



City of Barre, Vermont
Office of Planning, Permitting & Assessing
Services
6 N. Main Street, Suite 7
Barre, VT 05641
(802) 476-0245 ~ www.barrecity.org

BARRE CITY DEVELOPMENT REVIEW BOARD AGENDA
Regular Hearing held on Thursday, June 6, 2024 ~ 7:00 P.M.
City Hall Council Chambers

Hybrid Meeting (In-person and Virtual)

<https://us06web.zoom.us/j/84972830621?pwd=dzZCSnRZY3g4L1ZjOUVLYWsyYUwQT09>

Meeting ID: 849 7283 0621 ~ Passcode: 445631

Dial by your location: +1 929 205 6099 US (New York; long distance, charges may apply)

1. Call to Order 7:00 pm
2. Adjustments to the Agenda
3. Visitors and Communications
4. Old Business
 - Consideration of Minutes from May 2, 2024 Hearing
 - Consideration of Decision from May 2, 2024 Hearing
 - Consideration of DRB Operational Bylaws

5. New Business

Benjamin Perry, 135 Berlin Street. Seeks curb cut variance; R-4 Zoning District

6. Deliberative Session
7. Roundtable – as needed
8. Executive Session – as needed
9. Adjourn

Participation Note: Under Chapter 117 Title 24 of the Vermont State Statutes, *participation in these proceedings is a prerequisite to the right to make any subsequent appeal*. You will lose the right to appeal the final decision unless you participate in the process by offering, through oral or written testimony, evidence or a statement of concern related to the application being reviewed. Oral testimony must be given at the public hearing. Written testimony must be submitted prior to the close of the public hearing.

Development Review Board hearings are open to the public.
For questions about accessibility or to request accommodation, please call (802) 476-0245.

To be approved at the 6/06/2024 Hearing

**DEVELOPMENT REVIEW BOARD
MINUTES FOR THE REGULAR HEARING
THURSDAY, May 2, 2024
DRAFT**

A regular meeting of the Barre City Development Review Board was held in person and video conference. The hearing was called to order by Chair, Linda Shambo (Ward I) at 7:00 pm., noting quorum was met.

Present: Ward I members Linda Shambo and Chrysta Murray; Ward II members Vice-Chair Sarah Helman and Jayme Bauer; Ward III members Katrina Pelkey and Colin Doolittle; and At-Large members Kendall Schmidt.

Absent: At-Large Member Jessica Egerton; At-large Vacant Seat

Staff Present: Michelle La Barge-Burke, Permit Administrator

Public Present (from presentations and Sign-in Sheet): William Duprey, Reuben Stone & Mark Browning

1. Adjustments to Agenda: Sarah recommended to move Bylaws discussion down on the agenda between item # 6-7 in the interest of our applicants time. All agreed.

Linda emphasized to the Board members the need to communicate with the Board and Michelle about any absences. She requested that members raise their hands to make a motion or vote during the meeting.

2. Visitors and Communications: None

3. Old Business:

a. *Consideration of April 4, 2024 Minutes:*

Motion to approve the minutes was made by C. Murray and seconded by K. Schmidt, **motion carried unanimously 7-0-0.**

b. *Consideration of April 4, 2024 Decision:*

Motion to approve the decision for 188 N Main Street was made by S. Helman and seconded by K. Pelkey, **motion carried unanimously 7-0-0.**

4. New Business:

Motion made by S. Helman to enter into the first Hearing, seconded by J. Bauer. **Motion carried 7-0-0**

The hearing began at 7:05 pm.

To be approved at the 6/06/2024 Hearing

Summer Street Holdings LLC, 16 Merchant Street. Seeks conditional use for approval for partial demolition of commercial building. Design Review District Overlay, UC-2 Zoning District

The Oath was administered to William Duprey who wished to address the Development Review Board.

The Chair asked if William Duprey had anything further he wanted to add to the application in addition to the written materials already provided; the following testimony was added:

- He was comfortable with his application and was open to answering any questions the board may have regarding the project.

Chair Shambo asked M. La Barge-Burke if there was any documents needed to be read into the record, M La Barge-Burke said, none at this time.

Chair Shambo then asked each of the Board members if they had any comments or questions.

- J. Bauer asked if there was a laundromat in the space currently. W. Duprey added that there is not a laundromat currently in the space. The 18' x 18' space can be used for laundry, another tenant or storage for the tenants in that area. The laundromat is not intended for the public use.

With no further comments from the Board, staff or the public, Chair Shambo stated that the Board would go into deliberative session after the hearing to make a decision, and he can call Michelle in the morning for the decision if rendered, and will receive a letter within a week.

Motion by K. Schmidt and seconded by J. Bauer to close the public hearing and start the second hearing at 7:08 pm, **motion carried unanimously 7-0-0.**

168 N Main St, LLC, 168 North Main Street. Seeks design review for façade; Design Review Overlay, Historic Review Overlay, Special Flood Hazard Area District, UC-1 Zoning District.

The Oath was administered to Reuben Stone & Mark Browning who wished to address the Development Review Board.

The Chair asked if Mark Browning and Reuben Stone had anything further they wanted to add to the application in addition to the written materials already provided; the following testimony was added:

- M. Browning stated they own the Miles Block building next to the old Coins & Hobbies building and are looking to replicate the look of the Miles Block and freshen it up to make it look more presentable for our downtown.
- R. Stone had nothing additional to present.

Chair Shambo asked M. La Barge-Burke if there was any documents needed to be read into the record, M. La Barge-Burke said, none at this time.

Chair Shambo then asked each of the Board members if they had any comments or questions.

- K. Pelkey asked for clarification about the brick versus the wooden rendering. Clarification was provided by M. La Barge-Burke that the brick was the first rendering that came in with the application and the second one came in later after Barre Historical Society was contacted.
- J. Bauer asked for verification that the Historical Society was involved. M. La Barge-Burke clarified that they were introduced for collaboration.

With no further comments from the Board, staff or the public, Chair Shambo stated that the Board would go into deliberative session after the hearing to make a decision, and they can call Michelle tomorrow for the decision, and will receive a letter within a week.

Motion to close the hearing by S. Helman, seconded by C. Murray. **Motion carried 7-0-0**

5. **Deliberative Session:** Motion by C. Murray to go into deliberative session, seconded by S. Helman at 7:15 pm, with Chair Shambo inviting M. La Barge-Burke into the session, **motion carried unanimously 7-0-0.**

Motion by K. Schimdt and seconded by K. Pelkey to leave Deliberative Session at 7:20 pm, **motion carried unanimously 7-0-0.**

16 Merchant St: Motion by S. Helman to approve the application as presented with the condition that the Zoning Administrator be allowed to approve any immaterial or non-substantial changes to the site plan without having to come back before the DRB for revision: seconded by K. Schimdt, **motion carried unanimously 7-0-0.**

168 North Main St: Motion by J. Bauer to approve the application as is with the condition that the Zoning Administrator be allowed to approve any immaterial or non-substantial changes to the site plan without having to come back before the DRB for revision: seconded by K. Pelkey, **motion carried unanimously 7-0-0.**

Old Business: Consideration of the DRB Operational Bylaws.

K. Pelkey – Curious about the history and if the changes will help match other committees.

S. Helman – Asked if the removal of the 7pm time allows them to set anytime. She likes the 40% over 6 consecutive month of absences, the member may be replaced. Page 4 #6 says each board member and #7 says member. We should add in board to be consistent. The numbering needs to be reviewed, as they are out of sequence. #8 should be #10 and the #9 should be #11.

C. Doolittle - Board member should be added throughout the document.

C. Murray & L Shamboo – Michelle should screen the document and add board member where needed.

J. Bauer – By not taking out the time does this allow us to change the time at any time?

S. Helman – Maybe a time later in the summer and an earlier time in the winter as an option.

C. Murray – Suggested adding an item number on the agenda meeting to schedule a time.

J. Bauer – Can we update the website on the time easily?

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S. Helman – Change website to say look at the agenda to confirm time. If a meeting is cancelled, the time would then go to the next meeting.

K. Pelky – Is there discretionary section to address the 4th July for example since it lands on the first Thursday to allow us to make adjustments?

J. Bauer – Can decisions be made via email?

K. Pelkey – Does this need to be voted on tonight? Are alternates members too? Can they only fill in for At- Large members?

S. Helman & L Shambo are not in favor of the alternates. They would be trading one challenge of continuity of alternates to another challenge to just fill current vacant position.

S. Helman – Made a friendly amendment to ask staff to go through bylaws and add board member wording and revise the draft with proposed changes.

J. Bauer –Has concerns about the logistics of selecting alternates.

L. Shambo - Informal poll to have no alternates - agreed

C. Doolittle – Do we have a full board now? Answer from L. Shambo was no .

Motion by S. Helman –to table bylaws to next meeting and asking staff to make corrections to the bylaws that were discussed and remove the alternate board members from the proposal.

Seconded by K Schimdt. **Motion carried unanimously 7-0-0**

6. **Roundtable:** None

7. **Executive Session:** None.

8. **Adjourn:** The meeting adjourned at 7:48 pm on motion from C. Murray seconded by J. Bauer, **motion carried unanimously 7-0-0.**

The open portions of this hearing were recorded on the video meeting platform.

Respectfully Submitted,

Michelle La Barge - Burke, Permit Administrator
Recording Secretary

**CITY OF BARRE, VERMONT
DEVELOPMENT REVIEW BOARD
HEARING: May 2, 2024
NOTICE OF DECISION FOR 16 MERCHANT ST**

I. INTRODUCTION and PROCEDURAL HISTORY

1. This proceeding involves a request for design review approval of the partial demolition from the Development Review Board (the DRB).
2. On April 5, 2024, William Duprey (the “Applicant”) filed a City of Barre zoning application (the “Application”) and supporting documentation seeking Design Review Approval for the proposed partial demolition for the Design Review Overlay District criteria, at 16 Merchant Street (the “Project”). The owner of the subject property (the “Property”) is Summer Street Holdings, LLC (the “Owner”).
3. The property is located at 16 Merchant Street, tax map ID# 1405-0046.0000, SPAN # 036-011-11724. It is currently a vacant garage/structure, in the Urban Center-2 Zoning District, on 0.11 acres. The property is bounded by city streets, parking lots, residential & commercial buildings.
4. On April 19, 2024, the Permit Administrator sent to adjoining property owners a copy of the agenda with memorandum notifying them of the public hearing on the Project’s request. A notice for posting of the May 2, 2024 hearing with memorandum was also sent to the Applicant and Owner on the same day.

5. A hearing of the DRB was held on May 2, 2024 in a hybrid format including in-person and digital participation. Present during the hearing were the following members of the DRB:

Linda Shambo, Chair	Sarah Helman, VC	Jayme Bauer	Chrysta Murray
Kendall Schmidt	Colin Doolittle	Katrina Pelkey	

6. At the outset of the hearing, the DRB afforded those persons wishing to achieve status as an interested party an opportunity to participate as outlined in Vermont Statute 24 VSA §4465(b). The list of persons attending the hearing is included in the Application packet, and listed:

William Duprey	Owner/Applicant
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7. The Applicant asked for further questions from the DRB. All application documentation, including a staff report prepared by the Permit Administrator in connection with the consideration of the Application, is on file in Barre City Hall.

II. FINDINGS and CONCLUSIONS

Based on the Application materials, testimony by the Owner, the DRB makes the following findings and conclusions.

1. The property is located in the UC-2 Zoning District as described on the City of Barre's official Zoning Map and included in the Unified Development Ordinance (the "UDO", effective January 7, 2020).
2. Section 4303 of the UDO requires development within the Design Review Overlay District involving exterior modifications to a structure will require design review within this section.
3. Figure 4-1 of the UDO is Development Review Criteria that the applicant must demonstrate the proposed development meets.
4. The Permit Administrator's Staff Report to the DRB identifies those standards for design review and design review overlay district standards, and describes the consistency of this request against those standards.
5. The DRB afforded those in attendance an opportunity to provide testimony or evidence during the public hearing to consider, prior to rendering a decision.
6. During the hearing, the following testimony was provided by the Owner/Applicant:
 - a. Comfortable with the application and wanted to answer any questions for the DRB.
 - b. The structure is not presently a laundry mat and may be used for residential or laundry facilities for the tenants in surrounding buildings.

III. DECISION and CONDITIONS

The DRB deliberated on the submission of the proposed partial demolition. Based on the information presented in the application, at the hearing and discussed during deliberation, the DRB made the following motion:

Approve as presented the design review from Design Review Overlay District requirements for the proposed partial demolition.

In addition, the DRB authorizes the Permit Administrator be allowed to approve any immaterial or non-substantial changes to the Design Review without having to come back before the DRB for revision.

The motion passed by a vote of 7 – 0 – 0 and is therefore **APPROVED**.

Dated at Barre City, Vermont, this 7th day of MAY, 2024.



Linda Shambo, Chair

IV. APPEAL RIGHTS

The owner of the project property and interested persons have a right to appeal this decision, within 30 days of the date this decision is issued, to the Vermont Environmental Court, pursuant to 24 V.S.A. §4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

**CITY OF BARRE, VERMONT
DEVELOPMENT REVIEW BOARD
HEARING: May 2, 2024
NOTICE OF DECISION FOR 168 N MAIN ST**

I. INTRODUCTION and PROCEDURAL HISTORY

1. This proceeding involves a request for design review approval of the façade from the Development Review Board (the DRB).
2. On March 22, 2024, Mark Browning (the “Applicant”) filed a City of Barre zoning application (the “Application”) and supporting documentation seeking Design Review Approval for the proposed façade for the Design Review Overlay District criteria, at 168 N Main Street (the “Project”). The owner of the subject property (the “Property”) is 168 North Main Street, LLC (the “Owner”).
3. The property is located at 168 North Main Street, tax map ID# 1095-0168.0000, SPAN # 036-011-12426. It is currently a vacant retail store, in the Urban Center-1 Zoning District, on 0.04 acres. The property is bounded by city streets & commercial buildings.
4. On April 19, 2024, the Permit Administrator sent to adjoining property owners a copy of the agenda with memorandum notifying them of the public hearing on the Project’s request. A notice for posting of the May 2, 2024 hearing with memorandum was also sent to the Applicant and Owner on the same day. The Barre Historical Society was notified April 25, 2024 via mail and prior to that via email to collaborate with the owners of 168 N Main St.
5. A hearing of the DRB was held on May 2, 2024 in a hybrid format including in-person and digital participation. Present during the hearing were the following members of the DRB:

Linda Shambo, Chair	Sarah Helman, VC	Jayme Bauer	Chrysta Murray
Kendall Schmidt	Colin Doolittle	Katrina Pelkey	
6. At the outset of the hearing, the DRB afforded those persons wishing to achieve status as an interested party an opportunity to participate as outlined in Vermont Statute 24 VSA §4465(b). The list of persons attending the hearing is included in the Application packet, and listed:

Mark Browning	Owner/Applicant
Reuben Stone	Owner
7. A presentation of the Application was provided by the Owner. All application documentation, including a staff report prepared by the Permit Administrator in connection with the consideration of the Application, is on file in Barre City Hall.

II. FINDINGS and CONCLUSIONS

Based on the Application materials, testimony by the Owner, the DRB makes the following findings and conclusions.

1. The property is located in the UC-1 Zoning District as described on the City of Barre's official Zoning Map and included in the Unified Development Ordinance (the "UDO", effective January 7, 2020).
2. Section 4303 of the UDO requires development within the Design Review Overlay District involving exterior modifications to a structure will require design review within this section.
3. Section 2202 of the UDO requires development within the Historic Structure Overlay District involving exterior modifications to a structure will require design review in this section.
3. Figure 4-1 of the UDO is Development Review Criteria that the applicant must demonstrate the proposed development meets.
4. The Permit Administrator's Staff Report to the DRB identifies those standards for design review and design review overlay district standards, and describes the consistency of this request against those standards.
5. The DRB afforded those in attendance an opportunity to provide testimony or evidence during the public hearing to consider, prior to rendering a decision.
6. During the hearing, the following testimony was provided by the Owner/Applicant:
 - a. The goal is to freshen up the look of the current building.

The DRB Clerk provided clarification. The first rendering was with brick and then the second rendering without the brick was the final proposal for the project.

III. DECISION and CONDITIONS

The DRB deliberated on the submission of the proposed façade changes. Based on the information presented in the application, at the hearing and discussed during deliberation, the DRB made the following motion:

Approve as presented the design review from Design Review Overlay District requirements for the proposed façade improvements.

In addition, the DRB authorizes the Permit Administrator be allowed to approve any immaterial or non-substantial changes to the Design Review without having to come back

before the DRB for revision.

The motion passed by a vote of 7 – 0 – 0 and is therefore **APPROVED**.

Dated at Barre City, Vermont, this 7th day of May, 2024.



Linda Shambo, Chair

IV. APPEAL RIGHTS

The owner of the project property and interested persons have a right to appeal this decision, within 30 days of the date this decision is issued, to the Vermont Environmental Court, pursuant to 24 V.S.A. §4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

**CITY OF BARRE
DEVELOPMENT REVIEW BOARD
OPERATIONAL BY-LAWS AND CONFLICTS OF INTEREST POLICY**

Revised 11/03/05; 11/01/18; 06/06/2024

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ARTICLE I. Authority and Policy

The Development Review Board of the City of Barre has adopted these Operational Bylaws and Conflict of Interest Policy (hereinafter referred to as the Rules) in accordance with 24 V.S.A. § 4461(a) and 1 V.S.A. §§ 312(e), (f), and (h), and must conduct its proceedings in accordance with Vermont's Open Meeting Law.

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These rules are adopted to ensure consistent and fair treatment of applicants and interested persons, and participants, orderly and efficient public proceedings, and compliance with state and federal law. These Rules shall also ensure that no Board member will gain a personal or financial advantage from his or her service on the Board, so that the public trust in municipal government will be preserved. Anything not explicitly conveyed in these bylaws shall be governed by Robert's Rules of Order.

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ARTICLE II. Definitions

The following definitions apply to these Rules.

1. **Board**— the City of Barre Development Review Board.

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2. **Board member** — a regular of the Board.

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3. **Conflict of interest**— any one of the following:

a. A direct or indirect personal interest, and/or direct or indirect financial interest of a Board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the Board.

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b. A situation where a Board member has publicly displayed a prejudgment of the merits of a particular proceeding before the Board. This shall not apply to a Board member's particular political views or general opinion on a given issue.

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c. A situation where a Board member has not disclosed ex parte communications with a party in a proceeding before the Board, pursuant to Section XII of these Rules.

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4. **Deliberative session** — a private session of the **Board** to weigh, examine, and discuss the reasons for and against an act or decision, from which the public is excluded. There shall be no taking of evidence or submission of testimony, nor is a deliberative session required to be publicly noticed. The **Board** shall enter deliberative session by majority vote, and shall be deemed to be in deliberative session from the close of the final public hearing until the issuance of a written decision.

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5. **Executive session** — a session of a public body from which the public is excluded, pursuant to 1 V.S.A. § 313. Such private session may only be held for one of the reasons permitted by the statute, and no binding action may be taken in executive session.

6. **Ex parte communication** — direct or indirect communication between a **Board** member and any party, party's representative, party's counsel or any person interested in the outcome of any proceeding before the panel, that occurs outside of a public proceeding, and concerns the substance or merits of the proceeding.

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7. **Official act or action** — any legislative, administrative or quasi-judicial act performed by any **Board** member.

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8. **Public deliberations** — the weighing, examining, and discussing, in a public proceeding, the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.

9. **Recuse** — means to remove oneself from a particular **Board** proceeding because of a real or perceived conflict of interest.

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ARTICLE III. Officers and Duties

The **Board** shall consist of nine (9) regular members appointed by the City Council. These memberships consist of two (2) from each Ward and three (3) at-large members. Appointment to the **Board** shall be for a term of four (4) consecutive years. No more than one member from each ward shall be appointed in a given year, except to fill vacancies, and not more than three (3) members shall be appointed in any one given year, except to fill vacancies. Members may be appointed to successive terms without limitation. Any member desiring reappointment to the **Board** must apply to the Director of Planning in writing.

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As soon as is practical following the annual City Council appointments, or as needed at other times throughout the year, the **Board** shall hold an organizational meeting and elect by majority vote, a Chair and Vice Chair from its members, and shall elect a Clerk who may or may not be a **Board** member or a municipal employee. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the **Board**.

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1. The Chair shall preside at all meetings, hearings, and deliberative sessions, decide all points of order or procedure, and appoint **Board** members to any committee of the **Board**. The Chair may administer oaths and may request the attendance of witnesses and the production of material germane to any issue under consideration.

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2. The Vice Chair shall assume the duties and powers of the Chair whenever the Chair is absent, recused or at the Chair's request. In the event that both the Chair and Vice Chair are absent or recused, the remaining longest serving member of the Board shall assume the duties of the Chair.

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3. Signature: The Chair or Vice-Chair of the Board shall sign all decisions of behalf of the Board.

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4. Planning and Permitting Department staff shall assume the responsibilities of Clerk of the Board.

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5. It shall be the duty of all the members to review the minutes and other official records of the Board meetings and actions, and correct and ratify these when appropriate and necessary.

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6. Upon majority vote, the Board may request that the City Council remove a Board member from the Board. Board members may be removed for cause by the City Council upon written charges and after a public hearing (24 VSA §4460(c)). The Board may also recommend to the City Council replacement of any member who has missed three (3) consecutive meetings without a reasonable justification, or in the course of 6 consecutive calendar months is absent for 40% or more of the total meetings and hearings held within that period.

Deleted: <#>Alternate members are appointed to temporarily serve as BoardDRB members in the event of a recusal or absence or vacancy of one or more regular members.¶
<#>¶
<#>a. Whenever a regular member is recused or is expected to be absent from the BoardDRB, the Chair of the BoardDRB, or the designee, may request that an alternate serve as an active member of the BoardDRB by selecting an individual from the roster.¶
<#>¶
<#>b. An alternate member who is called upon to serve shall be required to be a part of the BoardDRB until a final decision is made on an application heard by the BoardDRB while serving as an active member. Participation includes attending deliberative sessions and any continuance of a public hearing if the application has been tabled or adjourned to another date.

ARTICLE IV. Meetings and Hearings

1. Regular meetings of the Board for the hearing of cases shall be held on the first Thursday of each month in City Hall, or other publicly accessible location, as warranted based on the number of projects pending. If there are no cases pending or there is no other business to transact, then no meeting shall be held. The Chair may cancel meetings at any time.

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2. Special meetings may be called by the Chair, provided at least 24 hours' notice is given to each member, and the time and place of each special meeting is publicly announced at least 24 hours before the meeting.

3. A quorum shall consist of a majority of the entire Board.

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4. All meetings shall be open to the public unless the Board has entered a closed deliberative or executive session. The Board may only hold an executive session pursuant to the reasons permitted by 1 VSA §313, and only after a majority vote to enter executive session.

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5. All business shall be conducted in the same order as it appears on the agenda, except the Chair may alter the order of items to be considered as needed, such as to accommodate a late or missing project applicant.

6. Each Board member who attends a meeting by electronic or other means shall identify themselves when the meeting is convened.

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7. If a Board member is participating by electronic or other means, any vote of the Board that is not unanimous shall be taken by roll call.

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8. The Chair shall rule on all questions of order or procedure and shall enforce these rules pursuant to 1 VSA §312(h).

9. At each meeting, speakers may participate on an agenda item but only when recognized by the Chair. Such comment may be limited to three (3) minutes per speaker, unless the Chair sets a different time limit.

10. The Board may recess a meeting or hearing if all applications cannot be disposed of on the day set to hear them. No further public notice shall be necessary provided that the date, time, and place of the recessed meeting or hearing shall be announced prior to adjournment.

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11. Board members may participate by telephone or other communication device as long as the absent member can hear everything that is occurring at the meeting, and everyone present at the meeting can hear the Board member.

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ARTICLE V. Proceedings and Order of Business

All meetings shall be conducted as quasi-judicial proceedings pursuant to 1 VSA §310(5)(B). Proceedings shall be publicly noticed in accordance with 24 VSA §4464(a)(1), (2), as amended.

The Chair shall conduct the proceeding in substantially the following manner:

1. Open the proceeding by reading the warning of the proceeding.
2. Review the order of events on the agenda, reminding all present that the proceeding will be conducted in an orderly manner.
3. Request disclosure of conflicts of interest and ex parte communication.
4. In accordance with 24 VSA §4471(a), ask all persons who are interested in an agenda item to identify themselves at the time of proceeding on the item of interest, and to provide contact information on the sign-in sheet provided. The list of who signed in and who participated in the hearing, either verbally or in writing shall be noted in the minutes. Only an interested person who has participated in this proceeding may appeal any decision issued from this proceeding.
5. Direct the applicant or their representative, and all persons wishing to participate in a proceeding to take the following oath: *Thereby swear or affirm that the evidence I give in*

the cause under consideration shall be the whole truth and nothing but the truth, under the pains and penalties of perjury.

6. Accept written information presented to the Board, including but not limited to staff and other Boards/Commissions' recommendations. Deleted: DRB
7. Invite the applicant or the applicant's representative to present such application.
8. Invite Board members to ask questions of the applicant, applicant's representative, or of City Staff. Deleted: DRB
9. Invite the public to present information regarding the applicant's proposal. Such comments shall be limited to three minutes per speaker, unless approved by a majority vote of the Board members present. The Board shall apply consistent time limits to all persons recognized to speak. Deleted: DRB
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10. Invite the applicant, applicant's representative, city staff or members of the public to respond to information presented.
11. Invite Board members to ask any additional questions or provide comments. Deleted: DRB
12. Allow final comments or questions from the applicant or applicant's representative.
13. Upon motion and majority approval, the Chair shall either adjourn the proceeding to a time certain, continue the proceeding without a time certain subject to additional public notice being provided as to the time and place of any future proceeding, or close the proceeding stating that this is the final public hearing on the matter.
14. Should new information become available, or the Board finds it needs more information to render its decision after the close of the proceeding, but before the Board decision, then the Board may re-open the proceeding. No information can be received after the proceeding has closed. Deleted: DRB
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15. The Board shall deliberate and made a decision on an application in a closed deliberative session. Deliberative sessions are not open to the public and need not be warned. Deleted: DRB

ARTICLE VI. Executive Sessions

1. The Board may hold an executive session from which the public is excluded after the affirmative vote of a majority of its members present. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered the executive session. Such vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session. Minutes of an executive session need not be taken, but if they are, shall not be made public. The Board may not hold an executive session except to consider one or more of the following: Deleted: DRB
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- a. Contracts, mediation, civil actions, or prosecutions, where premature general public knowledge would clearly place the municipality at a disadvantage;
 - b. Discussion of the conduct of a Board member;
 - c. A clear and imminent peril to the public safety.
2. Attendance in executive session shall be limited to the members of the Board, and in the discretion of the Board, its staff, legal counsel, and persons who are subjects of the discussion or whose information is needed.

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ARTICLE VII. Voting and Decisions

The Board will make decisions in deliberative session, which are not open to the public. Members of the Board who have not heard all testimony and reviewed all evidence submitted for a particular application or proposal shall not participate in that proceeding, unless such absent Board members review video or audio recordings of the proceedings.

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1. The following rules shall apply to voting on decisions:
- a. Motions shall be made in the affirmative.
 - b. All motions shall require a second for a motion to have the floor.
 - c. The chair has the same voting rights as all members and can make motions.
 - d. All members present are expected to vote unless they have recused themselves.
 - e. Abstentions are strongly discouraged and shall not count towards either the majority or the minority.
 - f. No member shall participate in any official action where he or she has a conflict of interest in the matter under consideration. This provision does not prevent the member from providing testimony as a hearing participant and does not require the member to leave the hearing room.

2. For a motion to succeed, it must receive the concurrence of the quorum of the Board, or five (5) members of the Board, regardless of how many members are present. 1 VSA §172; 24 VSA §4461(a).

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3. The Board shall issue a written decision within 45 days of the close of the final proceedings.

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- a. In the case when a public hearing took place, a written decision signed by the Chair of the Board constitutes a final decision. This written decision shall include any conditions of approval.

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ARTICLE VIII. Site Visits

Board members are encouraged to visit each site individually, however, no testimony shall be taken and no ex parte communication shall occur. Site visits by a quorum of the Board shall be held pursuant to the following conditions:

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1. If, prior to the hearing, the Chair determines that a site visit by quorum of the DRB will be necessary, the site visit shall be publicly noticed in accordance with 24 VSA §4464(a)(1), (2) if it is scheduled to occur before the hearing.
2. If necessary, the Board may recess and conduct a site visit at a property which is the subject of an application before them.
3. If necessary, the Board may adjourn a hearing to a time certain to conduct a site visit at a property which is the subject of an application before the Board.
4. The minutes of the proceeding shall reflect that a site visit was held, who was present, and the nature and duration of the site visit.

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SECTION IX. Service List

Staff shall provide a sign-up sheet for individuals present at the hearing to provide contact information and to identify the agenda item of interest. A service list shall be prepared from the provided sign-up sheet and from any persons who provided testimony or requested to be added on the service list in writing. All decisions of the Board, related to the particular agenda item, shall be mailed to those on the list.

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Section X. Conflicts of Interest

Participation, disclosure of conflicts, and recusal shall be governed by the following procedures:

1. **Participation.** A Board member shall not participate in any official action where he or she has a conflict of interest in the matter under consideration.
2. **Disclosure.** At all hearings, Board members shall disclose all potential conflicts of interest. The nature of the conflict shall be noted in the minutes of the proceeding.
 - a. When recognized by the Chair, any person may request disclosure of potential conflicts of interest. Nonetheless, after disclosing a conflict or perceived conflict, if a Board member who believes that he or she is able to act fairly, objectively, and in the public interest, shall state on the record the nature of the potential conflict of interest, and the reason(s) why the Board member believes he or she is able to act in the matter fairly, objectively, and in the public interest.

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3. **Recusal.** A Board member shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:

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a. The applicant or any person may request that a Board member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the Board member recuse him or herself.

b. The Board may, by majority vote, (exclude or recuse) one of its Board members if there is reasonable public perception that a conflict of interest exists.

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c. A Board member who has recused him or herself from a proceeding shall not sit with the Board, deliberate with the Board, or participate in that proceeding as a Board member in any capacity.

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d. If a previously unknown conflict is discovered, the Board may take evidence pertaining to the conflict, and if appropriate, adjourn to a short deliberative session to address the conflict.

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e. The Board may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the Board. The Board may then resume the proceeding with sufficient members present.

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Section XI. Ex Parte Communications.

Ex parte communication is prohibited. Any Board member who inadvertently conducts ex parte communication must disclose such communication.

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1. Board members who have received written ex parte communications shall place in the record copies of all written communications received as well as all written responses to those communications. Members shall prepare a memorandum stating the substance of all oral communications received, all responses made and the identity of each person making the ex parte communication, which shall become a part of the record of the proceedings.

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ARTICLE XII. Amendments

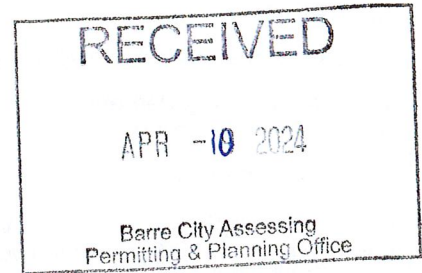
These operational bylaws may be amended at any regular meeting by an affirmative vote of a quorum of the Board provided that such amendment has been presented in writing to each Board member at least 24 hours preceding the meeting at which the vote is taken.

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City of Barre, Vermont

"Granite Center of the World"



COVER SHEET

Please provide all of the information requested in this application. Failure to provide all the required information may delay the process for obtaining a permit.

PHYSICAL LOCATION OF PROJECT (911 address): 135 Berlin Street Barre VT 05641

APPLICANT	PROPERTY OWNER (if different than applicant)
Name <u>(Ben) Benjamin Perry</u>	Name <u>Same</u>
Mailing Address <u>135 Berlin St. Barre, VT 05641</u>	Mailing Address _____
Daytime Contact Phone <u>802-793-8340</u>	Daytime Contact Phone _____
Email <u>bap07210@gmail.com</u>	Email _____

Mail all permit Materials to: APPLICANT or OWNER (circle one)

PRESENT USE(S) OF PROPERTY

Single Family
 Single Family w/ADU
 Duplex
 Triplex (3-unit)
 Quadplex (4-unit)
 Multi-Family (5 or more units)

Comm/Mixed Use
 Industrial
 Institutional
 Vacant Building
 National Register of Historic Building?
 Other:

PERMIT(S) BEING APPLIED FOR UNDER THIS PROJECT

Zoning Permit
 Flood Hazard Permit
 Building Permit
 Electrical Permit
 DRB Decision

PROPOSED USE(S) OF PROPERTY

Same as Existing
 Additional Bedrooms? Y N

New Principal Building
 Any work within the City right-of-way? Y N

Major Renovation to existing principal building
 Any change in water or sewer service? Y N

Accessory Structure >120 ft²
 Removing Fill <10 cy²

Construction Cost Estimate: \$ _____
 Adding Clean Fill <10 cy²

Parking Spaces added. How Many? 2
 Subdivision

Boundary Line Adjustment
 Other: _____

PROJECT DESCRIPTION

Adding a second driveway on the Berlin Street side of the house for more parking.

For Office Use Only:

Zone Dist: _____ DRO? Y N HRO? Y N Flood Area Zone: _____ Fees Rec'd: \$ _____

Code Enforcement Review
 Administrative Permit
 Referred to the VTANR for Floodplain Review
 Referred to the DRB

B _____ - _____ Z _____ - _____ F _____ - _____ E _____ - _____

SITE PLAN

Is a site plan attached showing existing and proposed conditions? Y N

The minimum requirements for a site plan are property lines, streets, existing and proposed structures, setbacks from property lines of proposed structures, scale, north arrow.

Does your project involve new construction, addition, alteration, renovation or repair to a structure? Y N

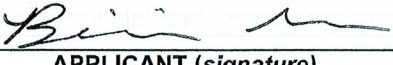
If yes, you may have to record a Vermont Residential/Commercial Energy Standards (RBES or CBES) Certificate in the Land Records prior to receiving your Building Certificate of Occupancy. Please contact Energy Code Assistance Center at (855) 887-0673 or on line at: <https://publicservice.vermont.gov/efficiency> .

DISCLAIMER AND SIGNATURE

The undersigned hereby requests a permit for land development as described in the Project Description and certifies that the information presented is true and accurate to the best of my knowledge, and understands that if the application is approved, any permits issued, and any attached conditions will be binding on the property.

I understand that permits run with the land, and that the compliance is ultimately the property owner's responsibility. I understand that if more information becomes available to staff, additional review and fees may be required. I also understand that this permit, if issued, will be deemed null and void in the event any material information upon which it is based is found to be incorrect or misrepresented.

Further, the undersigned authorizes the Permit Administrator and/or the Building Inspector access, at reasonable times, to the property covered by the permit issued under this application, for the purposes of ascertaining compliance with said permit.

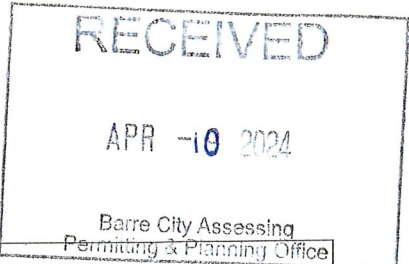
<u>Benjamin Perry</u> APPLICANT (print)	 APPLICANT (signature)	<u>4/10/24</u> DATE
<hr/> PROPERTY OWNER (if different than Applicant-print)	<hr/> PROPERTY OWNER (signature)	<hr/> DATE

This cover sheet is for a local City of Barre, VT permits only. Your project may also require State permits. You retain the obligation to identify, apply for, and obtain relevant State permits. For potential Dept. of Environmental Conservation permits, you are advised to visit the Permit Navigator Portal at <https://dec.vermont.gov/permitnavigator>; You are also advised that State construction permits may be needed, and to check with the Department of Public Safety, at (802) 479-4434 to determine what permits, if any must be obtained by that Agency; <https://firesafety.vermont.gov/buildingcode/permits> .



City of Barre, Vermont

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ZONING PERMIT APPLICATION

Check all activities involved in this application:

<input type="checkbox"/>	New Home or Garage Construction	<input type="checkbox"/>	Site Work
<input type="checkbox"/>	All other construction/addition/alteration	<input type="checkbox"/>	Pool (if greater than 20' wide or 5' in depth)
<input type="checkbox"/>	Accessory Structure, greater than 120 sq. ft.	<input type="checkbox"/>	Construction Job Trailer
<input type="checkbox"/>	Interior Renovation (adding a bedroom)	<input type="checkbox"/>	Permanent Sign
<input type="checkbox"/>	New apartment	<input type="checkbox"/>	Temporary Sign/Banner
<input type="checkbox"/>	Accessory apartment	<input type="checkbox"/>	Sandwich Board Sign
<input type="checkbox"/>	Deck – porch – steps – ramp – handicapped ramp	<input type="checkbox"/>	Home Occupation/Business
<input type="checkbox"/>	Change of Use	<input type="checkbox"/>	Boundary Line Adjustment/Subdivision
<input type="checkbox"/>	Demo in Historic District (needs DRB approval)	<input type="checkbox"/>	Parking Lot
<input type="checkbox"/>	Fence or Wall	<input type="checkbox"/>	Soil / Sand / Gravel Extraction
<input type="checkbox"/>	Temporary Structure	<input checked="" type="checkbox"/>	Dimensional Waiver/Appeal/Variance Request (DRB approval)
<input type="checkbox"/>	Temporary Certificate of Compliance	<input type="checkbox"/>	Certificate of Compliance
<input type="checkbox"/>	Other: _____		

ESTIMATED COST OF PROJECT: (\$) 3,500

Fee for starting work without a permit is \$150
If work has begun prior to applying for and receiving a permit(s), you are in violation of City Ordinance and are required to pay \$150 after-the-fact fee in addition to the subtotal fee calculated at bottom.

ZONING APPLICATION FEES (check all that apply)¹:

Cost of Residential Development:

<input type="checkbox"/>	\$20	Residential 1-4 Units (\$1 - \$5,000)
<input type="checkbox"/>	\$40	Residential 1-4 Units (\$5,001 - \$10,000)
<input type="checkbox"/>	\$75	Residential 1-4 Units (\$10,001 - \$25,000)
<input type="checkbox"/>	\$100	Residential 1-4 Units (\$25,001 - \$150,000)
<input type="checkbox"/>	\$150	Residential 1-4 Units (\$150,000 +)

Cost of Commercial Development:

<input type="checkbox"/>	\$50	Comm., Indus., Mixed Use, Res 5+ Units (\$1 - \$10,000)
<input type="checkbox"/>	\$100	Comm., Indus., Mixed Use, Res 5+ Units (\$10,001 - \$25,000)
<input type="checkbox"/>	\$200	Comm., Indus., Mixed Use, Res 5+ Units (\$25,001 - \$150,000)
<input type="checkbox"/>	\$300	Comm., Indus., Mixed Use, Res 5+ Units (\$150,001 - \$350,000)
<input type="checkbox"/>	\$400	Comm., Indus., Mixed Use, Res 5+ Units (\$350,000 +)

Specific Usage Costs (check in addition to above if they apply):

<input type="checkbox"/>	\$40	Site Work	<input type="checkbox"/>	\$50	Subdivision Final Plat Approval
<input type="checkbox"/>	\$40	Permanent Signs	<input type="checkbox"/>	\$40	Boundary Line Adjustment
<input type="checkbox"/>	\$40	Sandwich Board Sign	<input type="checkbox"/>	\$40	Fences / Walls
<input type="checkbox"/>	\$30	Temporary Sign/Banner	<input type="checkbox"/>	\$30	Certificate of Compliance (project specific)
<input type="checkbox"/>	\$40	Change of Use	<input type="checkbox"/>	\$15	Temporary Certificate of Compliance (project specific; +\$10/mo up to an additional 12 mo.)
<input type="checkbox"/>	\$40	Home Occupation/Home Business	<input type="checkbox"/>	\$20	Temporary Structure
<input type="checkbox"/>	\$20	Subdivision Sketch Plan Approval	<input checked="" type="checkbox"/>	\$175	Development Review Board Fee

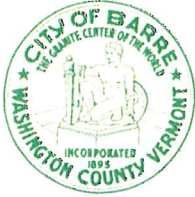
¹ If more than one category applies, the higher fee is required of all checked.

FEE SUMMARY:

Subtotal of Fees from above:	175. ⁰⁰
After-the-fact Fee (if applicable, \$150)	
Required Land Record Recording Fee (DRB exempt from this recording fee)	\$15.00 *
Zoning Permit Application Fee Total:	\$0.00

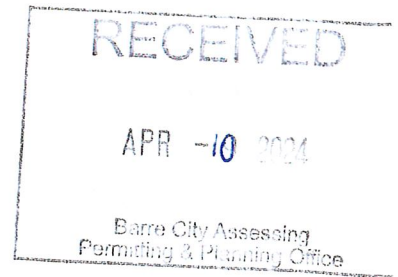
175.⁰⁰

* Development Review Board Hearing Fee ONLY \$175 (no recording fee required)



City of Barre, Vermont

"Granite Center of the World"



Permitting Office in City Hall ~ 6 N Main Street, Suite 7, Barre, VT 05641

VARIANCE REQUEST FORM

This Variance Form supplements the Zoning Permit Application. Please provide all of the information requested in all application forms. We urge you to read the Zoning Regulations and familiarize yourself with them. Failure to provide all the necessary information may cause a delay in processing this application. Please use additional paper if necessary.

The purpose of a Variance is to address a hardship, related to the physical characteristics of a particular lot, which hampers the owner from enjoying the same property rights afforded to others in the District. The Appellant must meet all of the criteria below to be granted a Variance 24 VSA §4469(a).

1. The proposed development will not alter the essential character of the neighborhood in which the property is located;

A. How is your property currently being used (single family, multi-family, farm, retail store, commercial)?

Single family

B. If the DRB grants your request, how will it change the neighborhood, or contribute to it, especially the adjoining property owners?

No effect on adjoining property owners. They all currently have driveways on Berlin Street where I would like one.

2. The proposed development will not substantially or permanently impair the lawful use of development of the adjacent property;

It will not.

3. The proposed development will not be detrimental to public health, safety or welfare.

It will not.

4. The applicant has not created the unnecessary hardship.

A. Is the hardship due to the circumstances or conditions indicated in #6 below?

Yes No (if No, please describe)

Current driveway is two car lengths from the road (Highgate Drive) with hills on both sides.

B. What hardship would occur if you were unable to complete the work for which you have applied?

Illegal use of a driveway due to only having room for two vehicles in my short driveway. Anyone else has to park on the lawn.

5. The applicant is proposing the least deviation possible from this ordinance that will afford relief.

A. Is there any way your project could be redesigned to eliminate its need, or decrease the amount of variance requested?

Not without major excavation where my current driveway is.

6. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of a lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. These conditions, and not the circumstances or conditions generally created by the provisions of this ordinance in the district in which the property is located, have created an unnecessary hardship for the applicant. These physical circumstances conditions prevent the property from possibly being developed in strict conformity with this ordinance and a variance is necessary to enable reasonable use of the property.

A. Does your lot have any of the following – check all that may apply:

Steep slopes rock or ledge shallow lot depth(s) stream, brook or other watercourse any other unique physical circumstances none of these

i. Do other properties in your neighborhood have the same physical features as above? Yes No

ii. Do these circumstances or conditions prevent you from carrying out the proposed work in compliance with the regulations? Yes No

If No, please describe:

iii. When did you purchase the property? September 2019

iv. At the time you purchased the property, were you aware of these circumstances or conditions you indicated as checked above? Yes No

If No, please describe:

The former owner parked up top on the lawn. It wasn't until talking to Brian Baker that I came to understand this is illegal use of a driveway

Are there any additional comments or responses you would like to add?

The second driveway will be much less work than trying to make the current one larger. It will also provide parking at the first level of the house should there be any future handicap needs.

SIGNATURE:

The undersigned hereby applies for a Zoning Permit for the use described in this application to be issued on the basis of the representations made herein all of which the applicant swears to be complete and true.

Brian
Applicant Signature

4/10/24
Date



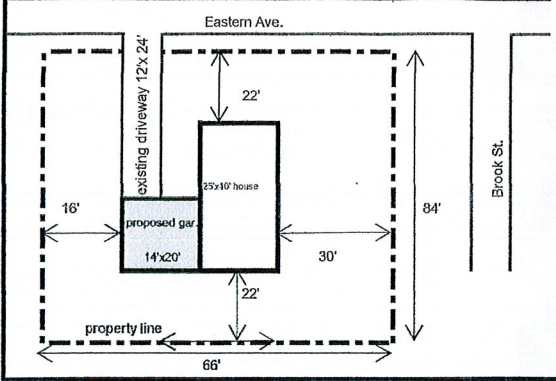
existing driveway



Proposed driveway

Sample Site Plan

1" = 30'



Provide a sketch below for your property and the proposed improvements for the following:

Location of all existing and proposed structures, dimensions, setback distances, etc.

Additional information may be needed, so be as thorough as possible.

Should you need to attach any further drawings or photos, additional sheets shall be no larger than 11x17 in size.

