

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR SEPTEMBER, 14, 2016

The Barre Town Development Review Board held a public meeting & hearing on Wednesday, September 14, 2016 at 7:00 p.m. at the Municipal Offices, Websterville, Vermont

Members Present:

Cedric Sanborn	Mark Nicholson
Mark Reaves	Greg Richards
Charlie Thygesen Sr	Shaun Driscoll
Jon Valsangiacomo	

Members Absent:

Others Present:

Kris Jurentkuff	Kevin Bailey
Jim Fecteau	Vic Fecteau

Staff Present:

Chris Violette – Planning & Zoning Director

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 –

ADD – Irons Living Trust off Richardson Road (at the Town/City line) and Overland Ave (PVT) for conceptual subdivision

E. APPROVE MINUTES

Motion by Sanborn, seconded by Reaves, the board voted unanimously to approve the August 10, 2016 minutes

F. NON AGENDA ITEMS (max 10 minutes)

G. SUBDIVISION REVIEW NONE

- 1) PRELIMINARY REVIEW
- 2) WARNED PUBLIC HEARINGS

H. SITE PLAN REVIEW NONE

- 1) PRELIMINARY REVIEW
- 2) WARNED PUBLIC HEARINGS

I. CONDITIONAL USE REVIEW (WARNED PUBLIC HEARINGS) NONE

J. VARIANCES (WARNED PUBLIC HEARINGS)

APPLICANT: **Barre Town Recreation**

Request by the Barre Town Recreation Board to erect 24 sf sign at 44 Brook Street (Town Forest parking area) which will be 20 sf larger than normally allowed in a residential zone. Request is in accordance with Article 7, sec 7.5 (B) whereas the DRB, after holding a public hearing, can allow a larger sign if it is determined that the character of the neighborhood is not negatively affected. Property is owned by the Town of Barre; Parcel ID 023/064.00; Zoned: very high density residential; AU-16000003.

Consultant: None

Date: September 9, 2016

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

This is a warned public hearing continued from last month to this month to allow the applicants to refine their proposal a little showing a better actual depiction of the project. At this point the applicants haven't had the time to put together a rendition of the sign and base to present at this meeting. They suggested a continuance and I agree.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

I recommend continuing this public hearing to the October 12, 2016 meeting.

ADDITIONAL COMMENTS:

Violette reviewed his staff comments and entered them (above) into the record.

MOTION & RECOMMENDATION:

On a motion by Mark Nicholson, seconded by Sanborn, the Development Review Board voted unanimously to continue this request to October 12, 2016.

DISCUSSION:

None

No none members participated during review.

APPLICANT: **Bailey – Variance**

Request by Kevin and Lori Bailey for a 16.5' variance of right-of-way setback for construction of a deck attached to the front of the existing house located at 60 West Cobble Hill Road; Parcel ID 034/033.00; Zoned: high density residential; V-16000006.

Consultant: None

Date: September 9, 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 whereas the applicants needs a building permit for a project on their lot and it is known in advance that setback can't be met. The subject parcel is located in a high density zone that is fairly densely populated area with setback requirements of 25' from road right-of-way and 12' from side property lines.

The applicant is proposing to construct a deck (actually has it partially built) that would run the entire length of the front of the house (50'±) located at 60 West Cobble Hill Road. The applicants are in the process of renovating this house and as part of the renovation they remove the two front entry areas and build this deck which would be common to both entrances.

The problem with this project as proposed is that it doesn't meet the required 25' right-of-way setback to West Cobble Hill Road. The house, which is very old, is only about 17' from the edge of the right-of-way which means the house is a preexisting nonconformance. A deck that would extend out approximately 8'3" means a setback of approximately only 8.5' or 16.5' short of the required minimum setback for that zone, thus the request for a 16.5' variance.

The applicant was shown the five criteria for issuance of a variance and asked to submit a narrative explaining the justification for each. The applicant did submit a letter explaining the reason that the variance is necessary but it doesn't exactly match the five criteria. The applicant points out that the structure was in very poor condition which is very true. It certainly had become and eye sore and when it was occupied most recently it also had frequent visits from the Police.

Mr. Bailey explains in his narrative that the main problem here is that he doesn't feel he can build exactly what was there before because of obstructions in the ground and that would result in the same issues related to instability of the porches at the entry areas. He also notes, which is true, that other homes in the vicinity are also close to the road. Overall my impression is that the applicants feel, and again are correct, that the work that they are doing is an enhancement and that they are greatly improving this dilapidated structure and a variance is justified.

The problem as the board knows is that you must use the five criteria to ultimately issue the variance.

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.

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?

Looking at the criteria I'm not sure that the applicant has demonstrated anything related

to irregularity, narrowness, shallowness, or topography issues. He does mention the impediment in the ground either being ledge or a large field stone. He feels that he cannot work around that.

The applicant's stance is that the obstruction in the ground is a physical circumstance that prevents conformity to the Zoning Bylaw and building the deck is a reasonable use of the property.

The applicants didn't build the house so their position is they didn't create the hardship by the house being so close to the road. As mentioned the house was constructed long before zoning was ever a factor.

Based on the proximity of other houses, the applicants do not feel as if this deck will be out of character. In fact their position is the work that they are doing will make the house look much more in character.

Unfortunately the deck was started before any dialog to determine if something else could be done so at this point the applicants feel that this is the minimum deviation to provide relieve.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

I think meeting all the criteria is a bit hard to accomplish. Could something have been done different before the deck was started? Now the applicants are in this position with a deck half built. I do completely agree with the applicants that their efforts in restoring the house are a big plus for the neighbors and the Town. The question is can the board find enough justification for the variance.

ADDITIONAL COMMENTS:

Violette reviewed his staff comments and entered them (above) into the record.

Sanborn asked about the location of the previous house entry ways which both included a small landing, stairs, and a roof. The applicant showed how the previous entrances looked compared to the new deck.

Sanborn asked if something smaller could be built? The applicant stated that the size is dictated by the fact that there is ledge in the ground. This location moves out beyond the ledge.

Sanborn noted that something has to be allowed on the front of the house to be able to gain access.

Nicholson asked Violette if the entire deck is considered when deciding the degree of nonconformance considering there were small decks and entry stairs before. Violette said

yes, the nonconformance is increased because there is more mass, the entire deck has to be considered for the setback.

Valsangiacomo asked if there were other houses that don't meet setback in the area. Violette said yes, some of the houses back towards the West Cobble Hill, Hill Street intersection are as close if not closer than what the deck will be.

Sanborn noted that at first he was concerned about the deck being too close to the road but when looking at it the reality of it is the deck is quite a ways from the road.

Violette noted that he did ask the highway Superintendent whether he had any concerns related to plowing snow and the answer was no, no concerns.

Reaves noted that the existing porches had already created a degree of nonconformance greater than what the house was.

Nicholson asked the applicant (Mr. Bailey) the five variance criteria questions noted below.

Mr. Bailey answered all five questions in the affirmative.

1. Are there unique physical circumstances or conditions as to: **Yes, the ledge that prevents locating the deck further away from the road.**
 - 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. **Yes, the ledge is the physical circumstance that is preventing conformity.**
3. Is it true that no unnecessary hardship was created by the applicant? **Yes, the applicant did not build this house in it nonconforming state. The house is old and preexist zoning.**
4. Is it true that a variance will not: **Yes, there are other houses that are closer to the road than this house and deck so the addition of the deck will not be out of character with the neighborhood. The deck is not close enough to the road to create a public welfare concern.**

- 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? **Yes, because of the ledge the deck must be located as proposed.**

MOTION & RECOMMENDATION:

On a motion by Reaves, seconded by Thygesen Sr., the Development Review Board voted unanimously to approve the request by Kevin and Laurie Bailey for a 16.5 variance of right-of-way setback for the construction of a deck on the front of the house located at 60 West Cobble Hill Road.

DISCUSSION:

None

None members that participated during review: Kevin Bailey

K. FLOOD HAZARD REVIEW

L. APPEALS OF ZONING ADMINISTRATORS DECISIONS

M. CONCEPTUAL REVIEW

APPLICANT: Fecteau – conceptual

Request by Fecteau Residential to discuss potential future development on land they own off Rudd Farm Drive, Daniels Drive, and Beckley Hill Road. Proposed development would likely be a planned unit development.

Consultant:

Date: September 9, 2016

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

At last month's meeting I informed the board that Jim Fecteau met with me and asked that I

distribute development ideas for land the Fecteau's own off Rudd Farm Drive, Daniels Drive, and Beckley Hill Road. These developments could be substantial and Jim had asked that I distribute a very conceptual idea and then to sit and discuss the plans with you at this meeting.

I either emailed or mailed the plans submitted by Jim shortly after the last meeting.

I have not had a real opportunity to review the plans and as substantial as they are it will take some time. This meeting will be the opening dialogue and what will likely be extensive discussions over the next several months.

If anybody needs the material that Jim submitted again please let me know.

ADDITIONAL COMMENTS:

Violette reviewed his comments and entered them (above) into the record.

Violette indicated that he had not gone through the proposals to determine whether they comply with existing bylaws. He also noted that the plans are ambitious.

Jim Fecteau handed out maps to the board and explained what they are hoping to do. They are considering developing two different sections of land that they own. One is on the back side of Rudd Farm Drive, the other is land on the high side of Daniels Drive (at the end as it intersects with Rudd Farm Drive) that also has frontage on Beckley Hill Road. The Fecteau's have commonly referred to this land as "Wobby Land".

The plan for the land behind Rudd Farm Drive would include roughly 40 units, traditional condominium style housing in up to 10 buildings. These buildings would all be on one lot with an association owning the land. Roughly 800' of Town road would be extended off Rudd Farm Road, likely ending in a dead end. However, there could possibly be an emergency access back out to Rudd farm Road through a 30' strip of land that is part of this parcel. Town sewer and City water will serve this development and underground power.

The tentative plan for Wobby land is for approximately 100 units as a Planned Unit Development (PUD). These units would be a mixture of duplexes, multi-family, and single-family. The request would include a couple of deviations from certain requirements thus the reason for a PUD.

One of the deviations that would be sought involves single structures that would have multiple units yet each unit would be on its own land. This scenario would have property lines going between the units thus meaning a 0' side yard setback. The ability for prospective buyers to obtain financing is the driving force for this scenario.

The other deviations would include smaller lot sizes than normal as well as allowing access to more than one unit on a shared access without having to have separate 25' easements for each unit.

Sanborn asked about the logic of bring both proposals in at the same time. He thought that the Rudd Farm development might be the best one to come first instead of doing both together.

For many reasons Jim Fecteau said at this point they'd prefer to do both developments at the same time.

Nicholson reminded the Fecteau's that when doing a PUD, the applicant will have to show how the land could be development conventionally if done that way. He also noted that the land in reserve has to be good land, not just undevelopable land.

A long conversation took place regarding the Fecteau's experience with associations and why they don't really work well. Vic Fecteau participated in this conversation.

Further discussion took place with regard to whether there is any chance the Town would allow the Rudd Farm development road to go through the proposed development and loop from Rudd Farm back to Rudd Farm using the short section of 30' strip of land. This would negate the need for a dead-end road. Violette noted it might be possible, under the right circumstances, to convince the Town to accept a very short road that would only be in a 30' right-of-way.

Also during discussion it was noted that this area of Town is more or less designated for very high density development. One of the main issues might be the two intersections, Richardson Road/North Main Street and Beckley Hill Road/North Main Street.

Violette raised concern about the 0' setback and minimum lot size being reduced. He will have to look into this further. He noted that it is hard to give the Fecteau's clear direction with some many unknowns at this point. However, it didn't appear that board members had any great concern in general about the proposals. There is still much to do to move this development forward.

APPLICANT: SJL Lockerby

Request by SJL Lockerby Investments LLC for conceptual review a possible 2 lot subdivision of land that is owned by that company and is located at 30 Richardson Road; Parcel ID: 038/027.00.

Consultant: Chase and Chase

Date: September 9, 2016

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

This conceptual plan was reviewed a couple of months ago. The applicant has hired Chase and Chase to put together an actual subdivision plan. The applicants had hoped that plan would be ready for this meeting and that they could receive preliminary and final approval this month. However, Chase was not able to get the survey work and plans done. I've got it on the agenda as conceptual but there isn't really anything new to report from what the board has already heard. Not sure if the applicants or anybody from Chase and Chase will be here for this.

ADDITIONAL COMMENTS:

Violette briefed the board on this application and the fact that it isn't ready for review this month.

Kris Jurentkuff, from Chase and Chase, noted that it has been determined that the Lockerby's do in fact own the land that Overland Ave sits on. He also noted that when the plans are put together, they may have to propose a line that isn't necessarily the most uniform design in order to keep the existing hedge row with the main house. They may have to split the Overland Ave land and do a boundary line adjustment with the main house.

APPLICANT: Isham

Request by Gary Isham for conceptual review of a possible 2 lot subdivision of land at 216 Windywood Road; Parcel ID 009/119.00; zoned low density residential.

Consultant: Chase and Chase

Date: September 9, 2016

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

I'm not sure if the applicant was ready to be put on the agenda or not, was unable to talk to Chase and Chase at time of writing. But I thought I would at least put it on the agenda in case they do want to discuss it with the board. I have a map if they do decide to come in for the meeting.

ADDITIONAL COMMENTS:

Violette gave a very brief summary of this potential subdivision. He indicated that there is a shortage of road frontage. However, the applicant does have an interest in the abutting property so a boundary line adjustment is possible.

The consensus of the board was that any potential subdivision must meet the road frontage minimum standard however that is accomplished.

APPLICANT: Irons Living Trust

Request by Irons Living Trust for conceptual review of a possible subdivision off Richardson Road (at Town/City line) and Overland Ave (PVT); Parcel ID 038/151.00; zoned vert high density residential.

Consultant: Chase and Chase

Date:

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

Plan was not on agenda to begin with so there were no staff comments in advance.

ADDITIONAL COMMENTS:

Kris Jurentkuff presented to the board a potential subdivision that Paul Irons may wish to perform. Mr. Irons owns roughly 2.5 acres of which most are in Barre City. While there is quite a bit of road frontage in Barre City along North Main Street (Rt. 302) there isn't access available. Only .24 acres of the land is in Barre Town. There are a couple of fee simple strips of land that provide this parcel with road frontage along Richardson Road. However, the terrain isn't optimal for access.

This parcel also touches Overland Ave. in Barre Town and there is a presumption that he has rights to access his land using Overland Ave.

Jurentkuff is asking for guidance on what the Town would be okay with. He asked if the Town will be okay using Overland Ave. (which is not a public way) to access up to four lots?

Reaves asked if the use of Overland Ave. would ultimately be a shared driveway? Jurentkuff said yes. Reaves asked how would the standard 25' access easement for each lot as is the standard requirement be achieved. The answer is that it won't be.

Sanborn asked about what the policy is on private roads. Violette noted that many years ago the Town drafted a private road standard. Violette stated that it had never been used. The private road standard was not that much different than a full Town road so there hasn't been much interest in private roads.

Jurentkuff asked, in order to be clear, that what he is hearing is each lot would have to have a separate 25' easement? The consensus from the board is yes, that is the standard practice.

N. OTHER

Violette updated the board on the search for a new assistant and board clerk. The process has been very slow with a several obstacles.

O. FOLLOW-UPS

P. CORRESPONDENCE

STATE
TOWN
MISCELLANEOUS

Q. ROUNDTABLE

R. ADJOURN!

Motion by Sanborn, seconded by Richards, the board voted unanimously to adjourn @ 8:20pm.

Respectfully Submitted,

Chris Violette

Mark Nicholson, Chair

Cedric Sanborn

Mark Reaves

Jon Valsangiacomo

Jim Fecteau

Charlie Thygesen Sr.

Shaun Driscoll

Greg Richards

John Hamelin