

**Town of St. Albans  
Development Review Board Meeting Minutes  
Thursday, September 13<sup>th</sup>, 2018  
6:30 p.m.**

On Thursday, September 13<sup>th</sup>, 2018 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, Mike McKennerney, and Zoning Administrator, Becky Perron

**Absent:** Tom Stanhope, Ashley Toof, Christina Boissoneault

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

**Rescheduled application of Leonard & Betty Charland requesting Conditional Use Approval to reconstruct a portion of a damaged seawall in accordance with Sections 400, 407, and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 634 West Shore Road in the Lakeshore District within the Flood Hazard Overlay and owned by the Applicants.**

The applicant was not present. The Board agreed to hear the next application.

**Application of Elberon T. Connaway, III requesting Conditional Use Approval for repairs, construction, reconstruction to existing docks, garage/boathouse, seawalls, and construction of a wooden deck and stairs over an existing concrete seawall in accordance with Sections 400, 407, 703, and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 748 Maquam Shore Road in the Lakeshore District within a Flood Hazard Overlay and owned by the Applicant.**

The application was represented by Peter Mazurak of TCE Engineering; the Applicant was unable to attend the meeting due to a medical emergency. There were no Interested Parties. Clerk, B. Thompson swore in P. Mazurak.

P. Mazurak explained the Applicant is proposing to rebuild and repair existing concrete structures along the West side of Maquam Shore Road.

At the North side of the site there is an existing concrete boat ramp. A section of the ramp has been broken due to weather and wave action. The Applicant proposes to replace the broken section and pour a new section of about 430 square feet which will extend up and connect to an existing ramp area located on the side of the garage. The section is between elevations 97' to 105'. The portion of ramp that is within the water has not been damaged and will not need replacement.

To the South of the ramp is the existing garage and boat house. The garage is entered from a paved driveway and has a concrete ceiling and floor. The boathouse is situated below the garage, much like a 2-story garage with two entrances, one from the driveway and one from the lakeside. The first floor elevation of the boat house is 102' and the top is 110'. The boathouse needs to be entirely rebuilt; the foundation is in disrepair and the footings were not originally installed correctly. The garage would be moved, the walls and footings would be replaced, and the garage would be placed back in its location. B. Brigham wondered if a boat could be driven into the boat house. P. Mazurak explained a boat could not be driven in, it was more of a garage on the lake level, but it is called a boathouse. The boathouse was identified as picture number six in the exhibits.

Along the front of the garage is an existing deck which was never properly permitted, but was rebuilt a number of years ago. The Applicant is also requesting approval of the existing deck. There is some type of concrete foundation or wall under the deck. The deck is pressure treated and the only changes will be to the existing posts which need to be properly secured to the deck and concrete foundation to be flood proof.

Along the front of the garage and the boat house field stone will be cemented in place for decorative purposes. B. Brigham asked if that was at shore level. P. Mazurak confirmed, stating the elevation was between 98' and 99'.

An existing dock/pier that sticks out into the lake is broken along the top of the structure. The concrete pad needs to be replaced, but due to State regulations the concrete pad can only be a maximum of 6" thick. Existing concrete and stones along the side of the dock/pier are also damaged and some parts will need to be repaired then re-poured. Those portions infringe in the Lake, with elevations between 93' – 94'. The Applicant has applied to the State for a Lakeshore Encroachment Permit, as the work being done

is below 95' elevation. Additionally, the Applicant has applied for a permit through the Army Corp of Engineers as the pier requires work between 95.5' and 98' elevation.

Moving south of the pier there is another exposed space of retaining wall footing which is also proposed to have field stone cemented in place.

The biggest proposed change is reinforcing the retaining wall which essentially holds up the house and the concrete patio. A large extension of approximately 36 feet long and 11 feet high will be necessary. A new wall will sit on top of the existing footing. The existing footing is at an elevation of 101.3' and will sit around 112' elevation.

B. Brigham asked for confirmation that the State and Army Corp permits had been applied for. P. Mazurak confirmed, and stated the Army Corp permit has been put on public notice. The Lakeshore Permit has been received by the State and is being reviewed.

The Applicant would like to begin work this fall.

**Application of Mountain Brook Realty, Inc. requesting Site Plan Amendment to request footprint lots for an existing duplex in accordance with Sections 403 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 1 & 3 Elizabeth St. Lot 3 in the Residential District and owned by the Applicants.**

The Board agreed to hear the three Mountain Brook Realty applications together. The application was represented by Charles Christolini. There were no Interested Parties. The Clerk swore in the Applicant.

C. Christolini is proposing to create footprint lots under each condo with exclusive rights to use areas for each unit. The footprint lots will make financing the condos easier.

B. Brigham asked if the footprint lot would extend forward or backward from the foundation or if the lots would stop at the foundation. B. Perron explained the footprint lot consisted of one foot beyond the eaves of the house.

B. Brigham inquired if the homes were all existing. C. Christolini confirmed and added normally this approval would be obtained prior to the subdivision but as the developer, he was unsure how he wanted to design the homes, therefor was unsure what the actual footprint would be. C. Christolini explained a footprint lot that is approved up front typically is owned "through the dirt", whereas this footprint lot is from the basement and "fifty feet up". B. Perron added a footprint lot is not a subdivision and therefor does not require a Sketch Plan and Final Plat.

B. Brigham asked for confirmation the footprint lot was being requested on three buildings. C. Christolini confirmed the footprint lots are for three separate duplexes.

The Act 250 plan does not require amending for this application. The only other notable change is Lot 15 previously showed easements for the shared driveway, the driveway is now a common element.

**Application of Mountain Brook Realty, Inc. requesting Site Plan Amendment to request footprint lots for an existing duplex in accordance with Sections 403 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 2 & 4 Elizabeth St. Lot 19 in the Residential District and owned by the Applicants.**

(See above)

**Application of Mountain Brook Realty, Inc. requesting Site Plan Amendment to request footprint lots for an existing duplex in accordance with Sections 403 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 12 & 14 Elizabeth St. Lot 15 in the Residential District and owned by the Applicants.**

(See above)

**Application of FCIDC/Peerless Clothing International and the Town of St. Albans requesting Site Plan Amendment to construct sidewalks within the Industrial Park in accordance with Sections 406 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 100 & 200 Industrial Park Road within the Industrial District and owned by the Applicants.**

The application was represented by Peter Garceau of Cross Consulting Engineer. There were no Interested Parties. The Clerk swore in the Applicant. P. Garceau explained the sidewalk plan has already been approved in a previous application. The Site Plan Amendment Peerless is requesting can be done as

a Minor Amendment by the Zoning Administrator, therefore Peerless formally withdrew its application before the Board.

**Application of Teknor Apex Co. and the Town of St. Albans requesting Site Plan Amendment to construct sidewalks within the Industrial Park in accordance with Sections 406 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 100 & 200 Industrial Park Road within the Industrial District and owned by the Applicants.**

The application was represented by Peter Garceau of Cross Consulting Engineers and Eric Ciemniowski of Teknor Apex. The Applicants were sworn in. B. Perron stated the Town signed off on the application as part of the proposed sidewalks are within the Town Right-of-Way (ROW).

P. Garceau stated Teknor Apex is requesting sidewalks along their ROW. P. Garceau gave some background by stating the Barry Callebault (chocolate factory) Site Plan Approval and Act 250 permit mandated they need to install sidewalks. The Peerless plant and Ben & Jerry's Plant, both of which expanded last year, have installed sidewalks. The section of ROW along Teknor Apex does not have sidewalks and therefore the existing sidewalks do not connect. If Barry Callebault builds a sidewalk along the ROW, that sidewalk will also have no connectivity. Instead, Barry Callebault and the Franklin County Industrial Development Corp. (FDIDC) are proposing to construct a sidewalk along the ROW in front of Teknor Apex.

Act 250 has signed off as well as Regional Planning.

B. Brigham asked for confirmation the Peerless and Ben and Jerry sidewalks have been built. P. Garceau confirmed. B. Brigham inquired if the Chocolate Factory sidewalk would have connectivity via a crossroad. P. Garceau stated it will not.

B. Thompson wondered why Teknor Apex was interested in having a sidewalk along their property if they haven't done anything to trigger the requirement of a sidewalk. P. Garceau stated they were doing this as a favor. Additionally, E. Ciemniowski stated Teknor Apex did not have to pay for the sidewalk and if they ever wanted to expand, the sidewalk condition would already be satisfied.

B. Brigham asked if the Applicant has any winter maintenance plans. They do not.

B. Brigham wondered if a previously approved temporary parking lot on the Teknor property is gone. It is still being utilized, and will be removed in 2019.

The DRB wondered what standards the sidewalk would be built to. B. Brigham wondered if sidewalks had to follow A76 standards. P. Garceau was unsure if A76 had sidewalk standards.

A. Omartian wondered if the sidewalk would be constructed from concrete or asphalt. The sidewalk will be constructed from concrete.

**OTHER BUSINESS:**

Brendan Deso, Selectman and Planning Commission member, was present in the audience. There had been a Selectboard meeting upstairs and he wanted to listen in on the DRB meeting. The Board was having a discussion on Sidewalk standards and B. Deso joined in at the Chair's invitation. The PC recently passed a Pedestrian and Sidewalk policy but the Board felt the policy was unclear and needed better standards. The DRB is seeking additional guidance when considering sidewalks as part of an application such as placement of sidewalks, construction guidelines, etc.

The DRB has agreed to formulate a letter to send to the PC requesting additional direction. B. Deso wondered if a joint work session between the DRB and PC would be helpful.

**Deliberative Session**

**MOTION: A. Omartian made a motion to enter deliberative session at 7:45 p.m. M. McKennerney seconded. All in favor, none opposed, motion carried.**

**MOTION: M. McKennerney made a motion to come out of deliberative session at 8:35 p.m. A. Omartian seconded. All in favor, none opposed, motion carried.**

**MOTION: B. Brigham made a motion to continue the Application of Leonard & Betty Charland requesting Conditional Use Approval to reconstruct a portion of a damaged seawall in accordance with Sections 400, 407, and 802 of the St. Albans Town Unified Development Bylaws. The property is**

located at 634 West Shore Road in the Lakeshore District within the Flood Hazard Overlay and owned by the Applicants to the meeting of October 11<sup>th</sup>, 2018 to give the Applicants time to decide if they want to continue with the Application. M. McKennerney seconded the motion. All in favor, none opposed, motion carried.

MOTION: M. McKennerney made a motion to approve the Application of Elberon T. Connaway, III requesting Conditional Use Approval for repairs, construction, reconstruction to existing docks, garage/boathouse, seawalls, and construction of a wooden deck and stairs over an existing concrete seawall in accordance with Sections 400, 407, 703, and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 748 Maquam Shore Road in the Lakeshore District within a Flood Hazard Overlay and owned by the Applicant with the following conditions: 1. All previous decisions will remain in effect unless otherwise amended by this decision, 2. A finished construction elevation certificate is required upon completion of the project, and 3. To accept the amended findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated August 24<sup>th</sup>, 2018. A. Omartian seconded the motion. All in favor, none opposed, motion carried.

MOTION: B. Brigham made a motion to approve the Application of Mountain Brook Realty, Inc. requesting Site Plan Amendment to request footprint lots for an existing duplex in accordance with Sections 403 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 1 & 3 Elizabeth St. Lot 3 in the Residential District and owned by the Applicants with the following conditions: 1. Although the footprint lots extend into the setbacks, no structure shall be built or rebuilt into the setbacks, 2. All previously approved decisions will remain in effect unless otherwise amended by this decision, and 3. to accept the amended findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated August 24<sup>th</sup>, 2018. B. Thompson seconded the motion. All in favor, none opposed, motion carried.

MOTION: B. Brigham made a motion to approve the Application of Mountain Brook Realty, Inc. requesting Site Plan Amendment to request footprint lots for an existing duplex in accordance with Sections 403 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 2 & 4 Elizabeth St. Lot 19 in the Residential District and owned by the Applicants with the following conditions: 1. Although the footprint lots extend into the setbacks, no structure shall be built or rebuilt into the setbacks, 2. All previously approved decisions will remain in effect unless otherwise amended by this decision, and 3. to accept the amended findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated August 24<sup>th</sup>, 2018. B. Thompson seconded the motion. All in favor, none opposed, motion carried.

MOTION: B. Brigham made a motion to approve the Application of Mountain Brook Realty, Inc. requesting Site Plan Amendment to request footprint lots for an existing duplex in accordance with Sections 403 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 12 & 14 Elizabeth St. Lot 15 in the Residential District and owned by the Applicants with the following conditions: 1. Although the footprint lots extend into the setbacks, no structure shall be built or rebuilt into the setbacks, 2. All previously approved decisions will remain in effect unless otherwise amended by this decision, and 3. To accept the amended findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated August 24<sup>th</sup>, 2018. B. Thompson seconded the motion. All in favor, none opposed, motion carried.

MOTION: A. Omartian made a motion to approve the Application of Teknor Apex Co. and the Town of St. Albans requesting Site Plan Amendment to construct sidewalks within the Industrial Park in accordance with Sections 406 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 100 & 200 Industrial Park Road within the Industrial District and owned by the Applicants with the following conditions: 1. To accept the amended findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated August 24<sup>th</sup>, 2018. M. McKennerney seconded the motion. All in favor, none opposed, motion carried.

MOTION: B. Thompson made a motion to accept the minutes from the DRB meeting dated July 12<sup>th</sup>, 2018. M. McKennerney seconded. All in favor, none opposed, motion carried.

**Adjournment**

**MOTION: A. Omartian made a motion to adjourn the DRB meeting at 8:45 p.m. B. Thompson 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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Mike McKennerney