



City of Barre, Vermont

December 14, 2023, 5:30 PM

Regular Meeting of the Barre City Planning Commission

Venue Options: **Remote or in-person**

Zoom:

<https://us06web.zoom.us/j/89301594299?pwd=MXkyVmV6VnVhUC9Obk1GaVhNMFFKUT09>

Meeting ID: 893 0159 4299 Passcode: 815236

Phone: 1 (929) 205-6099 US (New York – Long distance rates will apply)

Agenda

1. Call to order - 5:30 PM
2. Adjustments to the Agenda
3. Approval of Minutes
 - a. November 9, 2023 regular meeting
4. Public comment (for something not on the agenda)
5. Old Business
 - a. Interim Zoning Changes Discussion
 - b. Neighborhood Development Area Request Discussion
6. New Business
6. Confirm date of next meeting – January 11, 2024
7. Staff updates – as needed
8. Roundtable
9. Adjourn

Barre City Planning Commission

November 9, 2023 Meeting Minutes

Present: David Sichel (Chair), Becky Wigg (Vice Chair), Joe Reil (Secretary), Caitlin Corkins, Raylene Meunier

Absent: Rosemary Averill

Staff: Janet Shatney (Director of Planning, Permitting & Assessing)

Visitors: Representative Peter Anthony, Mayor Jake Hemmerick, Councilor Michael Deering II, Councilor Samn Stockwell, and Councilor Teddy Waszazak.

1. Call to Order.

5:30pm.

2. Adjustments to the Agenda.

None.

3. Approval of Minutes.

- a. October 12, 2023, regular meeting.

Corkins moves to approve, Wigg seconds, unanimous in favor.

- b. October 26, 2023, special meeting.

Meunier moves to approve, Wigg seconds, unanimous in favor.

4. Public comment (for something not on the agenda).

None.

5. Old Business.

- a. Interim Zoning Changes discussion.

Discussion started with an explanation of Interim Zoning Changes, shorter-term changes that can be made more quickly without going through the full hearing process, if there is a need due to an emergency. There is a need for this due to the flooding earlier this year.

Density, Set-backs, Commercial vs. Residential Zoning. Some discussion around how lot sizes could allow certain types of construction, and street widths, could help address density indirectly.

There were discussions around these topics:

Building size/Construction materials: There was a suggestion to look at minimum sizes and construction materials, to help with faster construction. Tiny homes are currently an option (minimum is 200 square feet). Shatney suggested that building materials aren't controlled by zoning but it may be a building code issue.

Bylawn Modernization Grant: Work on this grant is still pending, Interim Zoning should focus on 'low hanging fruit' and saving more serious or indepth changes for the full review once we get a consultant.

Commercial vs. Residential Zoning: Question about the possibility to adjust zoning regulations to allow some commercial spaces within areas zoned for residential use? There was some pushback against allowing commercial use in residential zoning previously, but may be worth revisiting, especially if care is taken about defining what is allowed.

Demolition requirements: Discussion around adding additional guardrails against demolition to avoid demolishing buildings that may be usable. There are already protections for some situations, for safety reasons or buildings in the Design Review District.

Density requirements: These were added to the 2019 Zoning Ordinance, did not exist previously. Suggestion that these requirements are holding back apartment units being added to existing buildings or creation of new buildings. There is a suggestion that this could be an immediately effective change as several building owners have expressed an interest in increasing the number of units in their buildings.

Parking requirements: Parking can be looked at, a challenge right now due to winter parking regulations (and moving to a model similar to Montpelier's may help) but reducing requirements could be considered. Representative Anthony strongly agrees with removing parking minimums.

Setbacks: Question about how setback regulations may have changed over the years. Prior to 2019 the largest setback was 8-feet (front, sides, or rear), currently this varies by district, but residential setbacks are as high as 16-feet. The main context for this is single-family houses on quarter-acre lots and current State statutes are now disallowing this type of regulation.

Consensus was that density, lot sizes, and setbacks are the main 'low-hanging fruit' for consideration. Parking and demolition are also worth looking at in more detail.

Shatney volunteered to draft some changes to the existing ordinances with these adjustments for discussion and approval in the next Planning Commission meeting.

- b. Site Visit Follow-up discussion.

vhb has not yet gotten back with information or a draft Contract since the recent site visit (on October 26), and Shatney will be following-up with them to get this information.

6. New Business.

- a. Commercial-to-Residential Conversion: Housing Supply Action Plan

<https://www.whitehouse.gov/cea/written-materials/2023/10/27/commercial-to-residential-conversion-addressing-office-vacancies/>

There was some preliminary discussion around these Federal Plans that may help facilitate converting under-utilized office space into housing. There are some spaces in Barre that may be good candidates and a suggestion that grants may help developers to make these conversions.

7. Confirm Date of Next Meeting.

- a. December 14, 2023.

8. Staff Updates.

- a. None.

9. Round Table.

Councilor Deering thanks the Planning Commission for its efforts.

Sichel says that this was a productive meeting and that the Housing Task Force is also working on housing opportunities.

Wigg mentions an Infill Housing Study organized by the Central Vermont Regional Planning Commission that Commissioners may want to attend, to be held on Wednesday, November 15th from 5-6:30 at The Church of the Good Shepherd at 39 Washington Street in Barre.

10. Adjourn.

6:44pm, **Reil moves to adjourn, Corkins seconds, unanimous in favor.**

Edits to zoning for Dec. 14, 2023:

1. Demolition of structures

I looked at various other municipality's regulations regarding demolition of structures, and all that I looked at that require more of a burden of proof first are those that are in an overlay district.

Option 1: If the Commission desires to ensure that demolition of a structure, most importantly a structure used or potentially used for residential purposes goes through a more rigorous review, then the procedures put in place for the Design Review Overlay District are pretty thorough and widely used among other municipalities. I would then recommend expanding the Design Review District from where it ends at Route 62 and Maple Avenue to a point into the North End, as well as up Maple Avenue.

Option 2: Another option is to require any demolition be part of a redevelopment plan; in other words, if someone wants to demolish a structure, it must be accompanied by a plan to rebuild a new structure on the property.

REMEMBER: Any structure on the National Historic Register, whether or not it is in our current Design Review Overlay or the Downtown or Currier Park Historic Overlay is required to follow the more rigorous review of demolition found in the Historic Structure Overlay text within the zoning.

▪ **1101** → **General Exemptions**

1101.A → Landowners do not need to obtain a zoning permit for:

¶

(1) → Emergency repair and stabilization of a structure damaged by any cause to the extent necessary to protect public health and safety, and to protect the structure from the elements. Landowners must obtain a zoning permit for repair or reconstruction beyond the minimum necessary to stabilize and secure the structure.¶

¶

(2) → Complete demolition of a structure or part of a structure not located in the Design Review or Historic Structure Overlay District ~~that must~~ meets the standards of [Section 3009](#). Partial demolition that poses a threat to public health or safety will be considered a violation subject to the enforcement provisions of this ordinance. See [Section 3009](#) for general standards for demolition and [Subsection 2202.G](#) for standards for demolition of a historic structure.¶

¶

- ¶
- 3009 → **Demolition**¶
 - 3009.A → **Applicability.** Demolition of a residential structure or a structure containing residential dwelling units is allowed only when a plan for redevelopment of the site accompanies such a request. Therefore, a All demolition must conform to the standards of this section, including demolition activities that do not require a zoning permit under Paragraph 1101.A(2). Demolition of a structure in the Design Review or Historic Structure Overlay District must also conform to the standards of Subsection 2202.G.¶

¶
(1) → All other City permit applications as required of all ordinances.¶

¶
(2) → A City Pre-Demolition Survey Checklist completed and signed by the Property Owner.¶

¶
(3) → Asbestos Survey.¶

¶
(4) → Close-out letter (if Asbestos is found)¶

¶
(5) → Site Plan that includes vegetative plan showing any trees on site that are 12" in diameter or greater on the property that may be saved.¶

¶
(6) → Erosion Control Plan.¶

¶
(7) → Written determination by the City Water Department that the utilities have been properly shut off while demolition and reconstruction is to occur.¶

¶
(8) → a timeline from site preparation to redevelopment that will fit within the permit life cycle.¶

¶
¶

- 3009.B → **General Standards.** Should redevelopment not immediately occur after demolition is done, then w Within 60 days after demolition is complete:¶

¶
(1) → All structural materials and debris must be removed from the site.¶

¶
(2) → The site must be restored to a natural grade, and¶

¶
(3) → Groundcover must be re-established to prevent erosion.¶

¶

DRO considerations
Potential expansion of the DRO

Legend
Design Review
Orange & Blue Shaded



2. Density & Lot Sizes

All are aware that residential density was added to the zoning ordinance during the 2019 rewrite. Our previous zoning (as can be seen on the Dimensional Requirements Table) did not have any density requirements, and the ability to construct on a lot was dictated by a minimum lot size, setback requirements and Lot coverage.

Terms: High density and low density. What do they mean?

Low density is often also referred to as “single-family residential zoning”, meaning the number of structures on a parcel is very few, and means more green space.

High density zoning has more dwelling units in a smaller area, and we will see apartment complexes, condo’s and even high-rise type structures.

In our zoning, our R-4 zoning district is low density with a minimum lot size of 10,800 square feet, and the density is 1 dwelling unit for every 10,800 square feet. That means, that only ONE principal structure is allowed in the R-4 zoning district.

An example of high density in our zoning is the UC-1 district where the minimum lot size is 2,000 sf and there are no maximum residential densities.

If we eliminate the Density requirements across the board, then what will dictate the amount of housing will be lot size, setbacks and minimum dwelling unit size (i.e., 220 sf for a 1-bedroom unit). Currently our R-4 district allows for one house every ¼-acre, or every 10,800 square feet, so this one needs to change.

Option 1: Removing Residential Density as a requirement to be met is easier than changing minimum lot sizes and marrying up density. Once density is removed, then zoning examines 1) meeting minimum lot size; then 2) meeting setbacks for the district the parcel is in; then 3) meeting the minimum dwelling unit size that is currently 150 SF minimum for a studio dwelling unit; or a 220 SF for a 1-bedroom dwelling unit; or 270 SF minimum for a 2-bedroom. Add 70 SF for each bedroom in the design.

The other piece required would be to correct R-4 to meet the Home Act.

Option 2: leave the minimum lot sizes as is except fixing R-4, and correcting the GB zoning district to 8700 sf to meet the Home Act. Multi-family units (5+ dwelling units) are Conditional in the GB district that is why it would also need to be adjusted. And fix the density requirements so that it at least meets the state requirement.

3. Setbacks

Setbacks were changed significantly with the zoning update, when we added 2 additional urban core (downtown) districts, 3 mixed use districts, and 2 additional residential districts, and they range widely when looking at each zoning district.

Prior to the rewrite in 2019, setbacks were fairly uniform, given the location of structures, the current alignment of other structures along the street view. And, under prior zoning, our setbacks were significantly higher (see table on next page for comparison).

PRIOR ZONING SETBACKS:
ARTICLE 7. DIMENSIONAL REQUIREMENTS

[Amended 7/18/06 by Ord. No. 2006-2]

	Minimum Lot Size (sq. ft.) ¹	Front Setback ²	Rear Setback ²	Side Setback ²	Maximum Lot Coverage	Maximum Building Height
Residential-R-10 ³ Single-Family Nonresidential Accessory Structures	10,000 2 acres	20' 30' 20'	20' 20' 20'	8' 20' 8'	25%	35' 35' 35'
Planned Residential - PR ³ Single-family Two -family Multi-family Nonresidential Accessory Structures	5,000 5,000 2,000/unit 2 acres	20' 20' 20' 40' 20'	20' 20' 20' 40' 20'	8' 8' 8' 30' 8'	40%	35' 35' 35' 35' 35'
Commercial-C All Buildings and Structures	-	10'	9' ⁴	8' ⁴	100%	40'
Central Business-CBD ³ All Buildings and Structures	-	5'	0'	0'	100%	72'
Downtown Mixed Use	-	5'	0'	0'	100%	72'
Industrial-I Principal Buildings Accessory Structures	15,000	10' 10'	0' ⁴	0' ⁴	100%	40' 60'
Industrial/Commercial-I/C Principal Buildings Accessory Structures	15,000	10'	9' ⁴	9' ⁴	100%	40' 60'
Conservation Area-CA All Buildings and Structures	5 acres	0'	0'	0'	100%	None

As you can see, front and rear setbacks were twenty and thirty feet, and most side setbacks were uniform at eight feet.

In reviewing our urban core, mixed use and residential districts and the current setbacks, minor adjustments have been proposed to help alleviate any concerns about meeting the Home Act minimums.

2116 Dimensional Table

USE & DEFINITION	UC-1	UC-2	UC-3	MU-1	MU-2	MU-3	R-16	R-12	R-8	R-4	GB	IN	CIV	CON
LOTS														
Minimum lot size Inclusive of all land within the property boundaries, but excluding any land within a street right-of-way.	2,000 sf	3,000 sf	3,000 sf	4,000 sf	4,000 sf	8,000 sf 10,800 sf	4,000 sf	4,000 sf	5,400 sf	8,700 sf 10,800 sf	8,700 sf 11,000 sf	20,000 sf	20,000 sf	40,000 sf
Minimum lot frontage On a maintained public or private street, excluding any frontage on limited access highways, or Class 4 roads or unimproved rights-of-way.	15 ft	30 ft	45 ft	30 ft	30 ft	60 ft	30 ft	30 ft	45 ft	60 ft	60 ft	90 ft	90 ft	180 ft
Maximum lot coverage Total amount of impervious surface as a percentage of total lot area.	100%	90%	80%	80%	80%	50%	80%	70%	60%	50%	80%	80%	40%	20%
SETBACKS														
Minimum front setback Measured from the edge of the street right-of-way, or if no right-of-way from the front lot line. For accessory structures, also see Section 3005.	0 ft	0 ft	8 ft	8 ft	8 ft	8 ft 12 ft	8 ft	12 ft	12 ft 16 ft	12 ft 16 ft	12 ft	16 ft	20 ft	40 ft
Minimum side setback Measured from the side lot lines. For accessory structures, also see Section 3005.	0 ft	5 ft 8 ft	8 ft	8 ft	8 ft	8 ft 12 ft	8 ft	8 ft	12 ft	12 ft 16 ft	12 ft	16 ft	20 ft	40 ft
Minimum rear setback Measured from the rear lot line. For accessory structures, also see Section 3005.	0 ft	5 ft 8 ft	8 ft	12 ft	12 ft 12 ft	12 ft 16 ft	12 ft	12 ft 16 ft	12 ft 16 ft	12 ft 16 ft	12 ft	16 ft	20 ft	40 ft
BUILDINGS														
Build-to-line Measured as a line drawn the specified distance from and parallel to the street right-of-way.	8 ft	16 ft	24 ft	24 ft	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum build-to-line coverage Percentage of the build-to-line that must be covered by a principal building.	80%	65%	50%	50%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum principal building height Measured from the average finished grade at the base of a principal building to the eaves or the roof deck if roof is flat.	18 ft	18 ft	18 ft	18 ft	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Maximum structure height Measured from the average finished grade at the base of the structure to the highest point of the structure, excluding architectural and roof-top elements listed in Paragraph 2005.G(3). For accessory structures, also see Section 3005.	72 ft	72 ft 60 ft	60 ft 48 ft	36 ft	36 ft	36 ft	36 ft	36 ft	36 ft	36 ft	60 ft 48 ft	48 ft	36 ft	30 ft
DENSITY														
Maximum residential density Measured as number of dwelling units per square foot of total lot area, except that accessory dwellings in accordance with Section 3202 will not be included.	no maximum	1 du per 1,200 sf no maximum	1 du per 1,800 sf	1 du per 2,100 sf	1 du per 2,700 sf	1 du per 10,800 sf 8,100 sf	1 du per 2,700 sf	1 du per 3,600 sf	1 du per 5,400 sf	1 du per 10,800 sf 8,700 sf	1 du per 2,100 sf	n/a	n/a	n/a

min lot size
as handy 1/4 acre lot -
Reduce to 8700

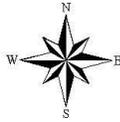
39 If our bylaws establish a min. lot size or any other dimensional standard, any district that disallows a dwelling unit density of 5 or more per acre does not meet the Act.

* state law (Home Act) states we cannot disallow a density of at least 5 du/acre [1 acre = 43,560 sf] so to meet 5 du/acre, the min. lot size must be 8,712 sf, or 0.2 ac.

4. Other minor edits to zoning

A. **14 Highland Avenue** was unable to convert the structure from a 2-unit to a 3-unit due to the zoning district it is in.

- It is currently in the R-12 zoning district
- It is a 3,396 sf structure with 2,264 sf of finished area –supports more units
- Property is 7,841 sf / 1 du per 3600 sf = 2 dwelling units in the structure
- By moving the MU-1 line up to include this property, the ability to have 3 units would be allowed
- 7,841 sf / 1 du per 2100 sf = 4 dwelling unit in the structure
- By making this change, the ability to start looking to see if it is even feasible based on this is corrected. Then the owner would have to meet the 220 sf minimum for the unit size, which, at the time the building supported.
- I would support making the change to the neighboring 18 Highland, that is also a duplex and has 5,512 sf of structure with 2,756 sf of finished area



Highland Ave Zone District considerations

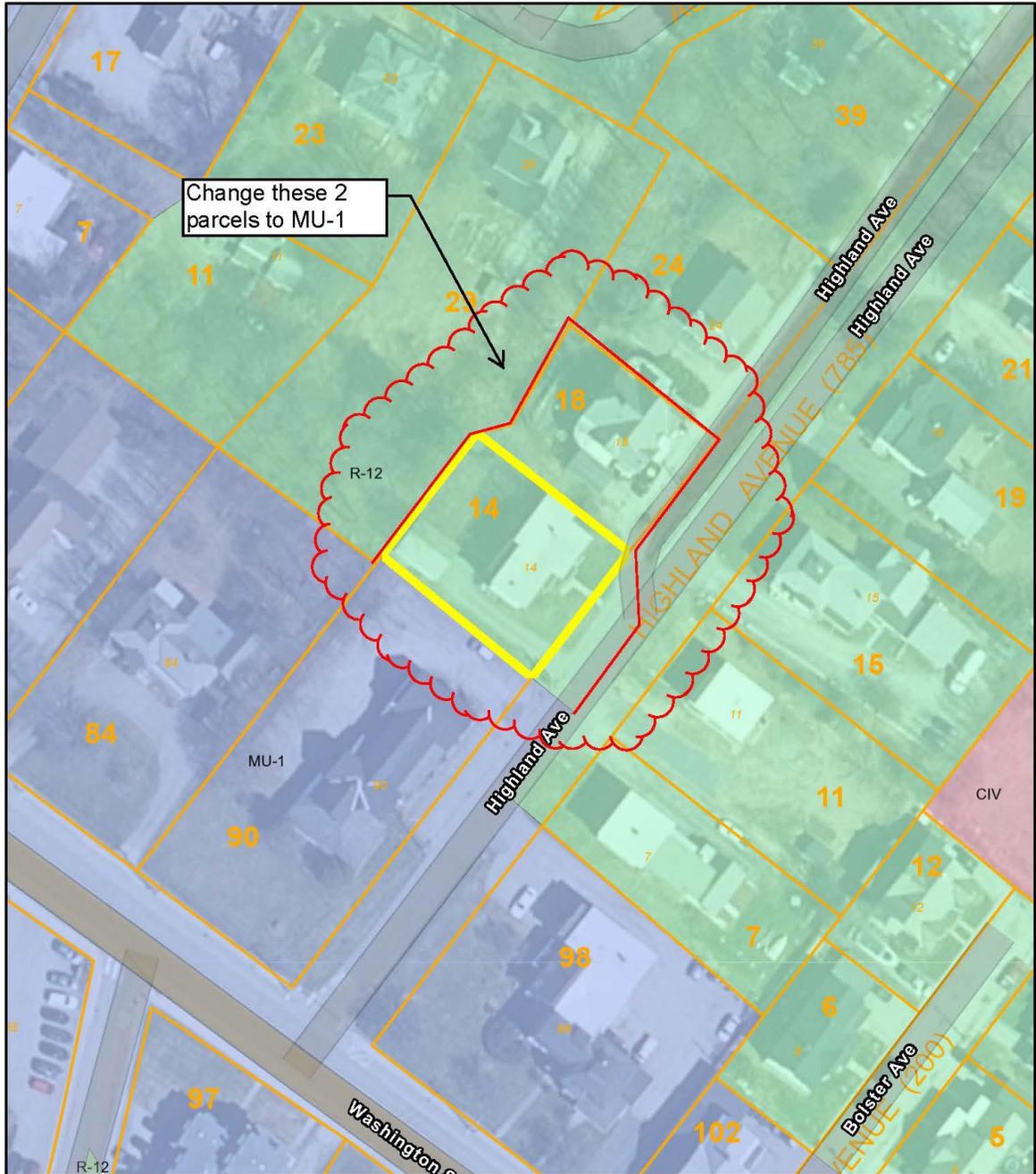
City of Barre, VT

1 inch = 70 Feet



www.cai-tech.com

December 11, 2023



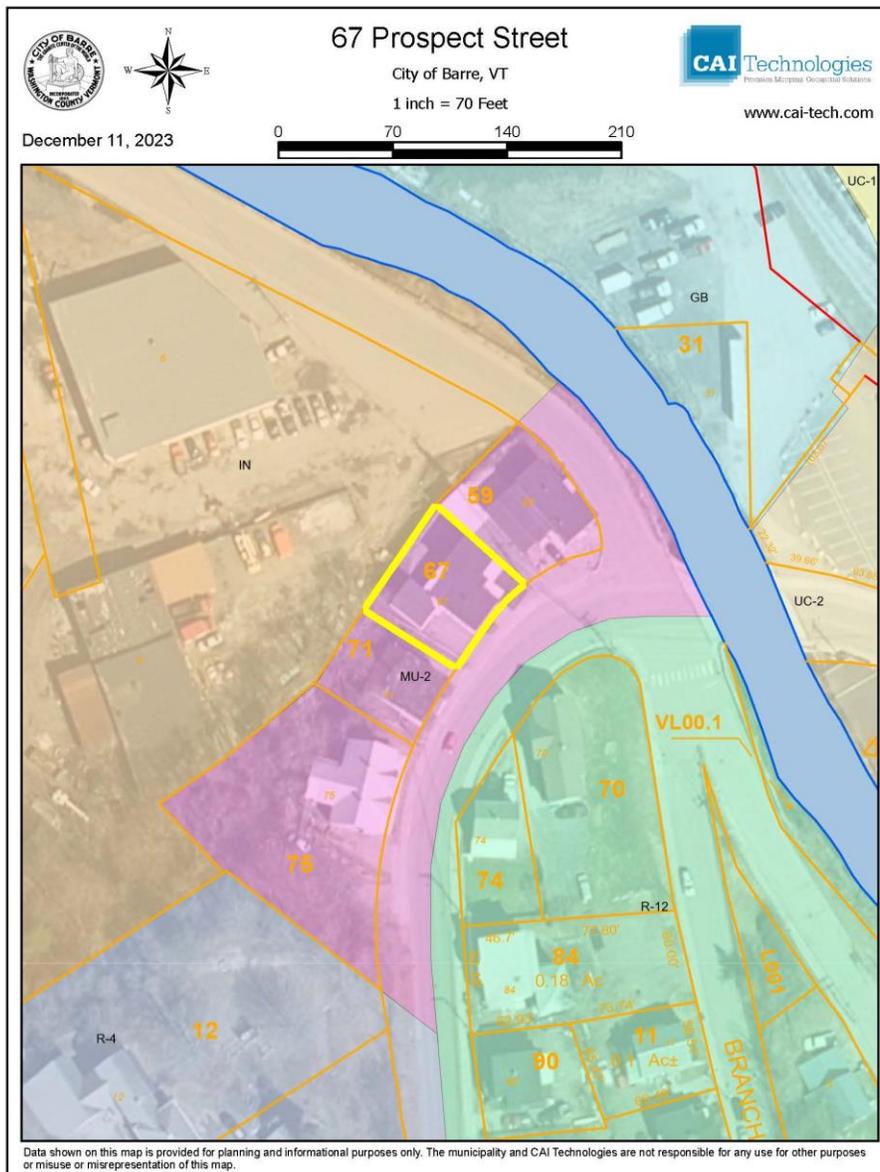
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

B. **67 Prospect Street** is a 2-unit with an empty retail space. The owner would like to convert the former retail space into a dwelling unit, and again, the hindrance is the zoning district for which the property is located in, as the structure and ample parking can support a 3-unit.

This section of housing is in the MU-2 zoning district, with a min. 4,000 SF lot size with a density requirement of 2,700 sf per du.

If the density requirement is removed per discussions above, then the test to create/add another apartment in this building would be apartment size and any needed parking (which the owner has room for).

This would benefit the owner if we remove the density requirement.



- C. **Stone's Service Station at 133 Washington Street** was purchased in Spring of 2022. The new owners fully intend to continue to operate it as a gas/service station. The problem is that zoning does not allow him to erect a canopy of the gas pumps, thereby shielding individuals who get gasoline there for their vehicles, they stand out in the elements.

A fuel station canopy is a specific use, and has specific standards for them, which the Dimensional Standards for Accessory Structures do not apply.

Their fueling pumps are relatively close to the public right-of-way, and in order to erect a canopy over them, they are required to meet the minimum required setbacks for the applicable zoning district they are in. the setback for the MU-1 area in the front is 8 feet. The pumps are approx.. 15 feet from the center to the property line/ROW. To cover the area where people park to fuel, this setback could not be met.

In order for this fuel station to continue and perhaps grow their customer base, they think that revising this specific standard would benefit them.

Some text to consider:

- ¶
3215.C → ~~New or replacement fuel station canopies must:~~ ¶
- ¶
(1) → ~~Be able to be constructed so that the edge is at the property line, but not extend over the public rights of way~~ minimum required setbacks for the applicable zoning district or public rights of way; ¶
- ¶
(2) → ~~Not exceed 18 feet in height if the roof will be flat or 24 feet in height if the roof will be pitched;~~ ¶
- ¶
(3) → ~~Not incorporate franchise designs or corporate identification elements;~~ ¶
- ¶
(4) → ~~Be architecturally integrated with the principal building through the use of the same or compatible materials, colors, roof pitch and design features;~~ ¶
- ¶
(5) → ~~Have illumination only on the underside (illuminated fascia are not allowed) with light fixtures that are recessed into the underside of the canopy so as not to protrude below the canopy surface by more than 2 inches in accordance with Paragraph 3102.D(3).~~ ¶
- ¶
3215.D → ~~Electric car charging stations located within a parking lot or structure will not be considered a fueling station and will not be subject to the provisions of this section.~~ ¶



The Barre City Planning Commission
c/o Janet E. Shatney, Director
Planning, Permitting, & Assessing Services
6 North Main St. Ste 7
Barre, VT 05641

November 27, 2023

Dear Barre City Planning Commission Members,

I am writing on behalf of the Barre Housing Task Force to request that you consider applying to the State of Vermont, Agency of Commerce and Community Development's Neighborhood Development Area Designation Program. We believe that the program benefits will be a great tool to assist our community to rebuild after the devastating flood of July 2023.

The Neighborhood Development Area program provides special permits and tax incentives for communities and developers that commit to building mixed-income housing within or adjacent to designated downtowns, village centers, new town centers, and growth centers. The program encourages municipalities and/or developers to plan for new and infill housing in the area within walking distance of its designated downtown, village center, new town center, or within its designated growth center and incentivizes needed housing, further supporting the commercial establishments in the designated centers. Areas eligible for designation must be within a neighborhood planning area defined as an area surrounding an existing state designated area, extending a 1/4 mile from village centers, and new town centers, and a 1/2 mile from downtowns (and areas within designated growth centers).

The benefits of Neighborhood Development Area designation include:

- Qualified "mixed income" projects are exempt from Act 250 regulations.
- Act 250 projects not qualifying for the exemption receive a 50% discount on application fees.
- Agency of Natural Resources fees for wastewater review are capped at \$50.00 for projects that have received sewer allocation from an approved municipal system.
- Exemption from the land gains tax.
- Limitation on appeals of conditional use permits for residential development.
- Municipalities receive priority consideration for state grants.
- Pilot Downtown & Village Center Tax Credits.

The program link can be found at [Neighborhood Development Areas | Agency of Commerce and Community Development \(vermont.gov\)](#).

We believe there is an immediate need to apply to the Neighborhood Development Area program. The many benefits can help ease some of the barriers to development in our community by providing special permit and tax incentives for mixed-income housing development. We urge you to consider applying to this program to help us rebuild our community.

Sincerely,
Michelle Hebert, Committee Member
Barre Housing Task Force