

# BARRE TOWN PLANNING COMMISSION MINUTES

The Town of Barre Planning Commission held its regular meeting and a public hearing on **Wednesday, April 15, 2015** beginning at **7:00 p.m.** at the **Municipal Building**, Lower Websterville, to consider the following:

## **Members Present:**

Cedric Sanborn                      Charlie Thygesen  
George Clain                        Claire Duke

## **Members Absent:**

Chris Violette                      John Hameline                      Ken Yearman

## **Others Present:**

Jeff Blow

## **Staff Present:**

Heidi Bennett – Board Clerk

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

Sanborn added item four to the agenda – email from Carl Rogers regarding the AT&T Cell tower that was approved in February, 2015.

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

*On a motion by Clain, seconded by Thygesen, the Planning Commission voted to approve the minutes from the February 18, 2015 meeting.*

*On a motion by Clain, seconded by Thygesen, the Planning Commission voted to approve the minutes from the March 18, 2015 meeting.*

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

## **AGENDA ITEM: ONE (1)**

Request by John Reilly for the allowed use determination to allow the construction of a single-family dwelling (28' x 52') with an attached deck (16' x 16') and garage (24' x 24') on open land in an office building retail zone for property located on Conti Circle; Parcel ID 006/008.22; Zoned: OBR; AU-15000002

Enclosures:                      Applicants narrative and site plan

Consultant:                        None

Date:                                April 10, 2015

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

This is a warned public hearing in accordance with Article 2, sec. 2.4 (C) of the Barre Town Zoning Bylaw whereas the applicant would like to use open land in an office building retail zone for a single-family residential dwelling. The lot subject to this request is owned by the applicant and is .44 acre in size.

The applicant is John Reilly. Mr. Reilly is seeking the allowed use determination to go from open land to residential because residential uses are not a permitted or conditional use in the office building retail zone. Approval of an allowed use determination would allow the issuance of a change of use permit.

Article 2, sec. 2.4 (C) of the Barre Town Zoning Bylaw allows, after public hearing, for the Planning Commission to approve specific uses not allowed in certain zones if it is determined that the proposed use will not alter the characteristics of the area and will not cause an undue burden on the community.

The following criteria are typically used to the commission make the above findings.

#### **1. Emergency services:**

Many uses are allowed in the office building zone but not residential. The addition of a single-family dwelling will not create any further burden on the community in this location compared to if it was built in a zone that allowed it. Furthermore the uses that are allowed by zoning which would be of a commercial nature would likely have a greater impact than the proposed residential use. The proposed uses should not over burden emergency services.

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

The subject property is served by municipal sewer and water. The proposed use will be required to get both a water and sewer permit obtaining allocation for both. One full sewer unit will be necessary for a single-family dwelling. Both Barre Town's water and sewer system are able to accommodate the proposed use.

**3. 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:**

Being located on Quarry Hill Road, the character of the area is mixed with residential and commercial. Within a 1000' radius of the project site there are numerous residential houses, an office building, a convenience store w/gas, a church, a body shop, and a used car dealer. The addition of another residential structure should not have a negative effect on the character of the area.

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

The subject parcel as noted is located on Quarry Hill Road, a town paved class 2 road and is a main route for many different types of traffic including truck traffic. The subject parcel has road frontage on both Quarry Hill Road and Conti Circle. The posted speed limit is 35 MPH on Quarry Hill and 25 MPH on Conti Circle.

The applicant has stated in his narrative that access to the site will be from Conti Circle which is what the Town would prefer as well.

The subject lot was created as part of the Conti Circle subdivision so it was anticipated traffic from this lot would impact Conti Circle and ultimately Quarry Hill Road. The residential use of this lot will have far less impact on either road than a commercial use would have. The residential use of this lot will have the same impact as all the other uses on Conti Circle which should be minimal.

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

Because the subject property falls within an office building retail zone, residential dwellings are not allowed by zoning. However, if approved through the allowed use determination process, the proposed uses would comply with the Zoning Bylaw in effect and allow for a change of use permit to be issued.

**6. The impact on neighboring uses:**

As discussed, the neighboring uses are mixed but already significantly residential. Adding an additional residential use to the area certainly won't negatively impact the other residential uses. The commercial uses nearby have existed harmoniously with the residential uses for many years, the proposed use should not change that.

**7. Minimum lot size:**

The minimum lot size for this zone is ½ acre. The subject lot size is .44 acre which is just under the minimum. This parcel is considered to be preexisting nonconforming because it was created as part of a subdivision prior to the Zoning Bylaw amendment of 2008. It was conforming at the time of creation. The dwelling along with any attachments and site improvements should remain well under the maximum % of lot coverage. The smallest lot size zoning allows residential uses on is currently 8,500sf and this lot is well above that.

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

Zoning will require two off street parking spaces and site development will have to keep that in mind. It is not anticipated that there will be a problem creating at least enough parking to full-fill the minimum standard.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

After reviewing all the criterion above not one shows any real concern that the proposed residential use would alter the characteristics of the area or cause an undue burden on the community. In 2012 an allowed use determination for a residential use was granted for the property abutting to the South. I really see no reason not to allow this one as well and recommend approval.

**DISCUSSION:**

The applicant was not present for the hearing; however the Board felt they could make a decision regarding this agenda item without their testimony.

Clain asked about having a house in a commercial zone stating his concern is that if the house is built it won't be commercial standards, such as a sprinkler system; it was explained that if the owner was to change the use from residential to commercial they would be required to obtain a change of use permit from the Town, but they'd also be subject to State permits.

Tygesen stated that the application meets the requirements of zoning and reminded the Board that they approved a similar situation in the same neighborhood.

**On a motion by Thygesen, seconded by Duke, the Planning Commission voted unanimously to approve the request by John Reilly for the allowed use determination to allow the construction of a single-family dwelling (28' x 52') with an attached deck (16' x 16') and garage (24' x 24') on open land in an office building retail zone for property located on Conti Circle; Parcel ID 006/008.22; Zoned: OBR; AU-15000002**

All in favor

**AGENDA ITEM: TWO (2)**

We recently received notice that parcels in the Wilson Industrial Park owned by Patrick Malone will be subject to an application to the Vermont Public Service Board for a net metered solar array. Enclosed you'll find the entire notice that the Town received. The Selectboard has talked about this notice briefly at one Selectboard meeting but is likely to again soon. They did mention the possibility of doing another joint Selectboard and Planning Commission information session but those details and possible dates have not been worked out. I hope to have more information regarding a possible joint meeting before we meet Wednesday night.

**DISCUSSION:**

Thygesen stated the industrial part was not made to have a non-occupied 4 acre of land used for something that isn't a benefit to the town or tax base.

Jeff Blow joined in and informed the Board that the Town of Barre is seeking to install solar panels in the Industrial Park and wants the Board to make an informed decision and chose the one that benefits the town.

The Board wants to know the % the Town will receive.

Sanborn stated the applicants need to meet lot coverage requirements set forth in zoning and that there are multiple pieces of land, not one contiguous lot.

**AGENDA ITEM: THREE (3)**

At the March Planning Commission meeting I provided three pages of items from the Town Plan that may be possible action items regarding zoning. I have included the list in this month's packets to make sure everybody has a copy of it. Cedric suggested last month that everybody review these and come up with a few that they'd like the Planning Commission to begin to review. I will also likely have a few others that are not part of the Town Plan. Some we've talked about such as the multiple dwellings on one lot and the expansion of the waiver provision.

**DISCUSSION:**

Sanborn asked that each member come to the May meeting with a list of things they want to start with.

**AGENDA ITEM: FOUR (4)**

Email from Carl Rogers from Kane Smith regarding the ATC Cell tower that was approved in February, 2015.

*In response to the Town's request that ATC provide secondary containment for 150% of the fuel for the emergency back-up generator, we investigated the standard containment of the 80 kW Generac generator proposed for the Facility (model SD080). The attached generator specifications indicate that the standard unit has secondary containment in the form of a double-walled tank (model UL 142). According to representatives at Generac, the entire containment area of the inner and outer tank is 380 gallons, 300 gallons of which is the useable fuel reservoir—i.e., the inner tank. The rupture basin (not including the inner tank) will hold roughly 80 gallons. In other words, the entire containment area of the Generac generator is designed to hold approximately 125% of the capacity of the useable, inner tank.*

*This design meets industry standards, including international building code (which is incorporated into the VT building code), and is used at hundreds of telecommunications facilities across the country. To meet the Town's*

*request for secondary containment of 150% fuel capacity, a custom-built generator would be required. I write to ask whether the Town Planning Commission or Selectboard would reconsider its request and allow the originally proposed 80 kW Generac generator.*

*As an alternative, ATC would consider replacing the diesel generator with a propane-fueled generator. This would eliminate the risk associated with a diesel fuel spill, but may or may not be preferred by the Town. Please let me know if the Town would support a change to a propane generator if the standard 80 kW Generac generator is not acceptable.*

Sanborn gave a recap of the meeting with ATC. The Planning Commission had asked that the generator and tanker fuel have 150% containment. The Planning Commission and Selectboard thought it was a good idea and the applicant didn't object. Once the applicant studied the specs they realized they'd need a different generator and stated that all storage tanks in use are double-walled storage tanks and you don't need a huge containment area. The applicant is asking that the condition be amended to allow for a double-walled containment tank.

Thygesen said the reason the Planning Commission asked for the 150% containment is to prevent ground pollution and contain any accidentally spillage. It isn't unreasonable for the Town to protect themselves from hazardous waste.

Jeff Blow stated that is a containment system in the generator but not at 150%. He stated that he backed off during the Selectboard meeting when it was pointed out that the Town has approximately five generators, some of them new, that don't have any containment. It's hard to ask an applicant to meet conditions when the Town isn't.

Clain stated two rights don't make a wrong and agrees with Thygesen. The Planning Commission is looking at something underneath the generator to contain the fluids. Clain stated we're talking about all the fluids in the generator, not just the fuel.

Clain and Thygesen stated are many other options to meet this requirement.

The Planning Commission considered the request to make the change requested and voted no, holding their previously stated position.

***On a motion by Clain, seconded by Thygesen, the Planning Commission voted to maintain their original request that the generator will have 150% containment, stating other options can be explored to meet this requirement.***

4) **OTHER:**

5) **CORRESPONDENTS:**

6) **ROUND TABLE:**

Sanborn informed the members that Ken Yearman has resigned.

7) **ADJOURN!**

***On a motion by Clain, seconded by Duke, the Planning Commission voted unanimously to adjourn the meeting of April 15, 2015 at 8:55 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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Ken Yearman

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Chris Violette

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Claire Duke

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George Clain