



TOWN OF BARRE

Municipal Bldg.
Lower Websterville, VT 05678
802/479-2595

- Planning Commission
- Development Review Board
- Zoning Administrator



CERTIFIED MAIL

Town of Barre Planning Commission **Notice of Public Hearing**

January 21, 2015

In accordance with 24 VSA § 4441 (c) The Town of Barre Planning Commission is providing notice of the following:

The Barre Town Planning Commission will hold a Public Hearing on Wednesday, January 21, 2015 at 7:00 P.M. at the Municipal Office, Lower Websterville consider amendments to the Zoning Bylaw as follows:

Article 2, table 2.1 – Change heavy industry from permitted to conditional use.

Article 2, table 2.2 – Exempt commercial and industrial use increased setback when abutting a cemetery.

Article 2, sec. 2.3 – Change zoning designation of part of Wilson Industrial Park from office building retail to industrial.

Article 2, sec. 2.3 - Change zoning designation of 33, 47, and 59 Bridge Street from low density residential to highway commercial. Also includes a very small section of land owned by the City of Barre that the bike path crosses at its start from Bridge Street.

A report on the proposed changes is attached.

Submitted by:

Chris Violette

Chris Violette
Planning Director
January 2, 2015

TOWN OF BARRE, VERMONT
PLANNING COMMISSION
Report for Municipal Zoning Bylaw Amendment
2015 (1)

In accordance with 24 V.S.A § 4441 (c) the Planning Commission of the Town of Barre submits the following report a Zoning Bylaw amendment. A public hearing is scheduled for January 21, 2015 at 7:00 p.m. at the Town of Barre Municipal Building.

The Barre Town Planning Commission is considering an amendment to:

Article 2: Zoning Districts & District Standards

Table 2.1 - Change heavy industry from a permitted use to a conditional use.

The Planning Commission is proposing to require all uses that fall into the heavy industry classification to in the future be reviewed and permitted as conditional uses. Currently heavy industrial uses only require review by the Zoning Administrator and are only reviewed based on Zoning Bylaw compliance.

The proposed change would require a more significant review following established conditional use criterion thereby giving the Development review board greater authority to review impacts to public safety, character of areas surrounding proposed uses and impact of surrounding uses, traffic being generated by a proposed use, and effects of potential objectionable emission of a proposed use related to air quality and noise.

The Barre Town Municipal Plan addresses and supports the proposed change in the following ways:

1. Section 2.1 in the introductory statement states that “the plan should anticipate and seek, within reason, to accommodate the results of market demands and growth pressures while recognizing the need for standards, limitations, and regulation to contain extremes which may result”.
2. Section 2.3 third paragraph states in the last two sentences that “industry is important to any community’s economic development and it is important to find a balance between land uses given the proximity of industrial land (including earth resource extraction) and highly dense residential areas. Utilizing the conditional use process is a good way to help mitigate concerns”.
3. Section 2.10 fourth bullet point states “consider requiring all industrial uses to be reviewed as conditional uses to help mitigate potential conflict between them and residential uses”.

It is not specifically addressed in the Town Plan with regard to the proposed change and how it may or may not be compatible with future land uses. Land use that may fit into heavy industry is broad. The proposed change will help the town better manage those uses as they relate to compatibility with surrounding uses.

There are no planned community facilities at this time in Barre Town so the Planning Commission does not anticipate that the proposed change will have any future effect on such facilities now or in the future.

Overall the proposed change attempts to protect both existing land uses and developments but at the same time utilize existing industrial areas to encourage economic development for the Town and the region. As the Town Plan suggest, this proposed change is the best way to accomplish that goal.

Table 2.2 – Exempt commercial and industrial use setback increase when abutting cemeteries.

The 2008 Zoning Bylaw amendment changed the zoning of all the cemeteries in Barre Town from public land to residential. Table 2.2 of the Bylaw mandates increased setbacks for commercial and industrial uses when they abut residential zones. In other words, if the setback for a commercial use would normally be 25', that setback would increase to 50' if the use abutted a cemetery. The same is true for an industrial use if abutting a cemetery, instead of the normal 50' setback, the use would be subject to a 100' setback.

The 2008 change has caused development issues specifically within the Wilson Industrial Park. Expansion projects within the park have sought variances because of these increased setback requirements. So far, variances have been issued allowing projects to proceed. However, the Development Review Board (DRB) finds this process problematic and would like to see the proposed amendment adopted believing economic development is affected.

The Town Plan supports economic development in several ways including:

Section 2.10 – Land Use Goals (page 10)

- Creative design and clustering is encouraged to minimize infrastructure costs and preserve open spaces. Open spaces to be maintained by homeowners' associations or by municipality with public/community access.
- Development and growth should be encouraged in areas where municipal water, sewer and roads are available. Growth should be done in ways that do not burden existing systems and cost of operating those systems on the taxpayer. Sewer pumping stations should be discouraged.

Section 10.1 - Economic Development - Mission Statement (page 76)

- To create sustainable jobs. To assist existing businesses as may be necessary to retain existing jobs.
- To add to the Town's grand list to and to reduce the Town's reliance on residential property owners to fund the operations and enterprise of Town government.
- To strengthen and diversify the local economy by actively supporting the growth of priority businesses.

The reality of the proposed change is that very little land is affected by the proposed change. The Wilson Cemetery is the only cemetery that abuts a commercial or industrial zone in Barre Town. Other commercial or industrial uses in other parts of town that might potentially abut a cemetery are likely to be very limited. However, the change is necessary to ensure businesses within the Wilson Industrial park can grow without having to rely on the variance process each time. Regular setbacks will still apply in any situation.

Section 2.3 Zoning Map (This proposal alters the designation of land)

Wilson Industrial Park

This is a proposed zoning amendment that would change the zoning designation of land within the Wilson Industrial park as shown on the attached map from office building retail to industrial. The parcel ID's subject to the proposed zone change are as follows:

- 006/047.04 – Town of Barre (entire)
- 006/047.05 – Town of Barre (partial)
- 006/047.18 – Power Rings Partners, LLC (partial)

When first created in the 1990's, the Wilson Industrial Park "expansion" area was split zoned between industrial and commercial. The 2008 zoning rewrite changed the area originally zoned as commercial to office building retail. Since that time and really before the 2008 rewrite, it became clear, given the existing development pattern, that having the commercial zoning of the industrial park is not practical. A zoning amendment allowed commercial office buildings in the industrial zone which accounted for much of the reason part of the park was zoned commercial to begin with. As a result, based on that change, there is no longer a need to have two different zones encompassing the industrial park.

The current Barre Town Municipal Plan discusses a change being made to the zoning of the Wilson Industrial Park as follows:

Section 2.4 – Proposed Zoning, second bullet point on (page 8)

- Currently the Wilson Industrial Park is divided into two separate zones, industrial and commercial. Present development is mixed and seems to be compatible. Future consideration should be given to altering the zone to a more mixed commercial and industrial zone.

This zoning amendment proposal suggest that because commercial offices are already allowed in industrial zones that there is no need for a commercial component of the zoning for the industrial park and suggests zoning the majority of the land in the park industrial. The only remaining none industrial land would be land that is steep and not suited for development. That land is currently zoned conservation and is parcel ID 006/047.06.

It is not specifically addresses in the Town Plan with regard to the proposed change and how it may or may not be compatible with future land uses. There are no future land uses being considered at this time.

There are no planned community facilities at this time in Barre Town so the Planning Commission does not anticipate that the proposed change will have any future effect on such facilities now or in the future.

VSA 24 § 4384 (required for altering designation of land)

- 1. The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land use.**

The likelihood of negative impact on the surrounding land is expected to be minimal because the proposed change encompasses land already within the Wilson Industrial Park. In reality nothing will be changing.

- 2. The long-term cost or benefit to the municipality, based consideration of the probable impact on:**

(A) the municipal tax base

The Planning Commission believes that the municipal tax base should actually be enhanced by making the proposed zone change. Changing the zoning will allow more industrial uses in the area currently zoned office retail whereas the way it is currently zoned may not be particular suitable for that type of commercial activity.

(B) the need for public facilities;

N/A

- 3. The amount of vacant land which is:**

(A) already subject to the proposed new designation

Barre Town has a limited amount of land subject to the industrial designation. Most of what is zoned industrial is owned by Rock of Ages Corporation and the Town of Barre in the Wilson Industrial Park. Creating more industrial land will be a positive addition especially adjacent to existing industrial land.

(B) actually available for that purpose, and the need for additional land for that purpose.

See response above.

- 4. The suitability of the area in question for the proposed purpose, after consideration of:**

(C) appropriate alternative locations;

(D) alternative uses for the area under consideration; and

(E) the probable impact of the proposed change on other areas similarly designated

The land proposed to be zoned industrial is located within the Wilson Industrial Park which is mostly already zoned industrial. The site for this proposed industrially zoned land is appropriate because of it being part of the industrial park. The area proposed for

the industrial land is already zoned commercial so changing to industrial adjacent to existing industrial land will not greatly affect alternative uses for this area. It should increase the uses.

5. The appropriateness of the size and boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability and existing development in the area.”

The land associated with the zone change request is approximately 30 acres which would be a sufficient industrial park size all by itself so that the proposed boundaries of this zone change are appropriate.

Bridge Street (Reynolds and Sons/Isabelle Electric

This is a proposed zoning amendment that would change the zoning designation of land within as shown on the attached map from low density residential to highway commercial. The parcel ID's subject to the proposed zone change are as follows:

- 031/017.01 – City of Barre (partial)
- 030/022.00 – Lavigne, Norma
- 030/021.00 – Reynolds & Sons
- 030/020.00 – Isabelle Thomas & Crystal

These four properties along with many others in this general vicinity were zoned industrial prior to 2008's zoning rewrite. During the rewrite it was thought that the industrial land in this area was no longer necessary. Some of the determining factors at that time were a lack of access to municipal sewer for some of the land, no municipal water access to any of it, transportation access, and that Barre Town now has the Wilson Industrial Park. The 2008 Zoning Bylaw rewrite changed the zoning from industrial to low density residential.

The proposed amendment will take two existing commercial properties (Reynolds & Isabelle) that were negatively impacted by the 2008 amendment and change them to highway commercial. Highway commercial better reflects the historical use of the two parcels. The other two, (Barre City & Lavigne) have not been negatively impacted by the amendment but are proposed to change to highway commercial to allow the new zoning designation to be contiguous with other highway commercial along Bridge Street across Steven's Branch River.

The Town Plan supports the proposed zoning amendments in several ways:

Section 2.10 – Land Use Goals (page 10)

- Creative design and clustering is encouraged to minimize infrastructure costs and preserve open spaces. Open spaces to be maintained by homeowners' associations or by municipality with public/community access.
- Development and growth should be encouraged in areas where municipal water, sewer and roads are available. Growth should be done in ways that do not burden existing systems and cost of operating those systems on

the taxpayer. Sewer pumping stations should be discouraged.

Section 10.1 - Economic Development - Mission Statement (page 76)

- To create sustainable jobs. To assist existing businesses as may be necessary to retain existing jobs.
- To add to the Town's grand list to and to reduce the Town's reliance on residential property owners to fund the operations and enterprise of Town government.
- To strengthen and diversify the local economy by actively supporting the growth of priority businesses.

The proposed zoning amendment is important to help encourage existing businesses to stay and grow, preserve sustainable jobs, continue to add to the Town's grand list which strengthens our economy. Also it is important to note that these parcels and businesses are served by municipal sewer and have good access to State highways. Limiting existing businesses because the zone change in 2008 could in the case of Isabelle's property prevent new uses of the property and in the case of Reynolds and Sons could restrict growth and future uses as well. By changing the zoning of these parcels to highway commercial it allows the existing pattern or clustering to remain now and into the future.

VSA 24 § 4384 (required for altering designation of land)

1. The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land use.

Overall the land use pattern changes little with the proposed zone change. Reynolds and Son's has maintained operations for many years including between 2008 and now. While Isabelle Electric ceased operations several years ago, the building has been used for various endeavors. By changing the zoning from low density residential to highway commercial the surrounding area will see little if any change. This is again due to the fact the uses for the most part have existed for quite some time.

2. The long-term cost or benefit to the municipality, based consideration of the probable impact on:

The municipal tax base

While the existing business of Reynolds and Son's has maintained a continuous use, the Isabelle property has not which means it has lost its grandfathering status. New proposed uses have to go before the Planning Commission for allowed use determination. The Reynolds property could be faced with similar problem in the future. Both properties and the businesses located on them have been important contributors to the local tax base.

The need for public facilities;

N/A

3. The amount of vacant land which is:

Already subject to the proposed new designation

Barre Town has a limited amount of quality land subject to the highway commercial designation. Most of the highway commercial zoned land is in the South Barre area but overall encompasses a small portion of the land mass in Barre Town and very little of it is vacant.

Actually available for that purpose, and the need for additional land for that purpose.

As noted above, very little highway commercial land is vacant and available for development. While adding land that has never been used for commercial purposes may require a more in depth review, the subject land has been used commercially for decades and the proposed change provides the additional land with little impact.

4. The suitability of the area in question for the proposed purpose, after consideration of:

- (F) appropriate alternative locations;**
- (G) alternative uses for the area under consideration; and**
- (H) the probable impact of the proposed change on other areas similarly designated**

The land proposed for the zoning amendment is located just outside existing highway commercial boundaries with existing businesses so that there isn't an appropriate alternative. The proposed amendment should not negatively impact the other similarly zoned land, in fact by changing the designation it should enhance it by maintaining land already being used commercially.

5. The appropriateness of the size and boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability and existing development in the area."

The size of the proposed zone amendment is appropriate considering the land was once zoned industrial, commercial uses currently exist, and are sized similarly to other land in the vicinity.