

## BARRE TOWN DEVELOPMENT REVIEW BOARD

### MINUTES FOR APRIL 8, 2015

The Barre Town Development Review Board held a public meeting & hearing on **Wednesday, April 8, 2015** at 7:00 p.m. at the Municipal Offices, Websterville, Vermont

#### **Members Present:**

Mark Nicholson, Chair    Mark Reaves  
Shaun Driscoll            Greg Richards  
John Hameline             Jon Valsangiacomo

#### **Members Absent:**

Cedric Sanborn            Charlie Tygesen

#### **Others Present:**

Greg Lord                  John Lyon  
Jan Prive

#### **Staff Present:**

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 - NONE**
- E. APPROVE MINUTES**

*On a motion by Driscoll, seconded by Reaves, the Development Review Board voted unanimously to approve the minutes from the march 11, 2015 meeting.*

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

**G. SUBDIVISION REVIEW**

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

**H. SITE PLAN REVIEW**



**Below are the review standards, and my comments, for site plan approval in accordance with Article 5, section 5.6 (F)**

**1. The proposed land development as it complies with or compliments the policies, regulations, standards, and goals of the Town's Zoning Bylaw and its most recently adopted Town Plan;**

The proposal complies with both the Town's Zoning Bylaw and the Town Plan as a commercial use in a highway commercial zone. The Town Plan supports the project in several ways including economic development and in improving aesthetics.

**2. The convenience and safety of vehicular movement within the site, and in relation to adjacent areas of vehicular movement. This includes consideration of access management in regards to entrances and exits for the subject site;**

The proposal significantly changes the current traffic pattern and movements within the site. A new entry and exit will be incorporated into the center of the property with traffic flow being directed one way both to the North around the parking lot and to the South around the existing building. Access management is improved with this proposal pending AOT permitting.

**3. The convenience and safety of pedestrian movement within the site, and in relation to adjacent areas of pedestrian movement. Also included for consideration is the relationship to any pedestrian access deemed necessary for adjacent properties and along public roads;**

Plans do not show any real accommodations for pedestrian traffic once on site. Pedestrians will share the parking lot however given the nature of the business I would expect conflict with pedestrians to be minimal.

**4. Storm water and drainage to insure adequate consideration of storm water runoff and drainage issues in order to minimize the impacts of any development project on the adjacent property, the environment, and the Town. The applicant shall bear the responsibility for obtaining and meeting any and all permitting requirements of the appropriate state agency. The Town Engineer shall review the storm water runoff and drainage plan and shall approve the site plan and sign off on the design before the project may be approved;**

Storm water will be managed pretty much the same as today which is mostly sheet flow across the parking lot to a grassed line swale and small retention area to the rear of the proposed parking area. The water will then flow to the Stevens Brans River. The existing section of the lot where the building is won't see any change; the storm water will flow to the rear into the river.

A State storm water permit won't be necessary because the lot where the parking lot is being proposed is already heavily development with building and parking lot.

**5. The protection of historic or natural environmental features on the property under review, as well as on the adjacent areas;**

There are no known historic features with regard to this site. This site has been used commercially for some time. Much of the land is filled land from years ago. There have been environmental concerns with regard to contaminants from the gasoline use. This site was on the States list of hazardous sites but the contamination has since been mitigated.

**6. The impact of new development on public utilities such as water and sewer infrastructure and on other users/consumers;**

Both the Wilkins Harley Davidson location and the former pet store location have existed for quite some time at this location. Both are or have been serviced by municipal sewer and water. Removal of the pet store building will reduce sewer allocation by at least one equivalent unit if not two. No other impact on public utilities is anticipated.

**7. Signage that meets or exceeds the criteria established in this Bylaw, Article 7, Sec. 7.5.**

No additional signage is being proposed. The existing pole mounted sign will be relocated to the new entrance about midway along the road frontage.

**8. The utilization of renewable energy resources;**

Plans do not indicate that any renewable energy resources are being proposed.

**9. Landscaping and/or screening to assist in mitigating undue impact of the proposed land development upon neighboring landowners;**

The newly submitted plans for this public hearing include a landscaping plan. The plan shows considerable green space both in the front and the rear of both sections of the site. Eight Freeman Maple trees are shown outlining the proposed parking area, a split rail fence will line the road frontage with mulched beds along it. The relocated sign will be rise from a mulch bed as well.

**10. The adequacy of parking as well as loading and unloading facilities including their impact on surrounding traffic patterns, in accordance with the provisions established in Article 3, Sec. 3.6 of this bylaw.**

Plans show an extensive new parking lot being created. The addition to the building will impact several parking spaces but many are added to the North. The plans show 92 parking spaces being provided which is what is required based on the overall building sf. The parking lot will be paved and lighted with 6 pole mounted LED downcast lights.

No new loading or unloading areas are indicated on the plans.

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In the end, two existing commercial properties are turned into one. So while losing the commercial property may be a negative, another is improving and the site plan shows a considerable enhancement to the aesthetics in this area of Town. The new landscaped parking area and green space that is likely to be created should be a plus.

The plans do not show any site management for erosion and sediment control during construction. Overall the impact should be minimal anyway.

I think the new site plans answer most questions that have been raised and should be adequate for final approval.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

I recommend approval of this request with consideration to the proposed conditions below.

1. The site plan by DuBois & King, Inc. dated March 31, 2015 for project # 422806P and as approved and or amended by condition of approval shall be incorporated into this approval and shall be followed unless proposed changes are first reviewed by town staff and if determined to be insignificant approved by staff.
2. All required state permitting shall be obtained including access, wastewater, fire prevention and any other pertinent outside agency permits as may be required. If any state permit or others required cannot be obtained or met, this approval will be declared null and void.
3. All local permits including a building permit from the Town of Barre shall be obtained before construction begins.
4. The Town Engineer should review the sewer allocation to determine whether the current allocation is accurate based on the expanded use and the removal of a building that had allocation assigned to it.
5. Best management practices shall be followed with regard to sediment and erosion control with such measures being monitored regularly to ensure that they are providing as indented and adequate control. Said sediment and erosion control measure shall be removed once vegetation has been established and the need for them has abated.
6. Landscaping shall not interfere with triangular line of sight for traffic exiting the site.

**ADDITIONAL COMMENTS:**

Valsangiacomo recused due to potential conflict.

Greg Lord provided a brief recap of the site plan, as well as the landscaping plan – pointing out the different type of vegetation that will be planted.

Lord indicated that all the necessary parking spots are depicted on the map and in accordance with the Zoning Bylaw.

Lord stated they've added curbing to protect the building.

Hameline inquired about the square footage difference; Lord stated it's due to a 3 hour fire wall that they're required to have.

**MOTION & RECOMMENDATION:**

*On a motion by Driscoll, seconded by Reaves, the Development Review Board voted to approve the request by Wilkins Enterprises, Inc. for major site plan review for the proposed construction of a 6240 sf (52' x 120') addition to an existing commercial building, with parking lot expansion, drainage and landscaping on property located at 663 South Barre Rd; Parcel ID 026/005.00; Zoned: Highway*

*Commercial; SP-1500001. Approval is subject to conditions 1 – 6.*

**DISCUSSION:**

CONDITIONS Yes X No \_\_\_\_\_  
MOTION BY: DRISCOLL  
SECOND BY: REAVES

**ROLL CALL:**

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

*\*Alternate Development Review Board Members*

3) CONCEPTUAL REVIEW

I. CONDITIONAL USE REVIEW (WARNED PUBLIC HEARINGS)

J. VARIANCES (WARNED PUBLIC HEARINGS)

**APPLICANT: PRIVE**

**Request by Stephen & Jan Prive for a 1' side yard setback (left) for proposed roof expansion (3' x 6'), 3' side yard setback (right) for the proposed construction of a 3' x 6' addition on existing front porch and installation of a 6' x 24' concrete pad under porch for property located at 162 Websterville Rd; Parcel ID 028/004.00; Zoned: VHDR; V-1500001**

Consultant: None

Date: April 3, 2015

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

This is a warned public hearing for the a variance in accordance with Barre Town Zoning Bylaw Article 7, section 7.9 whereas the applicant is proposing a project that does not comply with a dimensional standard found in Article 2, table 2.2. The subject parcel is .12 acre in size and is located in a very high density residential zone. The area is mostly high density residential development.

The applicant is hoping to construct a small addition to the front of their house on one side and extend the existing roof over the entry area on the other. The addition will provide a little more living area inside the house (to be used as a closet) and the roof over the entry stairs will prevent ice and snow from building up on them.

The applicant's lot is very small at around 4,500sf. The minimum lot size now in a very high density

zone is 8,500sf. This lot was created before zoning was enacted in Barre Town so it is considered to be a preexisting nonconforming lot. In other words, the lot is grandfathered with regard to dimensional minimum standards. The lot is also narrow with only 50 feet of road frontage but is 130 feet deep on one side but only 85 feet on the other. Behind the house is a detached garage so that between the house and the garage most of the lot is developed.

Very high density residential zoning requires a 10 foot setback to side property lines. In this case, the proposed construction of the addition is only able to be 7.5 feet from the right side line and the roof extension 9.5 feet from the left side line. Those setbacks mean the applicants are seeking variances of 3 feet and 1 foot respectively. Neither project will be extending beyond the original buildings.

While not exactly addressing the specifics about the lot and how it relates to the criterion, the applicants have provided responses to the five questions and answered all of them in the affirmative. Those responses are attached. I have provided short comments regarding my knowledge of the land and how it relates to the criterion.

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?

**In my opinion the lot is definitely not only small but it does have an odd configuration especially being on a corner.**

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?

**The two small projects cannot be constructed within the confines of the zoning requirements. The applicants feel that it is a reasonable use of their property to add a small addition that will not be any closer to the neighbors land than their house is now. Same is true for the roof addition.**

3. Is it true that no unnecessary hardship was created by the applicant?

**The applicants desire a little more space inside the house and a roof over their stairs. They did not construct the house they purchased it. They had no control over the size or shape of the lot as well as house placement.**

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?

**If granted, variances will not alter the character of the area. Everybody in this general vicinity has needed a variance at one time or another.**

5. Is it true the variance represents the minimum deviation from regulation and plan to provide relief?

**I think based on the overall small size of these two projects and because the additions are not protruding beyond the existing house that the variance does represent a minimal deviation**

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

As I mention above, others in this same area have been forced to rely on variances because of the configuration of their lots. This includes the neighbor to the right just a couple of years ago. I believe the nature of the request is a minimal deviation and should ultimately receive approval from the DRB.

**ADDITIONAL COMMENTS:**

Jan Prive informed the Board as to why she needs a variance, to extend some living space and make sure the stairs are covered from the elements.

The Board had no questions for Prive.

Nicholson asked Prive the Five Criteria for Variance questions:

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?

*Yes*

2. Are there physical circumstances or conditions that prevent conformity to zoning regulations; And, a variance is necessary to enable "reasonable use" of the property?

*Yes*

3. Is it true that no unnecessary hardship was created by the applicant?

*Yes*

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?

*Yes*

5. Is it true the variance represents the minimum deviation from regulation and plan to provide relief?

*Yes*

**MOTION & RECOMMENDATION:**

***On a motion by Reaves, seconded by Driscoll, the Development Review Board voted to approve the request by Stephen & Jan Prive for a 1' side yard setback (left) for proposed roof expansion (3' x 6'), 3'***

*side yard setback (right) for the proposed construction of a 3' x 6' addition on existing front porch and installation of a 6' x 24' concrete pad under porch for property located at 162 Websterville Rd; Parcel ID 028/004.00; Zoned: VHDR; V-15000001*

**DISCUSSION:**

CONDITIONS Yes \_\_\_\_\_ No \_\_\_\_\_  
MOTION BY: REAVES  
SECOND BY: DRISCOLL

**ROLL CALL:**

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

*\*Alternate Development Review Board Members*

**K. FLOOD HAZARD REVIEW**

**L. APPEALS OF ZONING ADMINISTRATORS DECISIONS**

**M. OTHER**

**N. FOLLOW-UPS**

**O. CORRESPONDENCE**

STATE  
TOWN  
MISCELLANEOUS

**P. ROUNDTABLE**

**Q. ADJOURN!**

*On a motion by Reaves, seconded by Valsangiacomo, the Development Review Board voted unanimously to adjourn the meeting of April 8, 2015 at 7:26 p.m.*

Respectfully Submitted,

Heidi Bennett

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Mark Nicholson, Chair

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Cedric Sanborn

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Charlie Thygesen Sr.

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Mark Reaves

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Shaun Driscoll

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Jon Valsangiacomo

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Greg Richards

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Jim Fecteau

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John Hamelin

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