

# BARRE TOWN PLANNING COMMISSION MINUTES

The Town of Barre Planning Commission held its regular meeting on **Wednesday, May 18, 2016** beginning at **7:00** p.m. at the **Municipal Building**, Lower Websterville, to consider the following:

## **Members Present:**

Cedric Sanborn	Charlie Thygesen
George Clain	Chris Violette
Claire Duke	

## **Members Absent:**

John Hameline	Debra Pierce
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## **Others Present:**

Regan Howard	Val Vallerand
Jenna Howard	Kathy Paquet
Charles LePage	Deborah LePage
Kathy Brouillette	

### 1) **CHANGES TO THE AGENDA**

### 2) **APPROVAL OF MINUTES:**

*On a motion by Clain, seconded by Duke, the Planning Commission voted to approve the minutes from April 20, 2016.*

### 3) **WARNED PUBLIC HEARINGS (7:05 p.m.)**

#### **1. Request by David Cambio for the allowed use determination to add an additional curb-cut for his property located at 44 Windywood Road; Parcel ID 035/054.00; Zoned: High Density Residential; AU-1600001**

This is a warned public hearing for the purpose of a multiple curb-cut request. The applicant is requesting a second curb-cut (driveway) to his parcel located on Windywood Road. The subject parcel is .7 acres in size with approximately 170' of road frontage along Windywood Road. Multiple curb-cut authorizations come from Planning Commission under the authority of Article 4, § 402 E. (2) of the Barre Town Subdivision Ordinance.

When reviewing multiple curb-cut requests the Planning Commission relies heavily on input from the Town Engineer with regard to these types of request. The Town Engineer has been designated by the Selectboard to review and control access to Town roads. The Town Engineer shall consider such things as; the functional class of the road; site distances; safety; width of the curb-cut; drainage; topography; and any other pertinent factors that a may apply.

Mr. Cambio is proposing the second curb-cut for what amounts to mostly an occasional use access to park a small bus that he owns and possibly a camper in the future. Mr. Cambio has spoken to Harry Hinrichsen (Town Engineer) regarding this request and Harry believes that adding the second access will not cause a safety concerns given it relatively restricted use.

**COMMENTS:**

CV provided a summary of this agenda item.

Cambio has a 12 passenger van that he uses to transport his family and would like to park it at the second driveway location.

Duke asked about the neighbors view if there's a camper; Cambio said that he's spoken to the neighbors and they stated they didn't have a problem with a camper because it would be behind their shed; Cambio also stated that he isn't getting a camper this year.

Clain asked the width of the driveway; Cambio stated it'll be about 12'

Clain asked about the tree and whether the overhang will be a problem; Cambio stated the tree isn't a problem.

*On a motion by Clain, seconded by Violette the Planning Commission voted to approve the request by David Cambio for the allowed use determination to add an additional curb-cut for his property located at 44 Windywood Road; Parcel ID 035/054.00; Zoned: High Density Residential; AU-1600001; Duke voted no.*

**2. Request by Charles & Deborah LePage for an allowed use determination for the proposed development of two single family dwellings (after approved subdivision) on property located off Farwell Street and located in an industrial zone; Parcel ID 009/005.00; Zoned: Industrial; AU-1600002**

This is a warned public hearing for the purpose of allowed use determination in accordance with Article 2, section 2.4 (C) whereas the applicant is proposing a use that is not specifically allowed in the zone the property is located in. The subject parcel of land is located in an industrial zone.

The applicants are proposing to subdivide two lots out of the 64 acres that they own along the East side of Farewell Street. I'm not aware of what the actual size of the new lots will be but the minimum lot size for an industrial zone is 2 acres when both onsite water and sewer is being used. The applicant will be proposing to use both of these new lots for residential purposes.

According to the chart of uses, Article 2, table 2.1 of the Barre Town Zoning Bylaw residential uses in an industrial zone are not allowed. Article 2, section 2.4 (C) provides the Town with an ability to review on a case by case basis uses that are not specifically permitted after review by the Planning Commission finds that the proposed use will not alter the characteristics of the area and will not cause an undue burden on the community.

In this case the two proposed residential uses will be located in an industrial zone that also is an active gravel pit. The Lepage gravel pit has been in operations for decades at this location. The applicants would like to take an area on the Northwest corner of the 64 acre parcel to create the two new lots and build two new homes.

The Planning Commission must use the criteria below to determine the following. I have provided brief comments of my own based on my understanding of the proposal and knowledge of the area.

The proposed use will not alter the characteristics of the area and will not cause an undue burden on the community.

1. **Emergency services:**

The addition of two new residential dwellings should not have a negative impact on emergency services. Emergency services have the ability to serve.

2. **Water, sewer, or other municipal utility systems:**

The new proposed residential dwellings will be using onsite water and sewer. No municipal utilities are available at this location. The site is a gravel pit so the site should be able to find onsite septic locations.

3. **The character of the area affected and the impact on neighboring uses 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 area subject to this request is in an industrial zone and the parcel as a whole has been used for many years for heavy industrial purposes. The applicant has stated that the area that they are hoping to develop for the residential uses is not suitable for continuation of the gravel pit. The gravel apparently is not ideal in this location.

The general character of the area is somewhat mixed because in addition to the gravel pit there are residential uses in close proximity as well as what was the former Knights of Columbus building which will soon be the Montessori School of Central Vermont.

Below is the purpose statement established in Article 2, section 2.2 of the Barre Town Zoning Bylaw:

*This district is designed to provide location for the establishment of industry, and to provide employment opportunities and a broadening of the tax base in Barre Town. Good roadway access and water and sewer services are major considerations. A variety of types of manufacturing and warehousing is permitted. Heavy industry requires a conditional use permit.*

Clearly the purpose statement does not consider residential uses in industrial zones. Also clearly adding two residential dwellings does not provide employment. It will however broaden the tax base in Barre Town if not further developed industrially.

The proposed residential uses likely will not have an impact on the surrounding uses that are residential or commercial (in the case of the school) but may on the industrial use. Residential and industrial uses don't always coexist real well.

4. **Traffic on roads and highways in the vicinity:**

Access to both of the proposed residential uses will be from Farwell Street, likely by using a common driveway. Farwell Street is a Town class 3 paved highway that is able to handle a fair amount of traffic and is also a truck route. The addition of two new homes will not have a negative impact on the surrounding roads.

5. **Zoning bylaws and bylaws then in effect:**

As mentioned several times the residential uses do not conform to Barre Town zoning unless approved as part of this process. If the Planning Commission finds that the character of the area is not affected and no burden on the Town is created and approves the request, the proposed uses will be compliant with Barre Town Bylaws.

6. **Minimum lot size:**

The minimum lot size for an industrial zone is 2.0 acres. The lot subject to this request is 64 acres and the two new lots will have to be a minimum of 2 acres.

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

Newly created lots are part of the subdivision process will be required to have sufficient parking based on the parking requirements of the Barre Town Zoning Bylaw. No issue with parking is anticipated this request.

The real question comes down to whether allowing the residential use in the industrial zone is out of character or creates a burden on the Town.

Because of the other residential uses in the area it is my opinion that these proposed residential uses will not be out of character with the area. The proposed residential uses in such close proximity to the gravel pit could be a bit out of character with that use. However it should be noted that there are other residential uses as close if not closer to the gravel pit than the proposed residential uses will be.

Having residential uses in such close proximity to an industrial use can ultimately cause issues with the industrial use if the residential uses complain or fight permit request. In this case the two proposed residential uses are planned to be used by family members of the gravel pit. This arrangement makes it a bit less likely that there will be conflict. However, having said that I'll say the same thing I always tell people, whatever the arrangement is now, it will change at some point. The houses will likely be owned by none family members in the future and family members don't always get along.

Having stated the above, it is important to note that we have no idea how long the gravel pit will continue as a gravel pit. The real question then would be will it be used for some other industrial use and still potentially create a conflict.

The second point that has to be resolved is will the creation of these two proposed residential uses cause an undue burden on the community. I think the only case that can be made about burdening the community might come in the form of eliminating potential sites for industrial development.

Barre Town has limited area for industrial development. Most of the industrial land is located in the Graniteville/Websterville area and either belongs to Rock of Ages or the Town. There is another gravel pit located in South Barre that is industrially zoned as well as a small area of Snowbridge Road also in South Barre.

Barre Town has focused most of its industrial development in the Wilson Industrial Park or on some of Rock of Ages land. Both of those areas are served by municipal services which is certainly preferred for that type of development. The purpose statement supports access to municipal water and sewer as well. Over the last 10 or 15 years zoning has eliminated areas of industrial zones that did not have access to municipal services.

It is my own opinion given the location of the proposed residential uses and the fact that Barre Town hasn't generally supported industrial development outside the sewer service territory; I do not think the residential uses will be a burden to the Town. I also don't think that the character of the area will be harmed. In fact the houses between the gravel pit and the Montessori School may create a nice buffer and adding two new houses to the grand list will help as well. I do however have a concern about what adding the residential so close to the gravel pit could have for ramifications down the road but to some degree that is the owner's issue.

I recommend approval of this request.

**COMMENTS:**

CV provided a summary of this agenda item.

Charles LePage explained that mining the gravel pit has just about concluded and the land where they want to put the houses won't ever be mined.

Sanborn asked how much land there is for the houses; LePage stated approximately twenty acres.

Duke asked where the houses would be if she's looking at the Montessori school; LePage stated other side of the pine woods and off to the left.

Duke asked if the lots would their own wells and septic's; LePage stated yes.

Duke asked if the lots would have a shared curb-cut; LePage stated yes.

Thygesen is in favor.

CV believes it's the best use of the land.

*On a motion by Violette, seconded by Thygesen, the Planning Commission voted to approve the request by Charles & Deborah LePage for an allowed use determination for the proposed development of two single family dwellings (after approved subdivision) on property located off Farwell Street and located in an industrial zone stating the development will not alter the character of the neighbor; Parcel ID 009/005.00; Zoned: Industrial; AU-1600002; All in favor.*

4) **TOWN PLAN AMENDMENT(S):**

Last month the PC held a public hearing regarding proposed changes to the energy section of the Town Plan. Prior to the hearing, we had received a letter from the Central Vermont Regional Planning Commission stating the while our proposed amendments were still consistent with state law pertaining to Town Plans, they thought we might want to review the guidance provided by Commerce and Community Development (CCD).

Cedric took a good look at the CCD guidance and made numerous changes to the public hearing draft copy. As a result, the draft discussed at the public hearing was essentially reopened for more discussion and further amendments. Cedric suggested that everybody submit comments or propose more language amendments if so desired.

I did receive a few suggested changes from George and they are included in your packets. Cedric has also made further changes that essentially wipe out what he had done previously. Those suggestions are also enclosed in the packet. Cedric's edits are in all caps.

Additionally, Cedric has reviewed the Public Service Boards Bennington decision in which the PSB denied a solar farm there. Based on reading the PSB's decision I believe Cedric is ready make additional revisions. I expect to have those to hand out at the meeting.

*Discussion about how to proceed with the changes took place and will resume next month.*

5) **OTHER:**

6) **CORRESPONDENCE:**

7) **ADJOURN!**

*On a motion by Duke, seconded by Violette, the Planning Commission voted unanimously to adjourn the meeting of May 18, 2016 at 8:50 p.m.*

Respectfully Submitted,

Heidi Bennett

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Cedric Sanborn, Chair

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John Hameline

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Charlie Thygesen Sr.

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George Clain

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Chris Violette

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Claire Duke

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Debra Pierce