

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR AUGUST 12, 2015

The Barre Town Development Review Board held a public meeting & hearing on Wednesday, August 12, 2015 at 7:00 p.m. at the Municipal Offices, Websterville, Vermont

Members Present:

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

Others Present:

David Otterman	Diane Lyon
Don & Lynn Commo	Paul White
Joyce Dutil	Linda Willett
James Henzel	Michael Flannery

Staff Present:

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

- A. **5:30 P.M.** – SITE VISIT – NONE
- B. **6:30 – 7:00 P.M.** – PLANS AVAILABLE FOR REVIEW
- C. **7:00 P.M.** – CALL TO ORDER
- D. CHANGES TO THE AGENDA – Violette requested that item #2 (Monty) be moved to item #3.
- E. APPROVE MINUTES

On a motion by Reaves, seconded by Driscoll, the Development Review Board voted to approve the minutes from July 8, 2015 with Sanborn and Valsangiacomo abstaining.

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

APPLICANT: **DUTIL**

Request by Leo & Joyce Dutil for preliminary approval of a 2-lot subdivision on property located

at 260 Camp Street; Parcel ID 037/060.00; Zoned: High Density Residential; P-15000007

Consultant: Wayne Lawrence

Date: August 7, 2015

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a preliminary request for a two lot subdivision of land in accordance with the Barre Town subdivision ordinance. The subject parcel is 5.31 acres (Barre Town assessing data) and is located in a high density residential zone with a minimum lot size of 1/3 acre when municipal water and sewer is being utilized. The area is residential in nature on moderate size lots.

The applicant is proposing to subdivide their 5.24 acre lot (Lawrence survey) into two lots with lot 2 being the new lot totaling 1.68 acres in size. Lot 1 is remaining land and reduces to 3.56 acres and contains the applicants homestead. Lot 2 is being proposed for a single-family residential dwelling that will be served by municipal sewer (Barre Town) and municipal water (Barre City). Both utilities have the ability to serve.

The sewer line from the proposed new house and possibly the water line, if relocated to reduced road openings, will cross the applicants remaining land and as such will have to be secured by an easement in favor of lot 2.

As proposed the new lot will access directly to Camp Street along the 140 feet of road frontage. The remaining land's road frontage reduces to 272 feet along Camp Street. The plans at this point do not show a driveway location or sight distances. I am hoping those feature can be added in time for new plans to be submitted before the meeting.

The plans also do not have a location map.

This request is also on the agenda for final approval later on this month's agenda.

STAFF REPORT/REVIEW COMMENTS FROM HARRY HINRICHSEN,
TOWN ENGINEER

I have reviewed the proposed subdivision and agree with the comments mentioned above regarding the driveway location and sight distance information being provided on the final plan.

The easements for the water and sewer could be combined in a common utility easement and if so the road opening and road crossing work on Camp Street could be minimized.

The parent parcel is served by municipal water and sewer at this time. The sewer connection is by way of across lot line that connects to Cassie Street. The water comes from the front of the lot out onto Camp Street. **Although these utilities are not shown, their approximate locations should be shown on the final plan.**

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Hopefully the map can be updated before the meeting. Assuming so this is a straight-forward request and

recommend approval and moving it to final.

ADDITIONAL COMMENTS:

CV gave a summary of this item.

CV stated that the Town Engineer, Harry Hinrichsen, has looked at the new plans and feels they're adequate.

CV stated the both lots will be conforming.

CV recommends preliminary approval.

MOTION & RECOMMENDATION:

On a motion by Sanborn, seconded by Driscoll, the Development Review Board voted to approve the preliminary request by Leo & Joyce Dutil for approval of a 2-lot subdivision on property located at 260 Camp Street; Parcel ID 037/060.00; Zoned: High Density Residential; P-15000007

DISCUSSION:

CONDITIONS Yes___ No___
MOTION BY: SANBORN
SECOND BY: DRISCOLL

ROLL CALL:

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

**Alternate Development Review Board Members*

2) WARNED PUBLIC HEARINGS

APPLICANT: DUTIL

Request by Leo & Joyce Dutil for final approval of a 2-lot subdivision on property located at 260 Camp Street; Parcel ID 037/060.00; Zoned: High Density Residential; P-15000007

Consultant: Wayne Lawrence

Date: August 7, 2015

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a warned public hearing for final subdivision review (assuming preliminary approval earlier on this agenda) request for a two lot subdivision of land in accordance with the Barre Town subdivision ordinance. The subject parcel is 5.31 acres (Barre Town assessing data) and is located in a high density residential zone with a minimum lot size of 1/3 acre when municipal water and sewer is being utilized. The area is residential in nature on moderate size lots.

The applicant is proposing to subdivide their 5.24 acre lot (Lawrence survey) into two lots with lot 2 being the new lot totaling 1.68 acres in size. Lot 1 is remaining land and reduces to 3.56 acres and contains the applicants homestead. Lot 2 is being proposed for a single-family residential dwelling that will be served by municipal sewer (Barre Town) and municipal water (Barre City). Both utilities have the ability to serve.

The sewer line from the proposed new house and possibly the water line, if relocated to reduced road openings, will cross the applicants remaining land and as such will have to be secured by an easement in favor of lot 2.

As proposed the new lot will access directly to Camp Street along the 140 feet of road frontage. The remaining land's road frontage reduces to 272 feet along Camp Street. The plans at this point do not show a driveway location and sight distances. We are hoping those feature can be added in time for new plans to be submitted before the meeting.

The Plans also do have a location map.

REVIEW COMMENTS FROM HARRY HINRICHSEN,
TOWN ENGINEER

I have reviewed the proposed subdivision and agree with the comments mentioned above regarding the driveway location and sight distance information being provided on the final plan.

The easements for the water and sewer could be combined in a common utility easement and if so the road opening and road crossing work on Camp Street could be minimized.

The parent parcel is served by municipal water and sewer at this time. The sewer connection is by way of across lot line that connects to Cassie Street. The water comes from the front of the lot out onto Camp Street. **Although these utilities are not shown, their approximate locations should be shown on the final plan.**

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

This is a straight-forward request served by municipal services and with consideration to the conditions below I recommend granting final approval.

1. All easements and/or right-of-ways, as shown on the final (stamped approved) plans by Lawrence Engineering dated August 5, 2015, project number 15006, shall be created when the need arises in order to fulfill the development as proposed and approved
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 plan shall be submitted to the Planning 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:

CV stated nothing has changed since preliminary except the addition of conditions 1 – 6.

MOTION & RECOMMENDATION:

On a motion by Sanborn, seconded by Reaves, the Development Review Board voted to approve the final request by Leo & Joyce Dutil for approval of a 2-lot subdivision on property located at 260 Camp Street; Parcel ID 037/060.00; Zoned: High Density Residential; P-15000007; Approval is subject to condition 1 – 6.

DISCUSSION:

CONDITIONS Yes X No

MOTION BY: SANBORN

SECOND BY: REAVES

ROLL CALL:

Mark Nicholson YES

Charles Thygesen, Sr. YES

Cedric Sanborn YES

Mark Reaves YES

*Jim Fecteau

Jon Valsangiacomo YES

Shaun Driscoll YES

Greg Richards YES

*John Hameline

**Alternate Development Review Board Members*

APPLICANT:

MONTY BLA/MERGER

Request by Alfred & Anita H Monty (Trustees) for final approval of a boundary line adjustment and a subdivision for the purpose of a merger on property located off Lemay Drive; Parcel ID 008/023.00; Zoned: High Density Residential; P-15000006

Consultant: American Consulting

Date: August 7, 2015

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a warned public hearing for the purpose of adjusting boundary lines by a boundary line adjustment and a subdivision with merger. The request is in accordance with the Barre Town Subdivision Ordinance. The subject parcel is located off Lemay Drive in a residential area of Town. The zoning for this area is high density residential which requires minimum lot size to be 1.0 acre when municipal sewer is utilized but potable water is onsite.

The two lots owned by the applicant that are subject to this request are the homestead lot of 14.83 acres and an adjacent undeveloped parcel of 50.21 acres (lot 55). The applicant is proposing to adjust the line in two locations by taking land from lot 55 and merging it with the homestead lot. In addition a third area coming from lot 55 will be created at the end of Lemay Drive that will be deeded to the Town of Barre for an extension of Lemay Drive.

The first alteration is parcel A which is .4 acre of land. This area (parcel A) squares of the applicants homestead northern boundary. The second alteration is essentially a subdivision because a new line is being created, creating parcel B a 2.8 acre area along the southern side of the applicants homestead parcel. Parcel B will be merged with the applicants homestead parcel so in the end a new lot is not being created. The third lot is 55A and is .25 acres in size and is what will be deeded to the Town of Barre.

Lot 55, the undeveloped parcel, is proposed for a single-family dwelling that will be served by municipal sewer (Barre Town). The proposed dwelling will have to utilize a pump to gain access to the municipal sewer at Lemay Drive. Lot 55 currently has 50 feet of road frontage at the end of Lemay Drive but the road extension will increase that frontage to 135 feet. Access to the proposed new home will be off the end of Lemay Drive.

An important point to note here is that lot 55 was recently involved in a subdivision (February 17, 2015 P-15000001) that created an 8.9 acre parcel for a single-family dwelling. This subdivision was also to create the .25 acre parcel being deeded to the Town for the Lemay Drive extension. The February subdivision is being allowed to void itself by failure to file a plat because the applicant was having a very hard time getting it approved by ACT 250. The ACT 250 road block involved an assertion that Prime Ag land was being disturbed. The buyer of the lot created as a result of the February subdivision is now going to purchase all of lot 55 except for what is being taken away with this action.

Merger deeds will have to be created to merge the two pieces of land as noted above with the applicants homestead parcel as well as a deed conveying the .25 acre parcel to the Town of Barre. An easement from lot 55 in favor of the Town of Barre is also necessary for a potential future turnaround.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

I recommend granting final approval to this request that alters the configuration of two lots that are currently owned by the applicant subject to the suggested conditions below.

1. The applicant shall enter into a developer agreement before the extension of Lemay Drive commences. **VOID**

2. The final plans show a 25' x 25' area at the end of the road extension. This area shall be deeded to the Town of Barre as an easement for a future turnaround along with the .25 acre parcel for the road. If the easement is used for a turnaround the existing 25' x 30' easement will be relinquished to the owner of the land at that time. **VOID**
3. To complete this boundary line adjustment, a deed conveying parcels A (.4 acres) and B (2.8 acres) from lot 55 to the applicants homestead lot must be completed within 90 days. Said deed must also clearly state that this land is merged and combined into one lot.
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 plan shall be submitted to the Planning 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.
9. The final plan needs to reflect what has been approved under P-15000001 and current configurations.
10. This approval does not include the 25' x 25' area of the road extension.

ADDITIONAL COMMENTS:

CV gave a summary of this item, recapping the history from the previous meeting that subdivided the land.

CV stated there are too many questions regarding the road extension and when that might happen. He and the Town Manager feel it is better to just not include the parcel for the road extension in this plan.

CV recommends approval of the boundary line adjustment, but not the road portion.

Monty objects to CV's proposal.

Monty stated he's waiting for ACT 250, along with contractors to give him estimates on the road extension.

CV suggested a continuance; Monty agreed, except he wants the boundary line adjustment to take place

this evening. CV stated that the projects are one application so the action can't be broken up acting on the boundary line adjustments tonight and continuing the road parcel to text month.

Sanborn stated he'd be willing to approve the boundary line adjustments, but not the road lot.

Nicholson stated he wants to continue the requests.

MOTION & RECOMMENDATION:

On a motion by Sanborn, seconded by Reaves, the Development Review Board voted to approve the request by Alfred & Anita H Monty (Trustees) for final approval of a boundary line adjustment and a subdivision for the purpose of a merger on property located off Lemay Drive; Parcel ID 008/023.00; Zoned: High Density Residential; P-15000006; Approval is subject to conditions 3 – 10.

DISCUSSION:

The motion does not include the parcel of land intended to be dedicated for the road extension.

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

ROLL CALL:

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

**Alternate Development Review Board Members*

3) CONCEPTUAL REVIEW

H. SITE PLAN REVIEW

- 1) PRELIMINARY REVIEW
- 2) WARNED PUBLIC HEARINGS
- 3) CONCEPTUAL REVIEW

I. CONDITIONAL USE REVIEW (WARNED PUBLIC HEARINGS)

APPLICANT: **COMMO**

Request by Don & Lynn Commo for conditional use approval to allow a multi-family dwelling for property located at 527 Cummings Rd; Parcel ID 009/148.02; Zoned: Low Density Residential; CUP-15000001; Continued from July 8, 2015

Consultant: Wayne Lawrence

Date: August 6, 2015

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

This is a continued warned public hearing for conditional use review for the purpose of considering permitting a two unit, multi-family dwelling in a low density residential zone. Low density residential zones allow multi-family dwellings in accordance with the Barre Town Zoning Bylaws (Article 2, table 2.1) after conditional use review and approval.

This request was first heard at the June 10, 2015 DRB meeting and after discussing it, the DRB continued it to July and then ultimately to this meeting. The board will remember that the main issue is that a second living unit was added to this house by the previous owner without receiving a conditional use permit. The Commo's purchased the property unaware that the second living unit was not permitted.

The Commo's have been trying to clear up the permitting issue with regard to the second living unit as well as others. Unfortunately it was determined that the existing septic systems leachfield is unable to support four bedrooms (three in the main house and one in the apartment) and the State won't permit an expanded leachfield to accommodate the total number of bedrooms.

I spoke to the State and confirmed the inability to obtain a wastewater permit for four bedrooms. The State wastewater division advised me that they would likely issue a wastewater permit for a two bedroom dwelling with a single bedroom apartment. In fact, a wastewater permit was issued on August 3, 2015 for just that.

As the DRB members will remember there was considerable discussion as to what constitutes a bedroom and how to eliminate bedrooms so that this house only had a total of 3. In fact, the State of Vermont when issuing wastewater permits does not concern itself with the actual number of rooms and which ones may or may not be bedrooms. The State permits it and it is up to the homeowner to comply. If rooms are used for additional bedrooms beyond what is permitted the homeowner would be in violation of their permit. The State permit is recorded in the land records and future buyers should be made aware of the limitations.

The following is a summary of this conditional use request:

The lot subject to this request is located off Cummings Road on 2.2 acres of land. The minimum lot size for this zone is 2.0 acres. The subject parcel is located in a primarily single-family residential section of town, but overall is not heavily developed. This parcel utilizes on-site water and sewer.

The applicant is hoping to correct a situation that was created by the previous owner when that owner constructed an attached garage in 2007 and added another living unit above the garage. The second living unit was never permitted. The applicant purchased the house unaware that the apartment was not approved. The applicant is now hoping to rectify that by getting formal approval.

Below are the standards used when considering a conditional use request in accordance with our Zoning Bylaw Article 5, Sec. 5.5. I have provided my findings after each criterion but if the board finds something different they should note such.

“No permit shall be issued by the Zoning Administrator for any use, structure, or development which requires a Conditional Use Permit in this bylaw until the DRB grants that approval. In considering its action, the DRB shall make findings on the general and specific standards contained herein, hold

hearings and attach conditions as provided for in 24 V.S.A.117 §4414(3), §4460(4), and §4464.

The DRB shall determine that the proposed use, structure, or development conforms to the following general and specific standards, and shall not result in an undue adverse effect on any of the following”.

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, to include but not limited to:
 - 2) **Emergency services:** Two family dwelling, no impact
 - 3) **Educational facilities:** Two family dwelling, no impact
- 2) **Water, sewer, or other municipal utility systems:** Water and sewer is onsite so no municipal utilities are affected.

The applicant has obtained an amended wastewater permit from the State of Vermont (WW-5-6942) allowing a two bedroom dwelling with a one bedroom apartment.

- 3) **Recreational facilities:** No impact
- 4) **Conservation or other designated natural areas:** No impact
- 5) **Solid waste disposal facilities:** No impact
- 6) **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 addition of one more unit to an existing single-family dwelling in the area should not have a significant impact on the character of the area.
- 7) **Traffic on roads and highways in the vicinity:** The proposed location is accessed by a class 3 paved town road. The addition of a second living unit should have minimal effect on traffic.
- 8) **Zoning bylaws and bylaws then in effect:** Article 2, table 2.1 allows multi-family dwellings after issuance of a CUP.
- 9) **Utilization of renewable energy resources:** No impact
- 10) The following standards are required by this bylaw
- 11) **Any required extension or capital expense to the present maintained highway system:** None
- 12) **The impact on neighboring uses:** One additional living unit should not have a significant impact on neighboring uses. The existing neighboring uses are all residential with some farming.

13) Intrinsic capability of the land and its surrounding areas to support the use: No impact

The following includes discussion and testimony provided at the two previous hearings:

June 10, 2015

Laurie Brown, 539 Cummings Rd – curious if it's a rental unit; Lynn Commo stated not at this time. Brown stated that she had issues with the previous owner renting the apartment. CV stated that the Commo's could rent the apartment if they so choose.

Commo stated they would remove the closet from one of the existing bedrooms, if need be.

CV stated that he needs to meet with the Assessor to determine what the definition of a bedroom is before a decision can be made.

CV recommends a continuance so the definition of a bedroom can be determined.

July 8, 2015

CV provided a brief recap, stating he's spoken to the State and the Assessor about what's a bedroom and what isn't. The definition is broad.

CV recommends a continuance.

Laurie Brown stated she's opposed to an apartment being there.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

The applicant is living in the original dwelling and as I understand it that will continue to be the case. Overall this has a minimal impact just like others that have been approved.

- 1) Enough parking for four vehicles must be available at all times.
- 2) This approval is based on amended wastewater permit WW-5-6942 allowing for a two bedroom dwelling and a one bedroom apartment. No other bedrooms shall be created that alters the wastewater permit.
- 3) Future potential buyers shall be shown a copy of this conditional use permit.
- 4) This approval will run with the current landowner, Commo. When the dwelling is sold, the new landowners must return to the Development Review Board to continue use of the apartment.
- 5) The dwelling must remain owner occupied.

ADDITIONAL COMMENTS:

CV gave a brief recap, adding that the Commo's applied for and received an updated waste water permit for a two bedroom dwelling with a one room apartment.

The Board added conditions 4 and 5.

MOTION & RECOMMENDATION:

On a motion by Sanborn, seconded by Reaves, the Development Review Board voted to approve the request by Don & Lynn Commo for conditional use approval to allow a multi-family dwelling for property located at 527 Cummings Rd; Parcel ID 009/148.02; Zoned: Low Density Residential; CUP-15000001; Continued from July 8, 2015; Approval is subject to conditions 1 – 5.

DISCUSSION:

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

ROLL CALL:

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

**Alternate Development Review Board Members*

APPLICANT: EAST BARRE CONGREGATIONAL

Request by the East Barre Congregational Church for a waiver of right-of-way setback allowing construction of a handicapped ramp. Said waiver is being requested in accordance with Barre Town Zoning Bylaw Article 7, section 7.10 as a structure providing for disability accessibility. Subject parcel is located at 2 Church St; Parcel ID 025/035.00; Zoned: High Density Residential; CUP-15000004

Consultant: None

Date: August 7, 2015

STAFF REPORT/REVIEW COMMENTS FROM CHRIS VIOLETTE,
PLANNING OFFICER

This is a warned public hearing for the purpose of a conditional use request whereas the applicant is seeking a waiver of right-of-way setback in accordance with Article 7, section 7.10 of the Barre Town Zoning Bylaw. The Church is located in a high density residential zone which requires a 25 foot right-of-way setback.

The East Barre Congregational Church is hoping to construct a handicapped access ramp to the front of their existing church along Mill Street in East Barre. At the same time they will have to extend existing stairs towards Mill Street so that a landing (deck) can be added at the top of the ramp and at the front door to the building. The landing is required to meet specific ADA requirements to allow for sufficient maneuvering of a wheelchair.

The handicapped ramp being proposed will extend from the building 4.5 feet towards Mill Street resulting in a setback of 15 from the right-of-way. The deck extends towards mills street 7 feet 2 inches and the stairs another 8 feet 9 inches. As a result the new stairs will be 5 feet from the edge of the Mill Street right-of-way.

The handicapped ramp will require a 10 foot waiver of right-of-way setback and the stairs leading the deck will require a 20 foot waiver.

It should be noted that the cement steps and steel railings that currently exist and that are essentially right on the edge of right-of-way if not in the right-of-way will remain. Those steps lead to the existing stairs and the proposed new stairs. The point being that the cement steps and the railings are already close and aren't changing.

Article 7, section 7.10 is intended to allow the reduction of dimensional requirements in accordance with specific standards and is allowed for in 24 VSA. The primary intent of this provision is to provide relief to lots unduly burdened by zoning requirements adopted after the lots were created. Structures providing for disability accessibility are one of the main intended uses for waivers.

In this case the board has the authority by reviewing the conditional use criteria to issue a waiver if they not only find the project fits within the conditional use standards but also that the project falls into the definition of a structure providing for disability accessibility and that the lot is unduly burdened by zoning and other options are limited or none existent.

Below are the conditional use criterions. Note that most of the criterion will not apply in this case.

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

None

b. Educational facilities

None

c. Water, sewer, or other municipal utility systems

None

d. Recreational facilities

None

2. Conservation or other designated natural areas

No Impact

3. Solid waste disposal facilities

No Impact

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 immediate area where the church is located is residential. However, commercial uses are in close proximity. In reality being located in East Barre village the entire areas is mixed use. Because the church has existed for a long time and because it, in and of itself, is close to the road and the existing cement steps and railings are on the edge of the road, the proposed ramp and new stairs will not change the look greatly and certainly not the character of the area.

5. Traffic on roads and highways in the vicinity;

The church is located at the intersection of Church Street and Mill Street which are both Town class 3 roads with speed limits of 25 MPH. Traffic is moderate on both roads. There is a low likelihood of the proposed project causing much if any additional danger to the travelling public.

6. Zoning bylaws and bylaws then in effect;

The Barre Town Zoning Bylaws, Article 7, section 7.10 allows waivers to be issued for handicap projects if the project can't meet dimensional standards and receives a conditional use permit.

7. Utilization of renewable energy resources.

Not applicable

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

Not applicable

9. The impact on neighboring uses;

With exiting condition already in place the addition of the handicapped ramp and the deck with stairs should have no impact of neighboring uses.

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

The land can support the use and the project.

(B) SPECIFIC REVIEW STANDARDS FOR CONDITIONAL USE APPROVAL

1. Minimum lot size;

The minimum lot is 1/3 acre. The actual lot size is .55 acres.

2. Distance from adjacent or nearby uses;

Close proximity.

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

Not applicable

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

Not applicable

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

Not applicable for this project

6. Loading/unloading facilities.

Not applicable

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

By reviewing the standards above it is hard to find that the handicapped ramp, deck, and stairs will be detrimental to the Town or the public in anyway. It is clear that the need for quality handicap accessibility exist for this public building. I believe the burden for a waiver to be issued has been met.

The following conditions are suggested:

1. The applicant will still have to obtain a building permit before construction can begin.
2. The applicant should contact a State of Vermont permit specialist at 802-476-0195 prior to construction to ensure any state permitting is being complied with.

ADDITIONAL COMMENTS:

CV gave a brief summary.

CV recommends approval.

Paul White – stated he doesn't have anything to add, but will answer any questions the Board has.

Sanborn confirmed that the only change is topography; White stated yes.

MOTION & RECOMMENDATION:

On a motion by Sanborn, seconded by Reaves, the Development Review Board voted to approve the request by the East Barre Congregational Church for a waiver of right-of-way setback allowing construction of a handicapped ramp. Said waiver is being requested in accordance with Barre Town Zoning Bylaw Article 7, section 7.10 as a structure providing for disability accessibility. Subject parcel is located at 2 Church St; Parcel ID 025/035.00; Zoned: High Density Residential; CUP-15000004; Approval subject to conditions 1 – 2.

DISCUSSION:

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

ROLL CALL:

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

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

**Alternate Development Review Board Members*

APPLICANT:

LYON

Request by Diane Lyon for conditional use approval to allow a multi-family dwelling (2-units) for property located at 4 Skylark Terrace (owned by Stephen & Patricia Perkins); Parcel ID 035/032.00; Zoned: High Density Residential; CUP-15000005

Consultant: None

Date: August 6, 2015

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

This is a warned public hearing for conditional use review for the purpose of reviewing a request for a two unit, multi family dwelling in a high density residential zone. High density residential zones allow two-family dwellings in accordance with the Barre Town Zoning Bylaws (Article 2, table 2.1) after conditional use review and approval.

The lot subject to this request is located off Skylark Terrace on .8 acres of land. The minimum lot size for this zone is 1/3 acre. The subject parcel is located in a primarily single-family residential section of town that is fairly densely developed however this parcel does enjoy some seclusion because it is set back from the road. This parcel is served by both municipal water and sewer.

The applicant is hoping to purchase this property and convert the downstairs into a second residential

unit.

Below are the standards used when considering a conditional use request in accordance with our Zoning Bylaw Article 5, Sec. 5.5. I have provided my findings after each criterion but if the board finds something different they should note such.

“No permit shall be issued by the Zoning Administrator for any use, structure, or development which requires a Conditional Use Permit in this bylaw until the DRB grants that approval. In considering its action, the DRB shall make findings on the general and specific standards contained herein, hold hearings and attach conditions as provided for in 24 V.S.A.117 §4414(3), §4460(4), and §4464.

The DRB shall determine that the proposed use, structure, or development conforms to the following general and specific standards, and shall not result in an undue adverse effect on any of the following”.

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, to include but not limited to:
 - 2) **Emergency services:** Two family dwelling, no impact
 - 3) **Educational facilities:** Two family dwelling, no impact
- 4) **Water, sewer, or other municipal utility systems:** Water and sewer is municipal. Both are capable of serving this property. One additional sewer unit will be required at a cost of \$1,500 for the permit plus the annual assessment.
- 5) **Recreational facilities:** No impact
- 6) **Conservation or other designated natural areas:** No impact
- 7) **Solid waste disposal facilities:** No impact
- 8) **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 addition of a one more unit to an existing single-family dwelling in the area should not have a significant impact on the character of the area.
- 9) **Traffic on roads and highways in the vicinity:** The proposed location is accessed by a class 3 paved town road. The addition of a second living unit should have minimal effect on traffic.
- 10) **Zoning bylaws and bylaws then in effect:** Article 2, table 2.1 allows multi-family dwellings after issuance of a CUP.
- 11) **Utilization of renewable energy resources:** No impact

12) The following standards are required by this bylaw

13) **Any required extension or capital expense to the present maintained highway system:**
None

14) **The impact on neighboring uses:** One additional living unit should not have a significant impact on neighboring uses. The existing neighboring uses are all residential.

15) **Intrinsic capability of the land and its surrounding areas to support the use:** No impact

This is a fairly straight-forward request especially being on municipal sewer and water. Adding the second unit will require parking for four vehicles which should not be a problem for this site.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

I recommend approval with the following conditions:

1. The applicant will have to acquire one additional sewer allocation.
2. Enough parking for four vehicles must be available at all times.
3. The applicant should contact a State of Vermont permit Specialist to determine whether any state permits are necessary. 802-476-0195
4. Dwelling to remain owner occupied.
5. This approval will run with the current landowner. When the dwelling is sold, the new landowners must return to the Development Review Board to continue use of the apartment.

ADDITIONAL COMMENTS:

CV gave a brief summary of his staff report.

John Ballard stated he's opposed, but if approved would like to see it owner occupied.

Diane Lyon stated she will be living there, along with her husband and daughter.

The Board added conditions 4 and 5.

MOTION & RECOMMENDATION:

On a motion by Sanborn, seconded by Reaves, the Development Review Board voted to approve the request by Diane Lyon for conditional use approval to allow a multi-family dwelling (2-units) for property located at 4 Skylark Terrace (owned by Stephen & Patricia Perkins); Parcel ID 035/032.00; Zoned: High Density Residential; CUP-15000005; Approval is subject to conditions 1 – 5.

DISCUSSION:

CONDITIONS Yes X No _____

MOTION BY: SANBORN
SECOND BY: REAVES

ROLL CALL:

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

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

**Alternate Development Review Board Members*

J. VARIANCES (WARNED PUBLIC HEARINGS)

K. FLOOD HAZARD REVIEW

L. APPEALS OF ZONING ADMINISTRATORS DECISIONS

M. OTHER

Discussion with James Henzel of the Phoenix House regarding recent amended Memorandum of Understanding allowing residents other than those from Washington County to reside at the South Barre Phoenix House.

DISCUSSION:

CV gave a summary of the original application for Phoenix House.

The Board felt that one of the selling points was that the Phoenix House would be serving the Washington County community. The new MOU expands the area away from Washington County.

Nicholson stated that if Lamoille County was on the table when approval happened, he feels this wouldn't have been approved.

Mr. Henzel from Phoenix House stated they did not intend to circumvent the process and didn't realize there might be a need to amend the CUP. He further stated that one reason they need to open up eligibility to Lamoille County residents is to fill the house. They must maintain a count of twenty in order to stay in operation, they could lose funding, which is why they requested to bring in Lamoille County. Department of Corrections handles Lamoille County as well as Washington County so it seemed like a logical step to take.

CV suggested that Downstreet apply to amend the existing conditional use approval.

N. FOLLOW-UPS

O. CORRESPONDENCE

STATE
TOWN
MISCELLANEOUS

P. ROUNDTABLE

Q. ADJOURN!

On a motion by Driscoll, seconded by Richards, the Development Review Board voted unanimously to adjourn the meeting of August 12, 2015 at 8:25 p.m.

Respectfully Submitted,

Heidi Bennett

Mark Nicholson, Chair

Cedric Sanborn

Mark Reaves

Jon Valsangiacomo

Jim Fecteau

Charlie Thygesen Sr.

Shaun Driscoll

Greg Richards

John Hamelin