

**Town of St. Albans  
Development Review Board Meeting Minutes  
Thursday, October 12<sup>th</sup>, 2017  
6:30 p.m.**

On Thursday, October 12<sup>th</sup>, 2017 at 6:30 p.m., the Town of St. Albans Development Review Board met at Town Hall for hearings.

**Present:** Chair, B. Brigham, Vice Chair, Arthur Omartian, Clerk, Bruce Thompson, Jeff Jewett, Christina Boissoneault and Zoning Administrator, Becky Perron

**Absent:** Tom Stanhope, Mike McKennerney

Chair, B. Brigham called the Development Review Board hearing to order at 6:30 p.m.

**New Business:**

**Application of Andy & JoAnn Bechard requesting Site Plan, Sketch, Final Plat and an 801 Waiver in accordance with Sections 205, 206, 207, 208, 209, 402, 403, 802 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 0 Ouellet Drive in the Rural and Residential Districts and owned by the Applicants.**

The application was represented by Andy & JoAnn Bechard, applicants, and David Tudhope, engineer. Chair, B. Brigham asked if any audience members were present to hear this application and request Interested Party Status. Richard Swann and Cheryl Davis, abutting land owners, requested Interested Party Status as well as William Gates and Autumn Bondesen, residents within the neighborhood.

**MOTION: J. Jewett made a motion to grant Interested Party Status to R. Swann and C. Davis as abutting landowners and to W. Gates and A. Bondesen as residents within the neighborhood. A. Omartian seconded. All in favor, none opposed, motion carried.**

The applicants and Interested Parties were sworn in by Clerk, B. Thompson.

B. Brigham started by confirming the applicant had been in front of the Board recently. A. Bechard confirmed, stating he and J. Bechard had applied for an 801 waiver previously to do a 2 lot subdivision. The applicant stated he has appeared before the Board at this time to further subdivide the remaining land. The applicant is currently building himself a home on one of the lots.

A. Bechard explained there is a remaining 19 acres that he is proposing to subdivide into 6 additional residential lots as well as amending the 20' wide right of way (ROW) to a proposed 60' wide ROW. The proposed road ROW will not exceed 10% in any fifty foot section and will have a loop around at the end of it, which has been approved by the Town Fire Department.

B. Brigham asked which lot the applicants are currently building on. A. Bechard stated he is building a home on Lot 9.

B. Brigham asked for confirmation the applicant is proposing to build homes on the proposed Lots 13, 12, 11, 10, and 8. A. Bechard confirmed and stated Lot 8 will likely remain undeveloped until he and J. Bechard are ready to build their own home on it once their kids are grown.

A. Bechard stated the lots are large and private and will make good house sites. B. Brigham wondered if the mound systems have been approved. A. Bechard confirmed the systems had been designed and the State had approved the designs but the wastewater permit would not be applied for until the Town approved the subdivision.

B. Brigham explained there was an extensive stormwater report included in the packet. A. Bechard confirmed, stating Chad Brannon, engineer at Fieldstone Land Consulting, had been on site and designed a new stormwater pond to be placed on Lot 10. All new stormwater generated as a result of the subdivision and subsequent development will be directed to the new pond, and will not affect the surrounding properties. B. Brigham questioned where the existing stormwater pond was. The existing pond was built on Lot 4 when the previous 6 lots were developed. B. Brigham asked for confirmation the existing pond is not being enlarged. A. Bechard confirmed a new pond would be built on Lot 10. B. Brigham inquired if the new stormwater would flow through ditches and swales. A. Bechard confirmed, stating culverts would also be utilized.

Roger Greenough, resident within the neighborhood and President of the Homeowners Association entered the meeting at 6:45 p.m. and requested Interested Party Status.

**MOTION: C. Boissonault made a motion to grant Interested Party Status to R. Greenough as a resident within the neighborhood. J. Jewett seconded. All in favor, none opposed, motion carried.**

R. Greenough was sworn in by Clerk, B. Thompson.

B. Thompson wondered if any landscaping would be added. A. Bechard stated there would be no additional landscaping.

B. Brigham asked if the roof drainage and foundation drainage would make its way to the pond. A. Bechard confirmed, and added the pond is situated on the lowest lot. B. Brigham inquired if the drainage from the back of lots 10, 11 and 12 would drain to the road then to the pond. A. Bechard confirmed and reiterated all stormwater will end up in the pond.

B. Thompson asked if the existing portion of road is gravel. A. Bechard confirmed. B. Thompson asked if the road was proposed to stay gravel. A. Bechard stated he would like to see it paved but it would depend on what other members of the HOA thought.

B. Thompson wondered how the amount of children per house was calculated for the staff report, which suggests the subdivision and development would add 0.72 children per three bedroom house. B. Perron stated the number was the result of a study titled Housing in Vermont School Enrollment.

B. Thompson wondered if A. Bechard was building the proposed homes himself. A. Bechard confirmed. B. Thompson asked how many bedrooms the homes were proposed to be. A. Bechard stated the homes would be built however the buyer wanted, some lots had proposed wastewater permits for up to three bedrooms, other lots for up to four bedrooms.

The Board had no further questions at this time and opened the conversation to the Interested Parties.

R. Greenough stated the still-forming HOA had met recently and was unaware of A. Bechard's intentions to subdivide and develop the lots. R. Greenough asked the Board to consider moving the application forward by a month to give the HOA time to review the proposed plans. R. Greenough stated concerns about how the developing would be done, if additional homes would equal higher dues for the HOA, and some road and stormwater concerns.

B. Brigham asked if the new HOA was a legal association. R. Greenough stated the HOA had just formed and just had their first meeting. The HOA has not yet been registered. B. Brigham asked if the new homes would become part of the HOA. A. Bechard confirmed. B. Brigham inquired if there were written bylaws for the HOA. R. Greenough confirmed. W. Gates stated there had been a previous association under the former owner but when he passed away paperwork needed to be filed to re-form. B. Brigham asked if the present HOA members were paying dues. R. Greenough stated the HOA had agreed on an amount and the first dues were supposed to be paid October 1<sup>st</sup>, but the HOA had moved that date to November 1<sup>st</sup>. R. Greenough reiterated his concerns that the fees for the HOA may need to be looked at again if more members are added to the association due to development. R. Greenough admitted he was nervous about development due to the last builder being untrustworthy and not doing things as promised.

J. Jewett understood R. Greenough's concerns, but assured him the Board's duties include a thorough review of the plans and it is important to the Board to support both the developer and the current residents. He assured R. Greenough the Board would look for any red flags and set conditions of development if needed.

B. Thompson asked when the applicant proposes to start. A. Bechard was hopeful for a Spring start, but development would be contingent on selling a lot. A. Bechard stated he is currently building his house on Lot 9, Lot 10 would be the next to be developed. Once Lot 10 sells, A. Bechard will have the funds to start infrastructure to have access to the other lots. He is unsure if it will take a couple years or longer. B. Thompson asked for confirmation the infrastructure would not all be done at once. A. Bechard stated his intentions were to build the cul-de-sac first, sell and develop Lot 10, then progressively put the infrastructure in through Lot 13. Lot 8 will be developed last as he is reserving that for himself. The Stormwater pond will go in after Lot 10 sells.

J. Jewett stated the current road isn't great. He wondered what the impact of construction vehicles would be. A. Bechard confirmed he understood his responsibilities as a contractor to at least maintain the roads condition, if not improve it.

A. Omartian wondered how snow removal had been handled in the past. R. Greenough stated a plow person came and plowed and sent every house a bill.

B. Thompson inquired if underground power would be utilized. A. Bechard explained there would be poles installed, at least to the cul-de-sac, after that he was unsure. There will be no street lights.  
B. Brigham wondered if the mound systems were individual or shared. A. Bechard confirmed the mound system on Lot 8 is for Lots 8 and 13. The system of Lot 10 is for 9 and 10. The rest are individual.

B. Perron pointed out the plan states the road will be paved. A. Bechard confirmed that was an error and he did not intend to pave at this point.

The Board had no further questions and stated they would take this up in deliberative session.

**Application of Commons Associates. LP requesting Conditional Use Approval for a change of use in accordance with Sections 405, 409, and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 211-321 Swanton Road in the Commercial District within a Designated Growth Center and owned by the Applicant.**

The application was represented by Sheila McIntyre of Summit Engineering and Steven Kiel of Commons Associates; there were no interested parties. The Clerk swore the applicants in.

S. McIntyre explained a unit in the Highgate Commons Shopping Center previously had a tenant who utilized a fast food restaurant use. The applicant is requesting a change of use from fast food restaurant to personal fitness center. There will be no exterior changes to the site, and the interior changes will be minor. A health drink station will also be included in the gym.

B. Brigham wondered if the gym required a membership. The applicant confirmed.

C. Boissoneault asked if the gym was currently opened. S. McIntyre stated the gym was previously open at another location in St. Albans and confirmed the business is open and running.

J. Jewett wondered how the parking requirements were decided. He explained that when another gym opened in St. Albans the parking area of that location has gotten very busy. S. McIntyre stated the parking was based on Town standards. J. Jewett asked if there is a limit on members. S. McIntyre did not think there was, but added the overall parking lot has an excess of 222 spaces and she did not think parking would be a concern.

A. Omartian questioned what the peak hours of use were predicted to be. Early morning and late afternoon are expected to be the busiest.

The Board had a brief discussion on how other Towns handle the permitting process for shopping centers.

**Application of St. Albans Bay Lake Homes, LLC requesting Conditional Use to construct a seawall in accordance with Sections 403, 407, 408 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 90 Georgia Shore Road in the Residential District within the Flood Hazard and St. Albans Bay Overlay Districts and owned by the Applicant.**

The application was represented by Chuck Lowe, applicant and Mike Burke of Krebs & Lansing. There were no interested parties. The Board agreed to hear all three seawall applications together. The applicants were sworn in.

The first seawall, located at 90 Georgia Shore Road, is the location of the previously approved marina. The applicant is proposing to remove and replace the seawall. There is an existing rock wall which is in rubbles and not stacked very well. Many of the rocks will be reused but larger ones will be brought in to build the wall. The proposed wall should have some flexibility while being stable for massive pieces of ice and uplift.

A. Omartian asked if machining is done to the rocks to make them flat against one another. M. Burke explained the builder of the walls has an agreement with a local quarry which allows them to select rocks on site at the quarry, build the wall, then stack and load the rocks to the seawall site. The type of rock used tends to break with pretty straight faces. A. Omartian asked what the back filling would be. M. Burke stated crushed stone and shot rock with fabric wrap. The wall will be permeable but not subject to erosion as with concrete walls.

B. Thompson asked for clarification where the marina fuel tank and septic are. M. Burke pointed out the proposed fuel tank and waste tank locations as well as the existing septic.

J. Jewett wondered what the base of the wall would sit at. M. Burke stated the wall will start around 98' elevation and the top of the wall will be between 102.5' and 103'. The land sits between 102' and 103'.

J. Jewett asked what the proposed 12' open section would serve as. C. Lowe stated the opening would be used for beach access so the shoreline can be cleaned with ease. J. Jewett asked if the Army Corp of Engineers gave approval on the seawall. M. Burke stated approvals had been received and added it is easier to get approval for replacing a wall rather than a new wall.

The existing seawall at 118 Georgia Shore Road (an existing single family home,) is a concrete wall that is in poor condition. The applicant is proposing to remove the wall and replace it with a stone wall, similar to the wall at 90 Georgia Shore Road. The top of the wall will sit at 102.5' and is proposed to tie in with the wall at 126 Georgia Shore Road.

The existing seawall at 126 Georgia Shore Road (an existing single family home,) is a concrete wall that is also in poor condition and will tie into the wall at 118 Georgia Shore Road. Stairs are being proposed with concrete landings to replace an existing wooden set of stairs. There is an existing concrete patio at 126 Georgia Shore Road that was never permitted and does not meet setbacks. The applicant cannot prove the patio is at least 15 years old, which would grandfather the structure. The applicant will need to remove the patio to replace the seawall and was wondering if the patio could also be replaced. B. Perron explained since the patio was never permitted and would not meet setbacks she could not grant a permit for it. She stated any structure smaller than 50 square feet does not require a permit.

**Application of St. Albans Bay Lake Homes, LLC requesting Conditional Use to construct a seawall in accordance with Sections 403, 407, 408 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 118 Georgia Shore Road in the Residential District within the Flood Hazard and St. Albans Bay Overlay Districts and owned by the Applicant.**

This application was heard with the 90 Georgia Shore Road application.

**Application of St. Albans Bay Lake Homes, LLC requesting Conditional Use to construct a seawall in accordance with Sections 403, 407, 408 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 126 Georgia Shore Road in the Residential District within the Flood Hazard and St. Albans Bay Overlay Districts and owned by the Applicant.**

This application was heard with the 90 Georgia Shore Road application.

#### **Deliberative Session**

**MOTION: A. Omartian made a motion to enter deliberative session at 7:50 p.m. J. Jewett seconded. All in favor, none opposed, motion carried.**

**MOTION: J. Jewett made a motion to approve the Application of Andy & JoAnn Bechard requesting Site Plan, Sketch, Final Plat and an 801 Waiver in accordance with Sections 205, 206, 207, 208, 209, 402, 403, 802 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 0 Ouellet Drive in the Rural and Residential Districts and owned by the Applicants with the following conditions: 1. Any damage done to the road or infrastructure due to construction vehicles shall be repaired by the contractor as it happens and the road will be in its original state by the end of the project, 2. A registered engineer shall review the project and certify the project was done as planned, 3. An updated plan shall be submitted to the ZA showing that the road will remain unpaved, 4. The applicant shall abide by the letter written by the Fire Department and 5. to accept the amended findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated October 2<sup>nd</sup>, 2017. B. Thompson seconded the motion. All in favor, none opposed, motion carried.**

**MOTION: A. Omartian made a motion to approve the Application of Commons Associates, LP requesting Conditional Use Approval for a change of use in accordance with Sections 405, 409, and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 211-321 Swanton Road in the Commercial District within a Designated Growth Center and owned by the Applicant with the following conditions: 1. All previous conditions of approval shall remain in effect and 2. to accept the amended findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated October 2<sup>nd</sup>, 2017. J. Jewett seconded the motion. B. Brigham, J. Jewett, C. Boissoneault, A. Omartian in favor, B. Thompson opposed, motion carried.**

**MOTION: B. Thompson made a motion to approve the Application of St. Albans Bay Lake Homes, LLC requesting Conditional Use to construct a seawall in accordance with Sections 403, 407, 408 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 90 Georgia Shore Road in the Residential District within the Flood Hazard and St. Albans Bay Overlay Districts and owned by the Applicant with the following conditions: 1. All previous conditions of approval shall remain in effect, 2. A registered engineer shall certify the seawall was constructed as planned, and 3. to accept the amended findings of fact and conclusions of law listed in the Zoning Administrator's staff**

report dated October 2<sup>nd</sup>, 2017. A. Omartian seconded the motion. All in favor, none opposed, motion carried.

MOTION: C. Boissoneault made a motion to approve the Application of St. Albans Bay Lake Homes, LLC requesting Conditional Use to construct a seawall in accordance with Sections 403, 407, 408 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 118 Georgia Shore Road in the Residential District within the Flood Hazard and St. Albans Bay Overlay Districts and owned by the Applicant with the following conditions: 1. A registered engineer shall certify the seawall was constructed as planned and 2. to accept the amended findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated October 2<sup>nd</sup>, 2017. seconded the motion. All in favor, none opposed, motion carried.

MOTION: C. Boissoneault made a motion to approve the Application of St. Albans Bay Lake Homes, LLC requesting Conditional Use to construct a seawall in accordance with Sections 403, 407, 408 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 126 Georgia Shore Road in the Residential District within the Flood Hazard and St. Albans Bay Overlay Districts and owned by the Applicant with the following conditions: 1. A registered engineer shall certify the seawall was constructed as planned, 2. The concrete patio shall be removed as it is an unpermitted structure and 3. to accept the amended findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated October 2<sup>nd</sup>, 2017. B. Thompson seconded the motion. All in favor, none opposed, motion carried.

#### Minutes

MOTION: J. Jewett made a motion to accept the minutes from the DRB meeting dated September 14<sup>th</sup>, 2017. B. Thompson seconded. All in favor, none opposed, motion carried.

#### Adjournment

MOTION: B. Thompson made a motion to come out of deliberative session and adjourn the DRB meeting at 9:20 p.m. seconded. All in favor, none opposed, motion carried.

Respectfully Submitted,

AJ Johnson, Administrative Assistant

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Brent Brigham, Chair

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Arthur Omartian, Vice Chair

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Bruce Thompson, Clerk

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Jeff Jewett

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Christina Boissonault