

BARRE TOWN DEVELOPMENT REVIEW BOARD

MINUTES FOR MAY 13, 2015

The Barre Town Development Review Board held a public meeting & hearing on **Wednesday, May 13, 2015** at 7:00 p.m. at the Municipal Offices, Websterville, Vermont

Members Present:

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

Members Absent:

None

Others Present:

Mark Groleau	Bonnie Batchelder
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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 - NONE
- E. APPROVE MINUTES

On a motion by Reaves, seconded by Valsangiacomo, the Development Review Board voted to approve the minutes from April 8, 2015.

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

APPLICANT:

BOOTH / BENOIT BLA

Request by Gordon Booth Living Trust & John and Pam Benoit for a boundary line adjustment on properties located off Airport Rd; Parcel ID's 005/109.00 & 005/109.04; Zoned: LDR; P-15000004 / 05

Consultant: American Consulting

Date: May 8, 2015

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

This is a warned public hearing for the purpose of a boundary line adjustment (BLA) between abutting property owners. The subject parcel is located off Airport Road near the Berlin Town line. The zoning in this area is low density residential which requires a minimum lot size of 2.0 acres and 200' of road frontage. The area is residential and agricultural.

This application for a BLA follows a subdivision approval back in October that created the Benoit lot of 48.0 acres. The Booth lot is currently 242.49. This request will move the Benoit/Booth Eastern boundary line further to the East and add another 17.9 acres to the Benoit lot. Road frontage increases by 339' as well. Both lots will be conforming to zoning with regard to size and road frontage. No structures or anything else is impacted by the BLA.

The land involved in the BLA will have to be conveyed and merged with the land of Benoit.

The plan is mostly acceptable although I have a couple of concerns with the land sizes that are shown. First, the intermediate locus maps shows the Booth lot being 241 acres; we show it being 242.49 acres. Second, I'd like to see the size of the two parcels on the map after the BLA. I know this sometimes is difficult for surveyors to do this if they didn't survey the rest of the land involved.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

I recommend final approval of this request with the following conditions.

1. The 17.9 acres from Booth to Benoit must be clearly merged by deed with the Benoit property.
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 approval unless a request to extend is made and approved by staff.
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:

Jon Valsangiacomo recused.

Mark Nicholson informed the Board that he has a personal relationship with one of the applicants, but felt he could be unbiased.

Charlie Thygesen recused.

CV gave a brief recap of the previous subdivision and the change this item is making.

MOTION & RECOMMENDATION:

On a motion by Sanborn, seconded by Richards, the Development Review Board voted to approve the request by Gordon Booth Living Trust & John and Pam Benoit for a boundary line adjustment on properties located off Airport Rd; Parcel ID's 005/109.00 & 005/109.04; Zoned: LDR; P-15000004 / 05; Approval is subject to conditions 1 – 6.

DISCUSSION:

CONDITIONS Yes X No
MOTION BY: SANBORN
SECOND BY: RICHARDS

ROLL CALL:

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

**Alternate Development Review Board Members*

3) CONCEPTUAL REVIEW

Bonnie Batchelder to discuss subdividing her land on Highland Crofts into two lots where her lot is just shy of the minimum required to have two lots. Parcel ID: 017/026.05

The consensus of the Board is that they're unwilling to make an exception and would prefer the landowner subdivide per the regulations in place. The Board suggested a small piece of land be obtained from the abutter to make this happen.

H. SITE PLAN REVIEW

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

I. CONDITIONAL USE REVIEW (WARNED PUBLIC HEARINGS)

J. VARIANCES (WARNED PUBLIC HEARINGS)

APPLICANT: **GROLEAU CONSTRUCTION**

Request by Mark Groleau of Groleau Construction for a 10' side yard & 10' rear yard setback variance for the proposed construction of a 24' x 50' office building on property located at 221 Farwell Street; Parcel ID 009/006.00; Zoned: IND; V-1500002

Consultant: None

Date: May 8, 2015

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

This is a warned public hearing for the purpose of reviewing a variance request for the purpose of new construction. The subject parcel is located on Farwell Street just below the Farwell/Pine Hill/Nichols Road intersection. The zoning of this parcel is industrial. The surrounding area is a mix of residential and industrial uses. The parcel is .29 acres in size with direct road frontage on Farwell Street.

The applicant currently uses this property as a storage facility for his construction business. This use has occupied this location for many years. The applicant's offices are located in Barre City. The applicant is hoping to improve this property by constructing a new building.

As you can see by the enclosed map the property is small and is already covered by a few buildings. The applicant is hoping to construct a 24' x 50' building and move his offices up to this location. Because the lot is small, meeting both rear and side yard setback is not possible. Industrial zoning requires a 25' setback to property lines. The proposed new building will be 16.5' from the rear property line and 15' from the side property line. Those setbacks necessitate the applicant to seek a 10' variances for both lines. The rear appears to only need a variance of 8.5' but 10' is being requested.

The applicant has submitted responses to the variance criterion which are enclosed.

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?

The applicant states that the lot is very small with existing buildings and a hardship is created because of the size. There is no doubt the lot is small for the use.

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?

Again the applicant refers to the fact the lot is small as to a physical circumstance preventing conformity and believes being allowed to construct a new building and consolidate his business to one property is a reasonable use of the property. It's a bit hard to argue against this because having locations in two separate places likely makes it difficult to run the business. The applicant could likely build the new building without the need for a variance but states doing so would impede access to the existing storage buildings.

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

The applicant states that the property and the buildings on the property go back to the 1970's before his ownership. This is an accurate statement but I suppose equally accurate is that he purchased the property knowing the limitations.

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?

The applicant states that his proposal will not alter the character of the neighborhood because of the surrounding uses, mainly the gravel pit directly behind his land. He also states that it won't impair the use of adjacent land. I would agree with the applicant with regard to the character of the neighborhood. First, the use is already essentially there and certainly isn't any more intrusive than the gravel pit. It might be argued constructing the new building may make the property look better.

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

The applicant believes this is the minimum deviation to do what he would like to do.

SUMMARY OF RECOMMENDATIONS & CONDITIONS:

Variations are always tough. There is no doubt that the lot is small. Building a new building for the applicant makes sense to consolidate. Other than maybe a little more activity around the property on a regular basis, very little else will change with regard to how the property is being used today and will likely continue to be used in the future. The applicant is seeking the 25' x 50' building because he feels that is the size he needs to run his business. Could it be smaller meaning less of a variance? I think that should be explored. Was the hardship created by the applicant? I guess that should be explored further as well. Overall the project really isn't a bad project; it might actually be good for the Town in a few ways. I'll hold on a recommendation until the hearing.

ADDITIONAL COMMENTS:

Groleau found out that he can't have an office building on this site because the lot doesn't have water or sewer and is unable to have a well or septic system.

Groleau would like to at least request the right side yard setback so he can construct a new storage

building.

Nicholson suggested a continuance.

Sanborn stated that the building wouldn't be any closer; doesn't have an issue.

Groleau stated that he didn't create the hardship when it was purchased the property; it's been this size since he was a kid.

Nicholson asked M. Groleau the Five Criteria questions:

1. There are unique physical circumstances or conditions that prevent conformity.

Yes

2. That because conformance cannot be adhered to due to A above, the variance is necessary to enable reasonable use of the property.

Yes

3. The unnecessary hardship was not created by the appellant.

Yes

4. The variance will not alter the essential character of the neighborhood where the property is located.

Yes

5. The variance will represent the minimum variance that will afford relief.

Yes

Thygesen asked if the carport was taken down, would that be enough for a septic system; due to lot size, Groleau is unable to have public or private utilities.

MOTION & RECOMMENDATION:

On a motion by Sanborn, seconded by Reaves, the Development Review Board voted to approve the Request by Mark Groleau of Groleau Construction for a 10' right side yard setback variance for the proposed construction of a building on property located at 221 Farwell Street; Parcel ID 009/006.00; Zoned: IND; V-15000002

DISCUSSION:

CONDITIONS Yes ___ No X

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*

K. FLOOD HAZARD REVIEW

L. APPEALS OF ZONING ADMINISTRATORS DECISIONS

M. OTHER

N. FOLLOW-UPS

O. CORRESPONDENCE

STATE
TOWN
MISCELLANEOUS

P. ROUNDTABLE

Q. ADJOURN!

Respectfully Submitted,

Heidi Bennett

Mark Nicholson, Chair

Cedric Sanborn

Mark Reaves

Jon Valsangiacomo

Jim Fecteau

Charlie Thygesen Sr.

Shaun Driscoll

Greg Richards

John Hamelin

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