

# BARRE TOWN DEVELOPMENT REVIEW BOARD

## MINUTES FOR NOVEMBER 9, 2016

The Barre Town Development Review Board held a public meeting & hearing on Wednesday, November 9, 2016 at 7:00 p.m. at the Municipal Offices, Websterville, Vermont

### **Members Present:**

Cedric Sanborn	Jim Fecteau
John Hameline	Jon Valsangiacomo
Shaun Driscoll	Charlie Thygesen Sr
Mark Reaves	

### **Members Absent:**

Greg Richards	Mark Nicholson
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### **Others Present:**

Roy Datema	Tony Byam
Joseph Lockerby	Jodi Desrosiers
Sandra Lockerby	Carl Rogers
Lewis Stowell Jr.	

### **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 –** Violette request a conceptual boundary line adjustment be added to the end of the agenda (Hrubovcak/MaCleod – Orchard Terrace). The board agreed.

**E. APPROVE MINUTES**

**Motion by Reaves, seconded by Fecteau, the board voted unanimously to approve the October 12, 2016 minutes.**

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

**G. SUBDIVISION REVIEW NONE**

1) PRELIMINARY REVIEW

**APPLICANT: City of Barre** (South Barre Road, Jockey Hollow)

**Request by the City of Barre for preliminary review of a two lot subdivision of land located off South Barre Road (Jockey Hollow); Parcel ID: 031/01701; Zoned highway commercial. P-16000009**

Consultant: Vermont Mapping & Survey Co, LLC

Date: November 3, 2016

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

This is a preliminary review of a requested 2 lot subdivision of land located along South Barre Road (Vt. Rt. 14) in what is commonly referred to as Jockey Hollow. The subject parcel is 21 acres in size and is undeveloped. The parcel lies in a highway commercial zone which requires a minimum lot size of 1.0 acre and 200' of road frontage. The subject parcel is located in an area that is largely commercially developed.

The plan is for the City to subdivide a 2.0 acre parcel (lot 2) out of 21.0 acers (lot 1) that will remain undeveloped but conveyed to abutter One Bridge Street LLC (Jay Carr). Mr. Carr has no plan to develop this lot at this time but plans to keep it a separate lot.

The lot is impacted by a 100' wide utility easement; there are no other known encumbrances. At 2 acres with 278' of road frontage, the lot is conforming.

As mentioned there are no plans to develop this lot at this time. If in the future the lot is developed in some way it would be subject to all provision of permitting and review including but not limited to the possibility of site plan review.

This plan is also on this month's agenda for final approval.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

I recommend preliminary approval of this 2 lot subdivision to create an undeveloped lot and move it to final plat approval later on this same agenda.

**ADDITIONAL COMMENTS:**

Violette summarized his staff comments entered into the record above. Recommend approval.

Mr. Stowell (abutter across the street) asked if the intended purchase would have to come back to the DRB if he later decided to do something with this land? Violette stated that most likely yes unless it was something small but site plan review is likely for most things.

Sanborn asked if anybody else had anything to ask or add. Nobody did.

**MOTION & RECOMMENDATION:**

*On a motion by Reaves, seconded by Driscoll, the Development Review Board voted unanimously to approve the request by The City of Barre for preliminary approval of a two lot subdivision of land off South Barre Road.*

**DISCUSSION:**

None

None members that participated during review: Lewis Stowell Jr.

2) WARNED PUBLIC HEARINGS –

**APPLICANT:                    **SJL Lockerby (Richardson Road)****

**Request by SJL Lockerby Investments LLC for final plat approval of a 2 lot subdivision of land located at 30 Richardson Road; Parcel ID: 038/027.00; Zoned very high density residential; P-16000008.**

Consultant: Chase & Chase

Date: November 3, 2016

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

This is a warned public for final plat review of a proposed 2 lot subdivision of land that was granted preliminary approval last month. The subject parcel is located in a very high density residential zone which requires a minimum lot size of 8,500sf and 85' of road frontage. The character of the area is dominated by relatively small lots and compact residential development.

You'll remember last month it was noted that there would be a boundary line adjustment in addition to the subdivision included on this plan. However, the BLA did not come together

in time to be placed on this month's agenda so this request is only for the 2 lot subdivision.

The land subject to this request consists of a dwelling and land that has been shown on tax maps for many years to be .72 acres. In addition, the plan includes land that has been shown on the tax map as a separate parcel known as Overland Ave and research shows that the applicants own that strip of land. So instead of dealing with a dwelling and .72 acres, in fact it is a dwelling and 1.21 acres.

The plan shows a new lot (lot 1) being created that will be .72 acres in size and encompasses the rear portion of the existing lot as well as most of the Overland Ave land. The proposed lot will have 60' of road frontage on Velie Ave and 26' of frontage on Richardson Road for a total of 86' of road frontage which is just sufficient enough to be conforming. Nothing in our regulation prevents split road frontage.

Lot 1 is being shown to have a residential use with access from Velie Ave. The plan shows municipal sewer serving the house from an existing sewer main in Velie Ave and Barre City water serving the house from Velie Ave but will require a 190'± private line to connect to the city main near the intersection of Richardson Road. The water connection is a change from what approved at preliminary. A letter of ability serve water from Barre City has been received. Barre Town does have the ability to serve with sewer. Other utilities are available on aboveground utility poles at Velie Ave.

Lot 2 (remaining land) will be .49 acres in size and will host the original dwelling. Access is existing from Richardson Road. The house is already served by municipal services. Road frontage actually increases to 106' because part of the Overland Ave land will go with lot 2.

Upon researching the access issue of abutter Coulter across Overland Ave. it appears that there is no doubt that the access, by way of the rights gained from having an undedicated platted street or at a minimum a prescriptive easement, is sufficient. I confirmed this with Town attorney Bruce Bjourland. Bruce stated that the current owner could if they choose to grant a formal easement to Coulter but that it is not necessary. At this point the applicants, through their agent, prefer to just leave things as they are.

#### **SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

With consideration to the conditions below, I recommend final approval of this 2 lot subdivision creating a new lot of .72 acres for development with a single-family dwelling with municipal services and access off Velie Ave and reducing the parent lot with the existing dwelling from 1.21 acres to .49 acres with its existing access and municipals services from Richardson Road.

1. A working in the right-of-way permit will be required for work that is performed in the right-of-way known as Velie Ave. when water and sewer connections are made.

2. A building, driveway, and sewer connection permit will be required when the lot is developed, obtained from the Town of Barre. The current connection fee to the municipal sewer is \$1,500.
3. A water connection permit will be required when the lot is developed, obtained from the City of Barre.
- 4.. 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.
5. 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 .
6. An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
7. 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.
8. Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

**ADDITIONAL COMMENTS:**

Violette summarized his staff comments and entered into the record above. Violette recommends approval.

Violette also noted that to be clear, this request is just for a two lot subdivision and not a two lot subdivision and boundary line adjustment. The BLA wasn't able to be put together in time for this meeting so that has been removed and the applicants will come back at a later time to do the BLA.

Violette also went into more detail about the access to abutter Coulter across Overland Ave which is a paper street and nothing more than a driveway. The concern is the rights of Coulter and the opportunity that exist now to make their rights clear. Violette checked with the Town Attorney and the attorney agrees with the applicants that nothing more is necessary to provide access than the rights afforded the Coulters as a result of the unplatted street or by way of prescriptive easement.

**MOTION & RECOMMENDATION:**

*On a motion by Fecteau, seconded by Valsangiacomo, the Development Review Board voted*

*unanimously to approve the request by SJJ Lockerby Investments LLC for final plat approval of a two lot subdivision of land off Richardson Road subject to the 8 conditions noted above in Violette's report.*

**DISCUSSION:**

None

None members that participated during review: None

**APPLICANT:**      **City of Barre** (South Barre Road,  
Jockey Hollow) FINAL

**Request by the City of Barre for final approval of a two lot subdivision of land located off South Barre Road (Jockey Hollow); Parcel ID: 031/01701; Zoned highway commercial. P-16000009**

Consultant: Vermont Mapping & Survey Co, LLC

Date: November 3, 2016

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

This is a warned public hearing for final plat review of a 2 lot subdivision of land located along South Barre Road (Vt. Rt. 14) in what is commonly referred to as Jockey Hollow. The subject parcel is 21 acres in size and is undeveloped. The parcel lies in a highway commercial zone which requires a minimum lot size of 1.0 acre and 200' of road frontage. The subject parcel is located in an area that is largely commercially developed.

Final consideration assumes preliminary approval was granted earlier.

The plan is for the City to subdivide a 2.0 acre parcel (lot 2) out of 21.0 acers (lot 1) that will remain undeveloped but conveyed to abutter One Bridge Street LLC (Jay Carr). Mr. Carr has no plan to develop this lot at this time but plans to keep it a separate lot.

The lot is impacted by a 100' wide utility easement; there are no other known encumbrances. At 2 acres with 278' of road frontage, the lot is conforming.

As mentioned there are no plans to develop this lot at this time. If in the future the lot is developed in some way it would be subject to all provision of permitting and review including but not limited to the possibility of site plan review.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

With consideration to the conditions below, I recommend final plat approval of this proposed 2 lot subdivision of land for the purpose of creating a stand-alone 2 acre parcel that will (for now) remain undeveloped.

1. If in the future the lot is developed it will be subject to all provision of Barre Town permitting and review including but not limited to the possibility of site plan review.
2. One (1) (18" x 24") recording plat must be submitted to the Planning office for filing in the Town of Barre land records in accordance with Barre Town subdivision regulation and state statute within 180-days of approval.
3. Three (3) sets (24" x 36") paper copies of the final approved plan must be submitted to the Planning Office within 30-days of approval unless a request to extend is made and approved by staff .
4. An electronic copy of the final approved plan provided to the Planning and Zoning Office within 30-days of final approval.
5. No changes to the approved plan can be made unless first reviewed by either the Town Planning Officer, or the Town Engineer for a determination of significance. If it is determined that an proposed change is significant, the plan will be required to go back before the Development Review Board for approval of the proposed change.
6. Failure to comply with any conditions as stated herein, could lead to nullification of this subdivision.

**ADDITIONAL COMMENTS:**

Violette summarized his staff comments and entered into the record above. Violette recommends approval with consideration to the 6 conditions noted.

*On a motion by Driscoll, seconded by Valsangiacomo, the Development Review Board voted unanimously to approve the request by the City of Barre for a two lot subdivision of land off South Barre Road subject to the 6 conditions noted above in Violette's report.*

**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:            Datema (McHugh Road)**

**Request by Roy Datema III for a 2' variance of right-of-way setback (McHugh Road) and a 2' variance of side yard setback (rear) for the placement of a 27.5' x 44' single-family dwelling on property located 2 McHugh Road; Parcel ID 014/064.00; Zoned very high density residential.**

Consultant: None

Date: November 3, 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 applicant needs a building permit for a project on his property and it is known in advance that setback can't be met. The subject parcel is located in a very high density residential zone that is densely populated with setback requirements of 15' from road right-of-way and 10' from side property lines.

The applicant owns a .1 acre parcel of land at the intersection of McHugh Road and Cogswell Street in Upper Graniteville. The parcel currently has a single-family dwelling located on it. The applicant plans to remove the existing dwelling (may be done before the hearing) and place a double-wide there.

At .1 acre the lot is obviously very small and well under the minimum lot size of 8,500sf. Because it was developed long before zoning, it is grandfathered with regard to being substandard. The current dwelling on the lot is small and doesn't come close to conforming to current zoning setback requirements for both proximity to the road and the abutting property. The proposed variances herein will both be better than what the current situation is.

The applicant is proposing to place a 27.6' x 44' dwelling on a concrete slab. The new dwelling will be placed at an angle to not only be further from the neighbor's house and away from the road but also to avoid overhead power lines that encumber a portion of this already small lot. As the enclosed map shows, the applicant is proposing to place the new dwelling 13' from the right-of-way of McHugh Road which requires a 2' right-of-way variance. The far end of the dwelling (away from McHugh Road) will be, at its closest point, setback 8' from the abutting property line necessitating a 2' variance of side yard setback.

The applicant has provided a letter which lays out why he is proposing to put the proposed house on this lot and why he can't meet the required setbacks. It is clear that the lot is encumbered because of its size and shape. The triangular nature of the lot along with the size, the power line, setback limitations of two streets, all provide for a very small building envelope.

The applicant plans to provide two off street parking spaces on the high side of the property next to the abutter at 4 McHugh Road. It will be critical that when this lot is laid out to be developed that two parking spaces be available.

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?

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

I think in order for this lot to be given a chance at reasonable use, a variance is probably

justified based on the criteria above. The lot is small, it is irregular, there are physical conditions peculiar to the property and they have created a hardship. The applicant did not create the problem, and in the end with the setbacks being better than what they currently are and placing a nicer house there, it should be an improvement. The addition of another dwelling will not alter the character of the area; the area is already predominantly residential. The house will sit back far enough so that site distances shouldn't be effected at the intersection of McHugh and Cogswell Street.

With consideration to the condition below, I recommend approval of this request for a 2' McHugh Street right-of-way setback variance and a 2' variance of side yard setback of 4 McHugh Street.

1. Two full off street parking spaces must be provided.

**ADDITIONAL COMMENTS:**

Violette read his report which is entered into the record above.

Tony Byam (owner of 4 McHugh) asked about an attachment (additional structure) to the home that Datema may buy to place here that was in a picture he was shown. Mr. Datema stated that the picture he showed Mr. Byam did have an attachment but that he told Mr. Byam that the attachment was not part of his deal to purchase the home.

Mr. Datema stated that he is trying to keep within the dimensions that seem to work after meeting with Town Engineer Harry Hinrichsen and Violette back during the summer.

Mr. Datema went on to reiterate some of the short comings of the lot including the size, the shape, and proximity to power lines.

Mr. Byam asked about how close the structure would be to his lot. Mr. Datema stated at worst 2' in the rear but could be much further away than that. Mr. Byam stated that he was fine with that.

Valsangiacomo asked how close the existing structure is now. Mr. Byam answered 3'.

Valsangiacomo asked Mr. Byam whether he is opposed as planned, Mr. Byam stated he did not oppose.

Valsangiacomo asked about parking. Violette stated that he does believe that there is enough room for parking if not on the high side certainly on the low side. He further stated that once the existing house is gone he'll have a better idea and can lay out the best parking configuration.

Mr. Datema was asked the statutory question for a variance noted above in the staff comments. Mr. Datema answered all questions in the affirmative.

Hameline asked a few questions about the home that would be going in. Mr. Datema said it was a 2001 home that met all HUD requirements.

Thygesen commented that he had been to the site and spoken to Mr. Datema and thought that this was a good plan and that it wouldn't be out of character and would help clean up the area.

Violette wanted to note for the record that Mr. Thygesen had ex parte communication with the applicant. Sanborn agreed and thought we should talk about how that shouldn't be done later.

**MOTION & RECOMMENDATION:**

*On a motion by Reaves, seconded by Driscoll, the Development Review Board voted unanimously to approve the request for a 2' variance to McHugh Road and an 8' variance to the side property line of 4 McHugh Road with the one condition that two off-street parking spaces must be available.*

**DISCUSSION:**

None

None members that participated during review: Roy Datema and Tony Byam

**K. CONCEPTUALS**

Violette presented a conceptual plan for a boundary line adjustment between abutters Hrubovcak and MaCleod on Orchard Terrace. The plan would move a common boundary so that MaCleod would acquire 4 acres of open field from Hrubovcak and merge it with his current 1.4 acre homestead lot. The board didn't see any issues with this moving forward.

**L. FOLLOW-UPS**

Violette advised the board that we are still trying to finalize hiring somebody for the assistant's position.

Violette mentioned to Thygesen that he has to be careful talking to a potential applicant pending an application before the board. All discussion needs to take place in front of the board as testimony. A board member could end up with a certain bias towards a request by talking to an applicant outside a public hearing. Ex parte communication would likely be appealable.

**M. CORRESPONDENCE**

STATE  
TOWN  
MISCELLANEOUS

**N. ROUNDTABLE**

**O. ADJOURN!**

**Motion by Valsangiacomo, seconded by Hameline, the Development Review Board voted**

**unanimously to adjourn @ 7:47pm.**

Respectfully Submitted,

Chris Violette

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Mark Nicholson, Chair

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Cedric Sanborn

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Mark Reaves

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Jon Valsangiacomo

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Jim Fecteau

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Charlie Thygesen Sr.

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Shaun Driscoll

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Greg Richards

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John Hamelin