Regular Meeting of the Barre City Planning Commission
Meeting Minutes for May 23, 2019 at 6:30 P.M.

A regular meeting of the Barre City Planning Commission was called to order by Commission Chair Jackie Calder at 6:30 pm at City Hall. In attendance were Commissioners David Sichel, Jim Hart, Michael Hellein, Rick Badem and Rachel Rudi. Also in attendance was Planning Director Janet Shatney. Chair Calder determined that there was a quorum was present.

Absent: None.

Adjustments to the Agenda: Chair Calder stated that adjustments would be made to accommodate everyone in attendance.

Visitors and Communications (for anything not on the agenda): Mayor Lucas Herring was present to participate in the meeting. He thanked the Commission for taking the work back on, and hoped for a successful meeting.

Jacob Hemmerick a new city resident was present to observe the Commission, as he is interested in joining. Mr. Hemmerick is currently the Planning and Policy Manager for the Community Planning & Revitalization, Department of Housing and Community Development for the State of Vermont. He misses municipal government, as he used to be the Planning and Development Director for the Town of Milton, VT. Hopes to bring a lot of value to the [city] plan work, funding, and a statewide perspective.

Old Business: The May 9, 2019 minutes were approved by a motion by Commissioner Hart, seconded by Commissioner Hellein. **Motion carried**.

Continuation of Unified Development Ordinance and the letter from Downstreet Housing. Ms. Alison Friedkin was present to discuss, and said great conversation last Commission meeting and very open to the outcome of the conversation for bulk storage requirements 3201.C. Dimensional waivers and variances were talked about, and the specifics to the requirements, reducing the length number, and adding waiver language was discussed. Thomas Lauzon spoke that storage of people's items on porches and scattered about yards is a behavioral problem, not a space problem.

Commissioner Hellein said his opinion was that he did not want to change the square footage number to the bulk storage requirement (min. 60 sq. ft.) but would allow for a waiver. Chair Calder stated she would be happy to reduce the amount to 30 sq. ft. with waiver language to allow elimination thereof for existing builds with rehabilitation only. After further discussion and opinions, a motion was made by Commissioner Hellein and seconded by Commissioner Sichel to reduce the bulk storage space amount from 60 sq. ft. to 30 sq. ft. with added waiver language as #4 for existing buildings only. Further discussion regarding the side dimension happened, and Commissioner Hellein amended his motion to include revising the dimensional requirement from 6 ft. to 4 ft., seconded by Commissioner Sichel. **Motion carried**.

Next, Mr. Michael Boutin's email regarding a map change request from R-8 to R-4 in the triangular area bounded by Washington, Hill and Nelson Streets was briefly discussed. With not

much backup and specific reasons why there would be a change to this neighborhood, the Commission agreed to leave as is drafted and moved on to the next item.

Next, Mr. Thomas Lauzon's comments were deliberated on. We began with the Use Table and the following:

- ***Single and two-family structures in the UC-1/UC-2***: there was confusion if this applied at all, and these two have nothing to do with dwelling units on the second floor in the downtown, therefore, these were eliminated from discussion;
- ***Bed and Breakfast in UC-2***: currently marked as not allowed, and the concern was this was going to make the Reynolds Inn non-conforming. Commissioner Hellein reminded all that those types of uses in UC-1 and UC-2 are more like hotels, and the Reynolds Inn actually falls under an Inn by definition. The Commission agreed to leave Bed-and-Breakfast as not allowed in UC-2;
- ***Food or beverage store***: Mr. Lauzon would like to see the two sizes from not allowed to conditional in the UC-1 and UC-2 districts. It's a personal request, as they own a lot of property, and General Business is a very large district. The Commission agreed to the requested change;
- ***Building or Property Maintenance Service***: request changing from Not Allowed in both UC-1 and UC-2 to Permitted. He believes that based on the definition, this might be more of an office type setting, and why couldn't an office for this use be located in the downtown. Commissioner Sichel feels that perhaps not change to permitted but be conditional, to be sure that the requested use will be compatible with the downtown. Chair Calder asked if the Commission agreed to change UC-1 and UC-2 to Conditional, agreed by all;
- ***Light Industry***: asking for them both to be conditional in the UC-1 and UC-2 districts for building with a footprint greater than 5,000 sq. ft.: as based on personal experience and what is occurring in some of his properties right now, that these types could be allowed rather than not, and the size of current buildings is usually more than 5,000 sq. ft.. The Commission agreed to make both UC-1 and UC-2 Conditional for >5,000 sq. ft. because the review is the key;
- ***Food or beverage manufacturing***: along the same lines, and was agreed to change to Conditional for the larger sized buildings in the UC-1 and UC-2 districts;
- ***Hazardous Waste Services***: Request to allow for Conditional use in the General Business District from not being allowed. Mr. Lauzon referred to the Absolute Spill Response business in this district, explained how materials are manifested and transferred through the facility. He stated that the owner is considering expanding their business, and that this business is in the Opportunity Zone whereby the State is promoting businesses in these zones. He would like to see this business expand, and it could not without being Conditional. Commissioner Hart asked about atmospheric contamination, and Mr. Lauzon stated there is already an air exchanger in the building so it is all set. Both Commissioners Calder and Hellein asked about traffic, fire suppression. Mr. Lauzon spoke to the failsafe's in place. Chair Calder spoke to the Commission's concern about that type of business in the downtown, for the potential for dangerous effects that could occur; and do people want the heavy trucks in the downtown with certain types of materials. Because there was not consensus around the table, Chair Calder asked for a vote to change to Conditional, from not allowed. Commissioner Sichel made a motion to change to Conditional with Hart seconding. The vote passed to change to

Conditional 4-2, with Commissioners Sichel, Hart, Calder and Badem voting yes, and Rudi and Hellein against. **Motion carried**.

- ***Heavy Industry***: there was a lot of discussion around the request to change from not allowed to Conditional. And reading the definition, the word "specialized" made everyone hesitate. Chair Calder said that their perception is that heavy industry is potentially large, complex, noisy machinery outside, and operating continuously, and that would not be welcomed near the downtown. Mr. Lauzon spoke to the potential for hemp manufacturing needing dewatering, or even mining bitcoins that takes an incredible amount of power. Commissioner Sichel suggested taking a deeper dive to take a better look at the definition, and take the time to actually write some standards and see what might come up during that time as well. The Commission agreed to leave it not being allowed in the General Business district, and decided to take a deeper look at this after adoption.

Mr. Lauzon had other comments on the Ordinance that were not discovered from his submittal and therefore were not included as part of the comments on the table, but the Commission agreed to hear and deliberate on those others that he had:

- Page 40 2201.F Waiver of Standards for Industrial or Civic Buildings. He questioned why there was this waiver – while it's a good thing, this just seemed very specific, and why not to all buildings? This applies to the Design Review Overlay District. Language came from the consultant, and types of buildings that have a different form than others in the downtown. Mr. Lauzon spoke through the lens of a developer, where much of what is drafted is good, but for some instances, one size does not fit all, and this is one of those examples. He was asking for no limitation on the type of building. Commissioner Hart felt that its written fine, and Commissioner Hellein suggested we leave it the way it is and adopt as written, and wait and see what happens, and change if needed. **No change**.
- Page 75 3104.D(3) Shared or Off-Site Parking – lease agreements. 20-year leases are not heard of and suggested revising to 10-year lease with a Memorandum of Lease included. Discussion occurred, and Commissioner Sichel said that reading the last sentence of this part would give the out and it would not matter. **The Commission agreed to change 20-year to 10-year parking lease only, with no additional language for a memorandum**.

These and other items he talked about were not in the changes document that he forwarded. Mayor Herring said that in looking at the track changes method of what he forwarded did not come through – Mr. Lauzon said he had perhaps 6 or 7 more things to talk about, and Chair Calder asked if he would mind tabling these comments for the rest of the agenda items and would finish afterward, he was fine with that.

The discussion on Commissioner Hellein's memo regarding the changes to the Conservation District that include Valsangiacomo and Sleeper lands. He apologized for bringing this changes again, but he had two concerns: the first being did the Commission make the change inadvertently, and second, that these were substantive changes and did not follow process correctly, were these changes substantive or not and that is up to the City Council, and have we opened ourselves up to a legal challenge. He said that he is concerned that while the Commission did the right thing for the property owners, did they act correctly under process? Chair Calder said that while she wasn't not at the last meeting, she didn't agree with the memo, and agreed that when we changed the

property to Conservation, and changed the usage, and the philosophy of making these changes was that the Commission was to keep things the same in an area predominantly to what is currently in place, and that changing it back is not fair. Everyone agreed that if this is the case, then all the changes being made during this time could all be construed as substantive. The Mayor reiterated that it is Council's decision, and if the decision is to make a whole new area, that can be done after this gets adopted.

Commissioner Hellein stated that he felt that this work is a procedural flaw, that the right thing to do is to take this back from City Council, and have the adopted ordinance stand, and have the Commission hearings again with all these changes. Then the current definition of Conservation that has 5 acres per dwelling unit.

Mr. Rusty Vasangiacomo questioned what was the concern, that this was agreed at the Council level, agreed and voted the make the district changes when it came to their lands, that this was all taken care of.

After further discussions amongst all, and the Valsangiacomo and Sleeper lands will remain in R-4 as recommended and voted on previously.

At this point, the Commission turned its attention to staff's comments on two pages as follows:

- Page 86 Temporary Signs: Fees are not set within ordinance so the dollar amount column will need to be removed. Also, the duration of a temporary sign at 14 days doesn't make sense to what people are used to which is a 30-day span. Staff is proposing changing the table to change 14 days to 30 days for a fee, and 31-180 days for a higher fee, and 181-365 days for yet a different fee, maximum 40 sq. ft. for a temporary sign. Commissioner Hellein asked if we wanted a to put a maximum timeframe on a temporary sign to as much as 365 days, and Commissioner Sichel said that this would be an easy fix to the table, and asked who proposed the fees, which are the department heads. **Commission agreed to eliminate all dollars off the table, and have two lines that say 1-30 days in any 12-month period, and another line for 31-180 days in any 12-month period, and nothing further than 180 days, with no limit to the size of the temporary sign and to see the Fee Schedule**.
- Page 53 Driveways: the word "proposed" in the first sentence doesn't seem to make sense, perhaps the word is placed incorrectly? **Commission agreed that it is placed correctly and is missing the word "the" before proposed**.

And then the Commission circled back to Mr. Lauzon's comments and questions to finish up:

- Page 4 1101.A(10) Fuel Tank exemption: concern was that if a tank exceeding 500 gallons was installed would it be not allowed? This section is for an exemption for anything other than the Design Review District, and if above- or below-ground, and in the design review district, this would all fall under Site Plan Review. **No change**.
- Page 13 1301.F Damaged or destroyed structures in the Nonconformities section: the concern was to be sure that if damaged unintentionally it was in regard to the owner. Mr. Lauzon said adding any additional language was not worth it, so ultimately he had no change requested. **No change**.

- Page 98 3108 Trash, Composting and Recycling Storage Areas: The suggestion is to strike the specificity in (1)(a), and remove both (4) and (5), again for specificity and materials same as the principal building doesn't work for a trash enclosure that could be moved by a snowplow, and spending the kind of money on a trash enclosure with the same materials as the principal building is not cost effective, they're usually made of chain link with privacy slats weaved through – this is pretty restrictive language, and is asking for some latitude from (5); strike "same exterior materials" and replace with "something similar". Staff suggested making a list of acceptable materials, and Commissioner Sichel said use the word "compatible". Commissioner Hellein stated he remembered the Consultant stating that we should get away from chain link as that is what everyone wants to use, and suggested leaving as is and see what happens with this in place, and the Commission could change if this doesn't work for a potential applicant. Further discussion regarding language that might be too ambiguous that would allow for anything, and if the DRB could actually take the time to review this particular section for an applicant. **The Commission agreed to change (5) to say, "Enclosures must be constructed of materials that are compatible with the buildings they are intended to serve**."
- Page 100 3201.B Open Space for Multi-family dwellings: the issue is with the waiver requirement of being within a ½-mile walk of a public recreation area and seems too specific, and is just trying to keep housing affordable. Commissioner Sichel stated that the logic is there is a park or playground in many locations of the City, so meeting this requirement is very easy as we are only a 4 square mile city. **No change**.
- Page 101 3201.E Bicycle Storage for Multi-unit housing: asks why is this needed? Shouldn't there be a waiver? Why would a senior assisted housing unit need bicycle storage for? He suggested adding language that would allow the applicant to demonstrate why such a requirement would be needed so that it could be waived. Discussion over uses, getting specific; and come up with a list of uses to be listed at a later time and make the change. **The Commission agreed to add (a) that states, "The DRB may waive this requirement if the applicant can prove that the occupants of the development do not need that amount of bicycle parking**.
- Page 102 3203.A Home Occupation: is asking for "(1) be customary in residential neighborhoods" be removed. Discussion over the word "customary" ensued. The word is there as it seems to be better than using the word "appropriate", but is there a better or different word? Commissioner Sichel reviewed the word meaning something a bit different than what was discussed. Commission agreed to leave the term as is. **No change**.
- Pages 104-105 3208.A Bed and Breakfast, 3209.A Inn: the usage of the lines for people not staying in these types of establishments for more than 30 days. The rental rules state that if someone stays in a dwelling unit for more than 29 days, it falls to the minimum housing requirements and then the City can allow for rental registry and inspection and fees requirements. Some people, like traveling nurses, etc. may stay for 3 months or more in such an establishment, and why would we want to limit them? Talk of using terms such as using permanent residence, as this wouldn't be permanent. There was little consensus to changing this for now as both sides of the discussion, for or against having your hotel room being your primary residence could be attained, so they agreed to leave these lines in for now and see what happens, and perhaps come up with better language at the hearings. **No change**.

New Business: none.

Adjourn: The Planning Commission meeting adjourned at 8:54 pm on a motion from Commissioner Hellein, seconded by Commissioner Rudi. **Motion** carried.

The meeting needed to be reopened on a motion by Commissioner Hellein and seconded by Commissioner Rudi at 8:54 pm so that motions could be made to pass these changes made and recommended to Council from this evening, **motion carried**.

A motion was made by Commissioner Sichel and seconded by Commissioner Rudi at 8:56 pm to make the recommended changes from this evening and recommend the revised document back to the City Council at a date to be determined, **motion carried**.

A final motion to adjourn at 8:57 was made by Commissioner Hellein and seconded by Commissioner Badem, **motion carried**.

There is an audio recording of this meeting.

Respectfully Submitted,
Janet Shatney, Planning Director