

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, July 11th, 2019
6:30 p.m.**

On Thursday, July 11th, 2019 at 6:30 p.m., the Town of St. Albans Development Review Board met at Town Hall for hearings.

Present: Vice Chair, Arthur Omartian, Clerk, B. Thompson, Mike McKennerney, Christina Boissoneault, Tom Stanhope, Jonathan Giroux, Alternate, and Zoning Administrator, Becky Perron

Absent: Chair B. Brigham, Ashley Toof

Vice Chair, A. Omartian called the Development Review Board hearing to order at 6:30 p.m.

Appeal of Malone Dorset Street Properties, LLC in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The property subject to appeal is located at 0 Franklin Park West in the Commercial District within a Designated Growth Center and owned by the Appellant.

MOTION: C. Boissoneault made a motion to continue the Appeal of Malone Dorset Street Properties, LLC in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The property subject to appeal is located at 0 Franklin Park West in the Commercial District within a Designated Growth Center and owned by the Appellant to the meeting of September 26th, 2019. B. Thompson seconded the motion. All in favor, none opposed, motion carried.

Appeal of Thomas M. Carpenter in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The property subject to appeal is located at 0 Swanton Road in the Commercial District within a Designated Growth Center and owned by the Appellant.

MOTION: T. Stanhope made a motion to continue the Appeal of Thomas M. Carpenter in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The property subject to appeal is located at 0 Swanton Road in the Commercial District within a Designated Growth Center and owned by the Appellant to the meeting of September 26th, 2019. M. McKennerney seconded the motion. All in favor, none opposed, motion carried.

Appeal of Thomas Carpenter in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The property subject to appeal is located at 447 Swanton Road in the Commercial District within a Designated Growth Center and owned by the Appellant.

MOTION: T. Stanhope made a motion to continue the Appeal of Thomas Carpenter in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The property subject to appeal is located at 447 Swanton Road in the Commercial District within a Designated Growth Center and owned by the Appellant to the meeting of September 26th, 2019. M. McKennerney seconded the motion. All in favor, none opposed, motion carried.

Appeal of Thomas M. Carpenter in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The property subject to appeal is located at 457 Swanton Road in the Commercial District within a Designated Growth Center and owned by the Appellant.

MOTION: T. Stanhope made a motion to continue Appeal of Thomas M. Carpenter in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The property subject to appeal is located at 457 Swanton Road in the Commercial District within a Designated Growth Center and owned by the Appellant to the meeting of September 26th, 2019. M. McKennerney seconded the motion. All in favor, none opposed, motion carried.

Appeal of Thomas M. Carpenter in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The property subject to appeal is located at 465 Swanton Road in the Commercial District within a Designated Growth Center and owned by the Appellant.

MOTION: T. Stanhope made a motion to continue the Appeal of Thomas M. Carpenter in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The property subject to appeal is located at 465 Swanton Road in the Commercial District within a Designated Growth Center and owned by the Appellant to the meeting of September 26th, 2019. M. McKennerney seconded the motion. All in favor, none opposed, motion carried.

Appeal of Thomas M. Carpenter in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The property subject to appeal is located at 497 Swanton Road in the Commercial District within a Designated Growth Center and owned by the Appellant.

MOTION: T. Stanhope made a motion to continue the Appeal of Thomas M. Carpenter in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The property subject to appeal is located at 497 Swanton Road in the Commercial District within a Designated Growth Center and owned by the Appellant to the meeting of September 26th, 2019. M. McKennerney seconded the motion. All in favor, none opposed, motion carried.

Application of Off Hathaway Shore Development requesting Sketch Plan, Final Plat, and Site Plan Approval of an 8 lot subdivision in accordance with Sections 200 through 209, 401, 403, and 803 of the St. Albans Town Unified Development Bylaws. The property is located off Lakeview Drive in the Lakeshore and Rural Districts and owned by the Applicant.

The Application was represented by Luke Willey of Ruggiano Engineering. Abutting land owner Terri (Lee) Lamson, and Paul Lamson requested Interested Party Status.

MOTION: C. Boissoneault made a motion to grant Interested Party Status to Paul and Terri Lamson as abutting land owners. T. Stanhope seconded. All in favor, none opposed, motion carried.

A request for Interested Party Status as abutting land owners was submitted via email from Ladd, Messier, and O'Brian.

MOTION: B. Thompson made a motion to grant Interested Party Status as abutting land owners to Ladd, Messier and O'Brian. T. Stanhope seconded. All in favor, none opposed, motion carried.

Clerk, B. Thompson swore in the Applicants and the Lamson's.

L. Willey provided a set of updated plans to the Board. He explained the plans did not contain substantive changes, but did contain changes to text and details of the wastewater and stormwater systems. B. Thompson expressed frustration over receiving changed plans at a meeting, and would prefer to see all changes prior to. L. Willey was understanding, and explained details can change last minute, especially when submitting local and state permits.

L. Willey explained the Applicant is proposing an 8-lot subdivision of the 15.43 acre lot off Lakeview Drive. Lakeview Drive consists of an existing development which contains a 9-unit PUD, 16 individual building lots, and a shared community mound. The Applicant is proposing on-site wells and a shared community wastewater system located on the back of the parcel.

The Applicant is proposing eight additional lots which will be served by the existing Right of Way known as Lakeview Drive. There is no proposal to extend the road.

The first lot, known as Lot 18, is in the Lakeshore District and will consist of .46 acres and a single-family home. Lot 19 is proposed to be 2.85 acres which will have a duplex unit and the existing stormwater detention pond. Permits have been submitted for Stormwater, Potable Water, and Wastewater Disposal and are under review at the State level.

B. Thompson asked if Lakeview Drive is a Town maintained road. The Applicant stated it is not currently, but was designed to meet Town specifications so one day it could be taken over by the Town.

L. Willey explained the Site Plan review is for the existing easement that serves the 60 foot wide Right of Way for the neighboring lands owned by the Sweeny family. The Applicant determined that the ROW was never approved through Site Plan Approval to grant access to the Sweeny land in lieu of frontage. There is no development proposed for the Sweeny (Ladd, Messier, O'Brian) land, but the Applicant wants to be sure the ROW is recognized and the land doesn't become cut off.

B. Perron asked to clarify the ROW is attached to the proposed Lot 25. The Applicant confirmed. B. Perron stated the letter submitted by the Interested Parties explain they have no intent of ever bringing the ROW up to Town standards. B. Perron explained if the Town ever took over Lakeview Drive, that ROW would not be up to standards to take over unless the developer or HOA did the improvements.

A. Omartian stated there is an operating farm on the abutting land. He wondered if dirt or manure ever ends up on the road. J. Blouin, developer, explained there has been excessive amounts of manure on the road at times. A. Omartian asked if there is an ordinance against manure in the road. B. Perron stated the road is not public and it is up to the developer to inform people purchasing the homes that there is a working farm who have an easement and are allowed to bring their equipment over the ROW. A. Omartian asked if there was any intent to ever pave the ROW. J. Blouin said it would be the responsibility

of the Sweeny Farm to pave the ROW. B. Perron reiterated there is no intent to ever pave the ROW as per the letter submitted to the Board. The responsibility of bringing the ROW up to Town standards would fall on the developer or Homeowners Association. J. Blouin asked why he was responsible for a ROW used by the Sweeny's. B. Perron explained the land is owned by the developer.

Interested Party, P. Lamson, stated he received a notice from the State about overshadowing and an isolation shield that would affect his property. L. Willey explained that well isolation shields are part of Act 145 which was passed by the State in 2012. The Act requires applicants of Water and Wastewater systems to notify if their shield is overshadowing neighboring land. The shield size and shape depends on the size and shape of the system and the surrounding topography of the land. The intent is to protect against cross contamination between water and wastewater systems. This shield is theoretical and is only meant to mark the distance allowed between systems.

Due to the septic shield on the Lamson's property, and in order to honor the isolation areas, the well on Lot 18 needs to be placed on Lot 19 with an easement for maintenance. L. Willey stated the Lamson's do not have to worry about their well being contaminated by the new systems as the wastewater from each lot will be in a holding tank and then pumped back to the community wastewater system.

T. Lamson shared concerns about the isolation shield on their property in case they ever needed to have a new system put in place, they would be limited on the available locations that aren't affected by the shield. B. Perron asked if the State has a system in place for abutting land owners to be able to appeal. L. Willey explained the State considers the notification of the isolation area to be purely informational and there is no formal appeal process.

L. Willey explained the Stormwater design for the proposed houses. The State is moving away from stormwater ponds, and is now recommending infiltration and disconnection. The idea is to get the Stormwater back in to the ground as soon as possible. This means taking the water running off impervious areas and sheet-flowing it across the lawn. This is thought to be a more healthy, holistic, and effective approach.

B. Thompson asked if the disconnect area is made of stone. L. Willey explained the disconnect area is just lawn space that is graded a certain way to encourage sheet flow.

B. Perron asked how home owners are supposed to know the area can never be re-graded. L. Willey alleged that the sites will be subject to annual inspection to ensure compliance. All the homes will have gutters that will downspout to the graded areas. What does not end up in the ground will go into a swale and be delivered to a roadside ditch. A. Omartian asked if the homeowners would be allowed to grow trees or other vegetation in the disconnect area. L. Willey stated the builders and homeowners will be given education on the stormwater system, and will be informed of what restrictions will apply. He explained the systems are designed to keep the water out of neighboring properties. B. Perron asked if there is a concern during an inspection of the Stormwater system, would the Homeowners Association, or individual homeowner be responsible. L. Willey explained the State requires an HOA so the problem doesn't lie with individual owners. A. Omartian asked if the Zoning Office has a copy of the bylaws for the HOA. L. Willey thinks a copy is recorded in the land records. All of the proposed units will join the existing HOA.

B. Perron asked if an engineer needs to sign off that the Stormwater system is built the way it is designed. L. Willey confirmed.

Application of Peter & Jayne Chevalier requesting Conditional Use and Site Plan Amendment in accordance with Sections 406, 802 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 20 Beauregard Drive in the Commercial District and owned by the Applicants.

The Application was represented by Peter Chevalier, property owner, and Lindsi Cote, co-owner of Drop Time Fitness.

The Applicants are proposing to utilize 2,400 square feet of a 6,000 square foot existing building in the Commercial District. P. Chevalier purchased the building 5 years ago when it was being utilized as an agri-business. Upon purchase, 3,600 square feet along the front of the building was utilized by the building owner for his business, Chevalier Sprinkler. The back portion continued to be used for the agri-business. The agri-business has since moved out and the back portion of the building remains vacant. The Applicants are proposing a change of use from Agribusiness to Recreation.

When reviewing the current plan on file in the Zoning Office, P. Chevalier realized the plan was not accurate based on existing conditions. Site Plan Amendment is being requested to alter the existing parking, add bicycle parking, remove the requirement for landscaping and amend the allowed gravel area

around the building from the previous approvals. P. Chevalier said in the 5 years he's owned the building, and as a neighboring business prior to that, he had never seen the driveway extend around the building as its depicted in plans.

A. Omartian asked how many people are expected to join each fitness class. L. Cote said there are four classes a day; 5:00 a.m., 4:00 p.m., 5:15 p.m., and 6:30 p.m. Classes are an hour long, and the fifteen minutes between the end of one class and the start of another should allow participants to come and go without congesting the parking lot.

C. Boissoneault asked if there are restrooms and a shower. L. Cote confirmed there is a restroom, but it does not have a shower.

A letter of approval was received from Chief Cross, and the Police Department.

There was no significant remodeling; the Applicant has painted.

B. Thompson asked about building access to the proposed DropTime Fitness. There are two overhead doors, and one man door.

M. McKennerney asked if the Applicant is proposing signage. They are. B. Perron instructed L. Cote to come see her for the signage permit.

Deliberative Session

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

MOTION: B. Thompson made a motion to come out of deliberative session at 8:30 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.

Application of Off Hathaway Shore Development requesting Sketch Plan, Final Plat, and Site Plan Approval

MOTION: B. Thompson made a motion to continue the Application of Off Hathaway Shore Development requesting Sketch Plan, Final Plat, and Site Plan Approval of an 8 lot subdivision in accordance with Sections 200 through 209, 401, 403, and 803 of the St. Albans Town Unified Development Bylaws. The property is located off Lakeview Drive in the Lakeshore and Rural Districts and owned by the Applicant to the meeting of August 8th, 2019 with the following requests: 1. The Applicant shall provide copies of the Homeowners Association's current and proposed HOA documents to the Board, 2. The Applicant shall provide full sized plans for the Board, and 3. The Applicant shall provide an accurate full sized plat amending the language to represent all EXISTING ROW's rather than PROPOSED ROW's. 4. Update the portion of the Plat titled "Overall Project Plan" to show the ROW owned by O'Brien, Ladd & Messier as well as depicting accurate lots on that portion of the Plat. M. McKennerney seconded the motion. All in favor, none opposed, motion carried.

Application of Peter & Jayne Chevalier requesting Conditional Use and Site Plan Amendment

MOTION: B. Thompson made a motion to approve the Application of Peter & Jayne Chevalier requesting Conditional Use and Site Plan Amendment in accordance with Sections 406, 802 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 20 Beauregard Drive in the Commercial District and owned by the Applicants with the following conditions: 1. All previous conditions remain in effect unless otherwise amended by this decision. T. Stanhope seconded the motion. All in favor, none opposed, motion carried.

Minutes:

MOTION: T. Stanhope made a motion to accept the minutes from the DRB meeting dated May 9th, 2019. C. Boissoneault seconded. All in favor, none opposed, motion carried.

Adjournment:

MOTION: M. McKennerney made a motion to adjourn the DRB meeting at 8:45 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.

**Respectfully Submitted,
AJ Johnson, Administrative Assistant**

Arthur Omartian, Vice Chair

Mike McKennerney

Tom Stanhope

Bruce Thompson, Clerk

Christina Boissoneault

Jonathan Giroux, Alternate