

**Special Meeting of the Barre City Council
Held February 17, 2016**

The Special Meeting of the Barre City Council was called to order by Mayor Thomas Lauzon at 7:00 PM at Barre City Hall. In attendance were: From Ward I, Councilors Charles Dindo and Paul Poirier; from Ward II, Councilors Michael Boutin and Michael Smith; and from Ward III, Councilors Anita Chadderton and Lucas Herring (arrived 7:07 PM). Also present was Clerk/Treasurer Carolyn Dawes.

Absent: NONE

Adjustments to the Agenda: NONE

Mayor Lauzon said this special meeting is for Council to consider appealing the Development Review Board's Champlain Oil decision, which was made at the January 7, 2016 DRB meeting with the decision being signed on January 21, 2016. The Council has thirty days from the date the decision was signed in which to appeal to the Environmental Court.

Matt Wamsganz from Champlain Oil reviewed the history of the use of the North Main Street location and the proposed project. Mr. Wamsganz said Champlain Oil made an initial presentation to the DRB at the September 3, 2015 hearing, after which they developed architectural and engineering plans. They received final approval at the January 7, 2016 hearing. He said this is not an expansion of the current non-conforming use as the number of gas pumps will not be changing, and he said Champlain Oil can work through any concerns about expanding the non-conforming use to the adjoining property. He requested that the Council not file an appeal.

Liam Murphy, counsel for Champlain Oil, said there is no non-conformance with the proposed structure or canopies as retail and restaurants are permitted uses. He said sale of gas is a non-conforming use, but there is no proposed expansion of the current non-conforming use because the number of pumps will remain the same. He said the DRB decision grants a variance related to the setback requirements for the sign, and Champlain Oil would be willing to change the sign location.

Mayor Lauzon said he met with a Champlain Oil representative last summer and then handed the project off to City Planner Janet Shatney. The Mayor said he has had no contact on the project since then. He said the purpose of tonight's meeting is to determine if the City will appeal the DRB decision, it's not to hold a new hearing. He said he recommends the Council appeal the DRB decision to give the City a chance to respond to the comments made this evening by Mr. Wamsganz and Mr. Murphy. The Mayor said he respects the DRB and its members, however, he has concerns about the five criteria that needed to be met for the project to be approved and move forward. He said an appeal will preserve the rights of the City, and the City could withdraw the appeal in the future.

Mr. Murphy said the Council would be in charge of the appeal, and there would be opportunities to come to a settlement agreement if the appeal is filed. He said he hopes the two parties can work through the concerns.

Councilor Herring made the motion for the City of Barre to appeal the Development Review Board's Champlain Oil decision. The motion was seconded by Councilor Smith.

Discussion continued.

Councilor Poirier said he will support the motion to appeal. He said there should have been a better way to deal with this issue, that he has concerns about ex parte communications, that conversations should be

open, and this incident is not in the best interest of the City.

Councilor Herring reviewed zoning bylaw language referencing the master plan and criteria for development. He said the City must abide by the bylaws as they are currently written, and therefore must appeal based on the current language.

Councilor Dindo said the DRB and Planning Commission could have worked out the concerns. He said he is not in favor of going to the Environmental Court as the issues should have been dealt with locally. He said he will not support the motion.

Mayor Lauzon said he will ask Ms. Shatney, the DRB and Planning Commission to respond to Mr. Wamsganz's and Mr. Murphy's comments.

Planning Commission member Nancy Wolfe said DRB chair Pete Fournier attended a Planning Commission meeting to discuss the Champlain Oil project and similar projects elsewhere in the state.

Granite Hills Credit Union executive director Susan Poczobut said her building is located adjacent to the Champlain Oil property. Ms. Poczobut said the City needs to remember that a building has already been razed to make way for the project, which lowers the grand list. She said she supports economic development and projects that will add to the grand list. The City should not let this opportunity slip through its fingers.

City resident Sue Higby said she watched the construction of City Place carefully, including all the regulatory hurdles the developers went through. Ms. Higby said the Champlain Oil project is not yet of the same quality as the City Place project, and encouraged the Council to work to make this project benefit the City.

Council voted on the motion as presented. Motion carried with Councilor Dindo voting against.

The Council meeting adjourned at 7:36 PM on motion of Councilor Poirier, seconded by Councilor Boutin. **Motion carried.**

An audio recording of this meeting is available from the City Clerk.

Respectfully submitted,

Carolyn S. Dawes, City Clerk