIONAL USE CRITERIA

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

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

As a public facility, there could be impact on Police, Fire, and EMS. However, the nature of and the periodic use of the facility especially the fact that it won't be used in the winter seems to lend itself to having little impact on emergency services.

b. Educational facilities

Nature and use of this facility will not impact educational

facilities.

c. Water, sewer, or other municipal utility systems

The facility will connect to municipal sewer but will use onsite. The Town has the ability to serve this building and the proposed use. The total number of sewer units will be determined by the Town Engineer. However, it is unlikely given the periodic use of the building that more than one sewer unit will be needed for the events hall. A sewer permit will have to be obtained (\$1,500 per sewer unit)

d. Recreational facilities

No impact on existing recreational facilities.

2. Conservation or other designated natural areas

While there is no known conservation or designated natural areas, the proposed renovations to the barn that was built in the 1800's likely does in and of itself pose conservation of a historic building whether designated or not. This could potentially be a good adaptive reuse of an existing barn.

3. Solid waste disposal facilities

Normal trash disposal will be utilized and will be taken to the nearest landfill facility.

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;

The general area that the barn is in is mostly residential, both single and multi-family and relatively dense. There is a large undeveloped area behind and to the East of the barn. As previously mentioned the applicant does operate a similar business about 1,000' up the road. There are some commercial and industrial uses not far away as well as the Town's forest.

The purpose statement in the Zoning Bylaw states the following: This principally residential district is designed to provide areas where moderate density residential development may occur in a rural suburban setting. It is also important to note that the zoning across the street is very high density residential with the following purpose statement: This district is designed for land centrally located where town water and sewer

facilities are available and where, due to reasons of utilities, location and existing intensive development, higher density is appropriate.

This criterion is likely the hardest to work around. While the applicant operates a similar type of business close by, this facility will be in close proximity to residential uses and will likely impact them. I think more discussion needs to occur about the impact on the neighbors regarding potential traffic, noise, etc. How might some of the impacts be mitigated. Will there be outside P.A. and outdoor activities?

The applicant testified last month that any amplification will cease at 10:00pm.

Two neighbors attended and testified that the applicant has been very courteous to them in the past. Acknowledge that being close to the event may cause more noise and had some concern about that.

5. Traffic on roads and highways in the vicinity;

Little John Road is a Town class 3 paved road served by Church Hill Road. It is likely that there will be an impact with regard to traffic but to what degree and how much more than there already is because of the applicants existing operation. The Town road network should be able to handle the traffic, its more a matter of how it may affect the neighborhood. More discussion about traffic is warranted.

This was discussed last month and the applicant is supposed to come back this month with a little more information on traffic.

6. Zoning bylaws and bylaws then in effect;

The Barre Town Zoning Bylaw is silent on the use of a wedding hall. The closest thing allowed in zoning and I think fits is the community center/recreational facility as noted in the opening. Community center/recreational facility is where places of large assembly is contemplated. Community center/recreational facility is allowed by conditional use permit.

7. Utilization of renewable energy resources.

No renewable energy resources are being considered to my knowledge.

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

No extension to the highway system is necessary and no new capital expense.

9. The impact on neighboring uses;

See character of the area #4 above

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

The land and the surrounding area can likely handle the periodic proposed use.

(B) SPECIFIC REVIEW STANDARDS FOR CONDITIONAL USE APPROVAL

1. Minimum lot size;

1.0 acre with municipal sewer, onsite water. Parcel size is 12.8 acres.

2. Distance from adjacent or nearby uses;

Nearby residential uses are in very close proximity (across the street)

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;

The applicant proposes to create a new parking lot behind the existing barn accessed by a new driveway. It is unclear how many vehicles that the new parking lot will hold so more information would be helpful. Having said that, there is plenty of field that could likely also hold parked cars.

Parking was discussed last month and the applicant is planning to come back with more detail regarding the parking area.

In addition, it is important for the DRB to know that the applicant is also seeking additional curb-cut authorization from the Planning Commission. The property already has two curb-cuts, one to the house and one to the front of the barn. The third curb-cut would provide access to the event parking behind the barn. The Planning Commission heard the request at its May meeting but continued it to the July meeting so that the applicant could consider other options.

6. Loading/unloading facilities.

N/a

Discussion beyond what I've already mentioned above also centered around how many events would be held, hours of operation, alcohol served on site or BYOB (Cornerstone pup will be doing catering. I had hoped to have a new narrative from the applicant before writing this but it hadn't been submitted in time. If submitted, it will be included in your packets.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

While I believe this is potentially a great adaptive reuse of an old barn, I have concerns about the impacts on the surrounding neighbors. More information is necessary to determine the impact and how it will be mitigated. I do believe that after having attended events in converted old barns that these types of things are popular and could be an asset to the Town. Generally, I am supportive of the use but am concerned about neighbor impact.

ADDITIONAL COMMENTS:

Violette states that Mr. Couture called asking for the board to continue his hearing next month.

Sarah and Gary Blow apologize for missing last month's meeting, they have concerns about Couture's project. They are worried about the noise, traffic and property values with moving the wedding venue close to people's houses. Sarah states they have lived there for a very long time and they do not feel that moving the venue down the street will be a good fit.

Valsangiacomo states that they had a very long discussion about the noise, hours and operation last month. Gary Blow states that he is very worried about the operations moving down the street closer to people's houses.

Violette states that this is a conditional use permit and by the name of the permit it is meant to have conditions placed on the permit, making it very important for the board to hear everyone's concerns about the project.

MOTION & RECOMMENDATION:

The Development Review Board voted to continue this request by Pierre Couture date certain to July 12, 2017, t for final review of a conditional use permit for community event center/ recreation center located at 29 Little John Rd; Parcel ID 006/051.00; Zone: medium density residential; CUP-17000003.

L. FOLLOW-UPS: NONE

M. CORRESPONDENCE- NONE

STATE
TOWN
MISCELLANEOUS

N. ROUNDTABLE: Welcomed Chris Neddo to the DRB as an alternate.

The Board had a small discussion about Net vs Gross.

O. ADJOURN!

On a motion by Valsangiacomo, seconded by Nicholson, the Development Review Board voted unanimously to adjourn @ 8:50pm.

Respectfully Submitted,

Emily Marineau

Mark Nicholson, Chair

Cedric Sanborn

Mark Reaves

Jon Valsangiacomo

Jim Fecteau

Charlie Thygesen Sr.

Shaun Driscoll

Greg Richards

Chris Neddo