

# BARRE TOWN DEVELOPMENT REVIEW BOARD

## MINUTES FOR JUNE 10, 2015

The Barre Town Development Review Board held a public meeting & hearing on Wednesday, June 10, 2015 at 7:00 p.m. at the Municipal Offices, Websterville, Vermont

### **Members Present:**

Mark Nicholson, Chair  
Mark Reaves  
Jon Valsangiacomo

Cedric Sanborn  
Charlie Thygesen

### **Members Absent:**

Shaun Driscoll

Greg Richards

### **Others Present:**

Don & Lynn Commo  
Steve & Cathleen Brouillette  
Joe Viens  
Laurie Brown  
Mike Bailey  
Denise Oulette

Kody Lyon  
Will & Cathy Swift  
Tom Isabelle  
Debbie Ziter  
Larry Lessard

### **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 Sanborn, Reaves, the Development Review Board voted unanimously to approve the minutes from May 13, 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

- 1) PRELIMINARY REVIEW
- 2) WARNED PUBLIC HEARINGS

**APPLICANT:                    **JOHNSON PAVING****

**Request by Joe Viens of Johnson Paving for minor site plan approval to allow a contractor's yard at 59 Bridge Street (Isabelle Electric), property owned by Thomas Isabelle; Parcel ID 030/020.00; SP-15000002**

Consultant:     None

Date:            June 4, 2015

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

This is a warned public hearing for the purpose of minor site plan review. The applicant is before the board this month to propose the conversion of a previous commercial parcel into a contractor's yard. The subject parcel is located in a highway commercial zone on Bridge Street. The parcel is 1.1 acre in size with municipal sewer and onsite water.

The applicant is perusing the purchase of the former Isabelle Electric building to move his paving business to this location. The use of this parcel by a paving contractor is allowed by zoning under article 4, section 4.6 contractor's yard and requires site plan review. A contractor's yard is defined as follows:

A contractor's yard is defined as the yard of any contractor where equipment and materials are stored or where a contractor performs shop or assembly work. It does not include any other yard or establishment otherwise defined or classified in this Bylaw nor does it include the storage of materials at the site of an allowed home-based industry as defined in Article 4, Sec. 4.12 of this Bylaw.

A contractor is hereby as any person, firm, association, syndicate, partnership, or corporation engaged in the business of accepting orders or contracts, either as a contractor or subcontractor, for construction of residential dwellings, commercial or industrial structures and/or infrastructure including, but not limited to other structures, roads, driveways water and sewer service.

A contractor's yard is an area of any size needed for the storage of equipment or materials essential to the operation of a contractor. Any proposed changes to an existing contractor's yard, or the creation of a new contractor's yard, is subject to site plan review and approval by the DRB as outlined in Article, Sec. 5.6 of this Bylaw. Pursuant to the site plan review process,

the DRB may attach any conditions in deems necessary to the approval of a permit, such as adequate screening or fencing.

A contractor's yard is a permitted use in the Industrial, Highway Commercial, Office Building Retail, and Earth Resource Extraction zones, and a conditional use in East Barre Commercial.

Bridge Street is a Town class 3 road and is a truck route to the subject property coming from Morrison Road. Currently Bridge Street from Rt. 14 to the subject parcel/Reynolds and Sons is not a truck route because of the tricky intersection at Bridge and Rt. 14. The bridge was a limiting factor as well but isn't anymore because of the recent new bridge installation. The Rt. 14/Bridge Street intersection is scheduled for reconstruction in 2017. Once the intersection has been improved it is likely that the entire length of Bridge Street will be a truck route. For now, any vehicles the applicant has that exceeds the posted weight limit of lower Bridge Street will have to go up the hill towards Morrison Road.

The applicant is proposing to alter the existing building by adding 2 overhead doors to the front, filling in the sloped entrance to the existing loading dock and making that overhead door larger, making another existing overhead door on the side of the building larger, and adding a personnel door. Additional alterations are noted below. The entire existing paved area would be resurfaced. Interior alterations will also be done. Operating hours will be 7am-4pm Monday – Friday.

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;**

As noted under article 4, section 4.6 of the Barre Town Zoning Bylaw, the proposed development of this parcel will be compliant with said bylaw upon approval an issuance of a site plan permit. Furthermore, this parcel was just rezoned to allow commercial uses approved by both the Planning Commission and the Selectboard. Lastly, the Barre Town Municipal plan promotes economic development in commercial areas especially where served by municipal sewer.

**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 project site has a shared entrance with Reynolds and Sons. The site is pretty much wide open both in front of the building and to the right side. The applicant intends to remove existing grass area in front of the building to accommodate new overhead doors. Additionally, grass will be removed towards the road for customer and employee parking. In the end not only does the traveled area remain open but will be increased without obstruction. Vehicular movement should not create a safety concern.

**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;**

Pedestrian movement will be limited to employees and customers. Because of the nature of the business, it isn't anticipated that there will be significant amounts of either. It appears as though customer parking will be segregated away from the areas where the equipment will be moving in and out. Pedestrian traffic to any nearby properties is likely to be minimal. As proposed the safety of the pedestrian movement appears to be acceptable from a safety standpoint.

**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;**

The applicant is proposing making changes to the current impervious surfaces previously mentioned. The removal of the grass areas in front of the building and near the road will increase runoff. Due to the size of the disturbance a state general construction permit will not be necessary. Also due to the rather small size of the area being turned into pavement (likely less than 4,000sf) additional storm water runoff will be minimal. All the storm water from this site appears to mostly flow to the rear where there is a drainage swale and a brook.

The concern I would have is where the new parking is created for the customers and employees that the drainage not impact Bridge Street or Reynolds and Sons and storm water should be made to flow to the rear of the property.

**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 or natural environmental features on the property.

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

The only public infrastructure as it relates to water and sewer is municipal sewer. Potable water is onsite. The property is currently assessed one sewer unit which is the equivalent of 300 gallons a day. The use of the property and building has been commercial for many years although more recently it has seen limited use. The predominate use in the past was commercial as a lighting supply business that had numerous employees and customers on a day to day basis. The applicant for the proposed use states that there will be 7 employees. I suspect that many of these employees will not be there all day based on the type of business. Many employees will arrive in the morning and leave for most of the day before returning. Customer use of water and/or rest rooms is likely to be minimal. As a result of the preceding factors, I suspect that the current single unit of sewer allocation will be sufficient.

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

The applicant states two signs will be installed. One sign will be facing Bridge Street and the other facing Reynolds and Sons. Both signs will have to be permitted based on the referenced section of Barre Town Zoning.

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

The applicant does not indicate any renewable energy resources will be used.

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

The applicant does not indicate that any landscaping is being proposed. Maybe a little landscaping along the road would help dress the site up a bit given its proximity to residential uses across the street.

The applicant does not provide information as to what outside storage of equipment or material might take place. This is probably something that should be discussed during the public hearing.

**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.**

The current building is approximately 9,320sf in size. Because this use is a cross between commercial and industrial the parking chart isn't really clear. Commercial use parking would require 47 parking spaces (1 spot for every 200sf of building space). Industrial parking would require 16 parking spaces (1.5 spots for every 1,000sf of building space plus 2). Clearly the 47 parking spaces is overkill. The Industrial standard even though there is customer traffic involved is far closer to what is likely needed. It is also important to note that most of this building will be storage so using the entire 9,320sf likely creates an inflated number of required parking.

The applicant isn't clear as to what he thinks the parking requirements should be. I suggest that be a topic of discussion during the public hearing. Lighting of the parking area is also not discussed but should be.

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The building proposed for this contractor's yard has been either vacant for several years or used for other less prominent roles. It seems as though this use might be a good fit. The overall traffic compared to the previous use will likely be less and most of the businesses operation is offsite. More detail as to what kind of noise, smells, or storage will be helpful. Clarification on parking is necessary as well as whether any landscaping is practical.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

Assuming that the items mentioned above end up being acceptable, I recommend approval of this site plan request for the purpose of creating a contractors yard. I recommend the conditions below be attached to an approval if granted.

1. Any alterations that affect storm water runoff shall not cause water to impact either the Town road or the neighboring property of Reynolds and Sons.
2. Must have seventeen parking spaces available. Striping is not required.

3. The applicant shall obtain a building permit for exterior alteration to the building before construction.
4. The applicant shall obtain sign permits before signs that advertise the use are erected.
5. 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.
6. Johnson Paving to work with the Fire Chief on installing a Knox Box.

**ADDITIONAL COMMENTS:**

CV provided a summary of this agenda item from his comments submitted for record.

CV informed the Development Review Board a recap on the recent zone change affecting this property.

CV would like to make sure that any changes to drainage are done so to protect the road.

CV suggested this use be considered industrial to help alleviate the number of parking spots needed.

Cathy Swift, 56 Bridge Street – asked if there will be material kept there; Joe Viens stated they don't stock pile materials. Workers will come in and work from 7 – 4 p.m. The office doesn't get a lot of traffic. The dump trucks will park on the back corner so they shouldn't be visible from the street.

Valsangiacomo asked about non-paving season; Viens stated they're shut down.

Valsangiacomo asked about installing solar panels; Viens stated he'd like to utilize the roof.

Sanborn stated that the lot is a transition lot between commercial and residential and has a lot of grass; Viens stated he's not removing any from the front, but plans to square up the green area for parking. 75% of the grass will be staying. Viens is also thinking about planting flowers. Viens is excited to finally have green space.

Sanborn asked about winter storage; Viens stated the way he sees it, everything should fit inside for the winter.

Viens stated he may illuminate one of the signs.

Valsangiacomo and Sanborn asked about parking; CV stated 17 should be enough. Viens stated he has 7 employees and some commute, 4-5 cars that stay all day long. Valsangiacomo asked about expansion; Viens said not that he sees.

**MOTION & RECOMMENDATION:**

***On a motion by Sanborn, seconded by Thygesen, the Development Review Board voted to approve the request by Joe Viens of Johnson Paving for minor site plan approval to allow a***

**contractor's yard at 59 Bridge Street (Isabelle Electric), property owned by Thomas Isabelle;  
Parcel ID 030/020.00; SP-15000002**

**DISCUSSION:**

CONDITIONS Yes X No \_\_\_  
MOTION BY: SANBORN  
SECOND BY: THYGESEN

**ROLL CALL:**

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

Jon Valsangiacomo YES  
Shaun Driscoll ABSENT  
Greg Richards ABSENT  
\*John Hameline \_\_\_

*\*Alternate Development Review Board Members*

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**

Consultant:    None

Date:            June 4, 2015

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

This is a warned public hearing for conditional use review for the purpose of 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.

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 acers. 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.

However, while municipal utilities are not at issue the onsite septic may be. The existing dwelling was permitted with a septic system for a three-bedroom house. The apartment adds one additional bedroom making a total of four bedrooms using the existing septic

system. The applicants are working on whether they can get an amended state waste water permit based on the approved design or whether they have to upgrade the system. I have not heard what the status of the septic system is at this point. Further clarification will be necessary.

- 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
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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 other similarly that have been approved. Assuming the septic system can be addressed satisfactorily I recommend approval with the following conditions:

- 1) Enough parking for four vehicles must be available at all times.
- 2) The applicant should contact a State of Vermont permit Specialist to determine whether any state permits are necessary. 802-476-0195

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

**ADDITIONAL COMMENTS:**

CV gave a summary of this agenda item, explaining that the Commo's bought the property under the impression everything was permitted. They're now in a situation where they have an apartment that the State will not permit.

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.

**MOTION & RECOMMENDATION:**

***On a motion by Sanborn, seconded by Reaves, the Development Review Board voted to continue the request by Don & Lynn Commo until July 8, 2015 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***

**DISCUSSION:**

CONDITIONS Yes\_\_\_ 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 ABSENT  
Greg Richards ABSENT  
\*John Hameline \_\_\_\_\_

*\*Alternate Development Review Board Members*

**APPLICANT:            **LYON****

**Request by Kody Lyon for conditional use approval to allow a multi-family dwelling for property located at 61 Barre View Street, owned by Kevin & Erica McNamara; Parcel ID 027/056.00; Zoned: High Density Residential; CUP-15000002**

Consultant:    None

Date: June 4, 2015

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

This is a warned public hearing for conditional use review for the purpose of permitting 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 Barre View Street on .93 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. 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
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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 must be owner occupied at all times.
5. This permit is limited to Kody Lyon and to be reviewed with a change of owner.
6. Second unit will be limited to one bedroom.

**ADDITIONAL COMMENTS:**

CV gave a brief summary of this agenda item, stating that this will be no more than two-units.

Charles Perry, 27 Green Mtn View St – that whole development was designed and built as single-family and wouldn't have moved there if it was multi-family. Asking that the request be denied.

Denise Ouellette, 47 Barre View St – wouldn't like to see this turned into a multi-family dwelling and feels that if this allowed it will change the character of the neighborhood.

CV stated that this can be conditioned as owner occupied, but it's not necessary.

Kody Lyon stated this won't be forever; the intent is to have a duplex for five to ten years.

CV stated that the Town of Barre encourages housing.

Valsangiacomo asked how it affects the neighborhood; CV said there's no way to tell.

Cathleen Brouillette, 31 Barre View St – moved to the neighborhood because it was single-family homes and would like to see it remain that way.

Mike Bailey, 83 Cherrywood Dr. – has concerns with drainage; CV stated nothing should change because the parking area is existing.

Thygesen stated that if the area was designed for single-family homes, it should stay that way. Would go along if it was limited to an accessory apartment.

CV reminded the Board that Zoning allows for this type of dwelling.

Lyon stated this property has been rented out for a year and intends to live there.

CV stated that owner occupied generally doesn't allow for someone who is going to be a problem.

Reaves doesn't see this as a character of the neighborhood issue, but doesn't want to ignore the neighbors that have been heard.

**MOTION & RECOMMENDATION:**

***On a motion by Reaves, seconded by Sanborn, the Development Review Board voted to approve the request by Kody Lyon for conditional use approval to allow a multi-family dwelling for property located at 61 Barre View Street, owned by Kevin & Erica McNamara; Parcel ID 027/056.00; Zoned: High Density Residential; CUP-15000002; Approval subject to conditions 1 – 6.***

**DISCUSSION:**

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

SECOND BY: SANBORN

**ROLL CALL:**

Mark Nicholson YES  
Charles Thygesen, Sr. NO  
Cedric Sanborn YES  
Mark Reaves YES  
\*Jim Fecteau \_\_\_\_\_

Jon Valsangiacomo YES  
Shaun Driscoll ABSENT  
Greg Richards ABSENT  
\*John Hameline \_\_\_\_\_

*\*Alternate Development Review Board Members*

**APPLICANT: TD PROPERTIES**

**Request by TD Properties for conditional use approval to allow an RV as a temporary residence on property located off Snowbridge Rd; Parcel ID 005/133.01; Zoned: LDR; CUP-15000003**

Consultant: None

Date: June 4, 2015

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

This is a warned public hearing for the purpose of allowing a self-contained camper to be parked on the applicant's property for the summer to be used as temporary residence. The subject property is located off Snowbridge Road in South Barre in a low density residential zone. The primary use in this area is residential except for some parts of Snowbridge Road back toward Rt. 14.

The applicants own 84 acers of land that for the most part is undeveloped. There is a pond on the property which is where the applicants would like to locate the camper. Article 4, section 4.4 of the Barre Town Zoning Bylaw allows campers to be used as temporary dwellings for up to 14 days without any permitting. That same section goes further in allowing a camper as a temporary dwelling if a conditional use permit is granted.

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:** Should be no impact, less than if a regular dwelling.

3) **Educational facilities:** Not a permanent residence, no impact.

3) **Water, sewer, or other municipal utility systems:** Municipal sewer and water are not available at the site so there is no impact.

While no impact on municipal services, there is a need to discuss waste water disposal. Having the applicant describe a plan for removal of waste water is critical and the main reason why this process is in zoning to begin with.

The applicant states that they plan to have the onboard waste water tank, I assume both black and gray water, pumped by Barre Septic. I say both black and gray water because gray water cannot be legally just dumped on the ground.

Applicants having a plan such as this have been accepted in the past, the problem is ensuring that it is occurring. In the past, proof of disposal has been mandated. Tracking whether the applicants show that proof is a bit of a hassle so this matter should be discussed further.

4) **Recreational facilities:** No impact

5) **Conservation or other designated natural areas:** No impact

6) **Solid waste disposal facilities:** No impact

7) **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 character of the area is residential for the most part. In this particular area there are only a few houses. The camper is located on a large parcel over 500 feet away from the nearest house. The location of the camper and the pond below it do not make it look out of character in my opinion.

8) **Traffic on roads and highways in the vicinity:** The proposed location is accessed by a class 3 paved town road. The addition of a seasonal camper will add little traffic. Additionally the applicants already use the property for other recreational purpose.

9) **Zoning bylaws and bylaws then in effect:** Article 4, section 4.4 allow the use if a CUP is granted.

10) **Utilization of renewable energy resources:** No impact

11) The following standards are required by this bylaw

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

13) **The impact on neighboring uses:** The camper placed on this lot and it being used for a seasonal recreational use should not have significant impact on neighboring uses assuming the waste water is dealt with properly. Dealing with the waste water properly is also in the best interest of the applicant as their property is kept very clean.

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

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I see no real issue with permitting the use of the camper for seasonal recreational purposes. Waste water disposal is the only real concern in my opinion so we'd have to make sure everybody is comfortable with that in the end.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

**ADDITIONAL COMMENTS:**

CV gave a summary of this agenda item.

CV stated that as long as the Board is comfortable with the septic/sewage removal – recommends approval.

**MOTION & RECOMMENDATION:**

*On a motion by Nicholson, seconded by Reaves, the Development Review Board voted to approve the request by TD Properties for conditional use approval to allow an RV as a temporary residence on property located off Snowbridge Rd; Parcel ID 005/133.01; Zoned: LDR; CUP-15000003*

**DISCUSSION:**

Thygesen asked about installing a containment tank; Ziter stated she's researching the process.

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

**ROLL CALL:**

Mark Nicholson YES  
Charles Thygesen, Sr. YES  
Cedric Sanborn YES  
Mark Reaves YES

Jon Valsangiacomo YES  
Shaun Driscoll ABSENT  
Greg Richards ABSENT

\*Jim Fecteau \_\_\_\_\_

\*John Hameline \_\_\_\_\_

*\*Alternate Development Review Board Members*

**J. VARIANCES (WARNED PUBLIC HEARINGS)**

**APPLICANT:           LESSARD**

**Request by Larry Lessard for a 10' side yard setback (right side) (15' variance) for the proposed construction of a 25' x 60' addition to existing commercial building on property located at 9 Don Camp Dr.; Parcel ID 026/025.00; Zoned: Highway Commercial; V-15000003**

Consultant:   None

Date:           June 4, 2015

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

This is a warned public hearing for the purpose of a variance request by the applicant for a proposed 25'x60' addition to the rear of his existing 1,980sf building. The subject parcel is located in a highway commercial zone which requires a 25 foot setback to side property lines. The parcel is .5 acre in size.

The applicant constructed the existing building in 2007. In 2007 commercial zoning only had a 10 foot setback to side property lines. The applicant purchased the lot and constructed the building using the setbacks in place at that time. As part of the 2008 zoning rewrite the side yard setback changed to 25 feet. The applicant had always planned on a an addition, as he is now proposing, if business warranted and constructed it in its current location assuming he'd be able to add the addition later. The change in zoning has complicated his plans thus a 15 foot variance request so that he can go back to the original setback of 10 feet to the right side property line.

The addition to the rear of the building will not go beyond the existing building on the right side. In other words, the addition will be flush with the existing building on the right side and share the same 10' setback.

Below are the variance criterion as stipulated by the State of Vermont 24 VSA § 4469 and the Barre Town Zoning Bylaw Article 7, section 7.9.

The applicant has submitted responses to the below criterion.

**A.                   Are there unique physical circumstances or conditions that prevent conformity.**

The applicant states that the lot is only 110 feet wide which means with 25 foot setbacks on either side only a 60 foot building envelope is available which is very restrictive.

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

The applicant purchased the lot and constructed the building believing that if necessary the building could be expanded. The change in zoning, increasing the setback has altered his reasonable use of the property and that the variance is necessary to provide relief.

**C. The unnecessary hardship was not created by the appellant.**

The applicant constructed the building in the location that he did believing, based on setbacks at the time, that he could expand so that he did not create the hardship.

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

The area around the applicants parcel is very mixed use. On one side the use is residential, the other, commercial. There is office space across the street and in close proximity a wide range of uses. The applicants business has existed harmoniously for 6 years with the other uses so it is doubtful that enlarging the existing building will alter the essential character of the neighborhood.

**E. The variance will represent the minimum variance that will afford relief.**

As was the applicants plan from the beginning for the addition, this variance request takes the setback to the pre 2008 setback of 10 feet in a commercial zone. Because the addition is now needed, the request is the minimum necessary to provide relief.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

Arguments can always be made as to the validity of the responses to the five criterions. Looking at the overall picture and how it transpired, the applicant is trying to better his business it would be hard to find that this is not a reasonable request for the applicant to use his property. It should be noted that the applicant also received a 15' left side variance in 2013 for an addition. The proposed 2013 addition has not been constructed and at this point the applicant is uncertain whether it will be or not.

**SUMMARY OF RECOMMENDATIONS & CONDITIONS:**

**ADDITIONAL COMMENTS:**

CV provided a brief summary of this agenda item.

Larry Lessard stated that he spoke with the neighbors and they have no objections.

Lessard answered the Five Criteria for Variance:

**1. Are there 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

**MOTION & RECOMMENDATION:**

*On a motion by Reaves, seconded by Sanborn, the Development Review Board voted to approve the request by Larry Lessard for a 10' side yard setback (right side) (15' variance) for the proposed construction of a 25' x 60' addition to existing commercial building on property located at 9 Don Camp Dr.; Parcel ID 026/025.00; Zoned: Highway Commercial; V-15000003*

**DISCUSSION:**

Valsangiacomo stated that he's not in favor of variances, but knows the applicant purchased the lot and constructed under one Bylaw and the Bylaw has since changed affecting his property.

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

**ROLL CALL:**

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

*\*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 Sanborn, seconded by Reaves, the Development Review Board voted unanimously to adjourn the meeting of June 10, 2015 at 8:45 p.m.*

Respectfully Submitted,

Heidi Bennett

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Mark Nicholson, Chair

\_\_\_\_\_  
Cedric Sanborn

\_\_\_\_\_  
Mark Reaves

\_\_\_\_\_  
Jon Valsangiacomo

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Jim Fecteau

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Charlie Thygesen Sr.

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Shaun Driscoll

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Greg Richards

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John Hamelin