

**Town of St. Albans  
Development Review Board Meeting Minutes  
Thursday, August 8<sup>th</sup>, 2019  
6:30 p.m.**

On Thursday, August 8<sup>th</sup>, 2019 at 6:30 p.m., the Town of St. Albans Development Review Board met at Town Hall for hearings.

**Present:** Chair Brent Brigham, Vice Chair Arthur Omartian, Clerk Bruce Thompson, Christina Boissoneault, Tom Stanhope, Jonathan Giroux, Zoning Administrator Becky Perron, and Recording Secretary Jenn Gray.

**Absent:** Mike McKennerney

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

**Continued Business:**

**Continued 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. Clerk B. Thompson swore Mr. Willey in.

Mr. Willey went through the continuance letter.

**1. Homeowners Association (HOA) Documents**

The HOA documents were provided to the DRB. The HOA documents are drafted in such a way that they don't need to be revised when lots are added. The HOA documents were drafted with the fore thought of there being additional lots and additional land being added to the development. Instead of revising the Homeowners Association every time they go through this process, they just have HOA documents that basically stand by themselves and as lots are added, they are deeded into those existing HOA documents. There are no existing or proposed HOA documents in this case.

B. Brigham asked B. Perron if there was a specific section in the HOA documents she was looking for. B. Perron stated the road Right of Way (ROW), she wanted to confirm that the residents knew the Town was not taking over the road and there are farming operations in the area. Mr. Willey stated that these items are included within the HOA documents. B. Perron also made clear that the easement for access and showing the association is going to maintain it was also included.

Mr. Willey explained there is an article in the covenants and restrictions that does specifically reference the 118 acre parcel owned by the Sweeney's that's basically the whole farm and there are specific articles that state that all or parts of the land can be added to the development. B. Brigham asked Mr. Willey if the farm land could potentially be sold off for more housing? Mr. Willey said that within the (HOA) documents that parcel of land can be added into this development, which is what we are doing now. We are taking a piece of that and adding it in.

**2. Full Size Plans**

Mr. Willey explained that they have provided the DRB with full size plans and that nothing has changed.

**3. Full Sized Plat Amending the Language to Represent Existing ROW's rather the Proposed ROW's and 4. Updated Plat to show ROW Owned by O'Brian, Ladd & Messier.**

Mr. Willey explained that there have been a couple of revisions made to the survey plat, changing the language of the ROW from "Proposed" to "Existing". We also updated the parcel map. There was a minor error in how we were depicting those lots. That has been corrected.

B. Thompson wanted to make sure that regarding the 60' ROW, that the Ladd's own and will maintain that ROW. Mr. Willey stated that was correct. If the owners want the Town to take over the road, the owners will have to do something with the land or improve the road to make this work. Don't know when this will be addressed, but there is time to determine that.

B. Brigham asked if the existing (mound) system that is there serves Hathaway Shores Estates and the second round of approvals? Mr. Willey stated that was correct. B. Brigham then asked if any of the other infrastructure had been built yet. Mr. Willey said no. B. Brigham asked if the proposed site is beyond the existing site for the mound system? Mr. Willey said yes. We are going through the approval process with the State right now to do a swap with the new 8 lots with the existing 8 lots. The plan is to take the

new 8 lots and put them in the existing system in place of the future lots that are not developed yet. The intent is to develop lots without building a bunch of infrastructure. There is a new system that will be proposed to take care of the already approved lots. B. Brigham asked so the existing system was designed for those approved, but not yet developed lots? Mr. Willey said correct.

J. Giroux asked about the shield around the well. Mr. Willey explained that the well shields are only applicable to leach fields, and the isolation distance for that is 50 feet.

J. Giroux asked does everybody have beach front access there? Mr. Willey wasn't sure how that worked. B. Brigham stated he believed they all have deeded lake front.

#### **New Business:**

**Application of William and Elaine Gunther (Champlain Vet Clinic) requesting Site Plan Amendment to remove and replace the existing vet clinic in accordance with Sections 405 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 296 South Main Street in the Mixed Residential/Commercial District and owned by the Applicants.**

The Application was represented by Brad Rabinowitz, Architect and Jesse Carswell, Krebs & Lansing Consulting Engineers. B. Thompson swore in the applicants.

Architect Brad Rabinowitz explained that the existing animal hospital is on a 3.66 acre lot in the Town. The goal is to replace the existing 3,000 sq. ft. building with a new 4,000 sq. ft. building. The existing building is approximately 100 years old, but has no historic value. They are proposing to use the existing driveway and enhancing it. The lot has access to the residential home in the City. For parking, there will be 8 spaces for clients and 8 spaces for staff. This will be a one-story building with four exam rooms. Currently, there are outside runs behind the building. There are two runs that the Border Patrol uses for their two dogs. There is no animal boarding at this facility beyond the Border Patrol use, just overnight stays. No basement.

Jessie Carswell explained the site work. The access drive will remain in the same location, but will be widened and the slope reduced to meet VTrans requirements. Stormwater will travel down directly against a curb and all that water will sheet flow back onto the property. It is proposed to install a pump station in front of building for the wastewater so, it'll be gravity out of the building into the pump station where it'll go through a forced main into an existing sewer manhole. Currently, the vet clinic gets power from the house that is located on the property. There is an existing Green Mountain Power pole along Route 7 that we will add a transformer to and have underground power from that into the building.

A. Omartian asked if services will still be provided in the current building while the new building is being built and then tear down the old building? Mr. Carswell said that was the plan. Mr. Rabinowitz explained that there is 22' between the proposed building and the existing building so it will take some logistics.

B. Perron asked if there was an estimated time line for removal of the current building. Mr. Rabinowitz said it would be late spring. We can't tear down the existing clinic until we occupy the new building. B. Perron asked so, within a year from when you start and within three months of occupying the new building, the existing one would be torn down? Mr. Rabinowitz said they want to take it down right away only because there are certain amenities to the building that can't be completed until they get that building out of the way. He went on to say that the house and the clinic share the driveway which is the entrance to the clinic. Mr. Rabinowitz stated they will be asking the City to have a driveway off Main Street to access the house separately. We've already asked the City. It will be permanent.

B. Thompson asked if there will be fencing around the dumpsters? Mr. Carswell explained it is not currently planned, but could be. Mr. Rabinowitz said there will be fencing. Closed in fencing with a gate. B. Thompson stated that anytime you can see dumpsters from a main road, they should be fenced in.

B. Brigham stated that there is a sidewalk waiver request. The Sidewalk Ordinance has not been approved, but the regulations have been in the Zoning Bylaws for a year or better. B. Perron stated that was a fair assessment. B. Brigham said we are asking for a 5 year waiver. The issue is that one of these days one of you guys is going to have to be the first one to do this. B. Perron said yes, or they will come back in here and ask for a site plan amendment. B. Brigham explained that they will have an option to pay in to a fund or building the sidewalk yourself.

B. Perron explained that they have already signed an MOU with the Town that they will follow the Sidewalk Ordinance once it is in place or build it within 5 years or come back to the DRB for site plan amendment.

B. Brigham asked with the proposed sidewalk, what is the width of that lot? Mr. Carswell said 130 feet or so. B. Brigham asked is the existing sidewalk that comes out of City a 5 footer? Mr. Carswell said it was.

B. Thompson said that there is an existing sidewalk there you don't want to do anything with? Mr. Carswell said in front of the house in the City. It stops at the City line.

B. Brigham stated that based on our proposed rules \$4550 you would have to kick in for the sidewalk if you chose that route. B. Perron if the Selectboard choses to accept this. Mr. Rabinowitz stated that it's based on length. B. Brigham said it is based on so much per foot, which I do not agree with, I think the number is way too low. B. Perron said that is what the Planning Commission proposed to the Selectboard, which the Selectboard has not acted on.

Mr. Rabinowitz explained that the lighting is two post lights in the back of the parking lot, where the staff parks that are 14' high. There are down lights in the porch overhang. B. Brigham asked if the entry to the new building will be north facing. Mr. Carswell said yes. B. Brigham ask if there were any lights proposed on the front of the building? Mr. Rabinowitz said we are not lighting the building itself.

B. Brigham asked if the existing pine trees will be cut down? Mr. Rabionwitz said they will be for construction, but new ones will be planted.

B. Brigham asked what the boundary line look like beyond? Mr. Rabinowitz said mainly meadow.

#### **Other Business**

B. Perron requested clarification from the DRB regarding a previous application for the Franklin County Animal Rescue (FCAR) and the building on Fairfax Road, spay and neuter clinic. She went on to explained that we did not have a kennel designation or a veterinarian designation in our bylaws at the time. They were allowed to come in and ask under Conditional Use approval for a use that was not in the bylaws because of this. When the DRB gave them approval, it was for a spay and neuter clinic and cat adoption. The cats were going to stay overnight. She asked the DRB if they consider doggie daycare fitting under kennel use in our bylaws and whether the previous approval was for what we now consider "Kennel, Animal Shelter, Animal Boarding, and Veterinary Office."

A. Omartian asked if there would be a limit on the number of dogs in doggie daycare? B. Perron said that would be limited to the size of the facility, but it would be more of a health regulation.

After some more discussion, the DRB agreed that the previous use for FCAR for the spay and neuter clinic was only specific to that application at that time and not a kennel use as described in the bylaws.

#### **Deliberative Session**

**MOTION: A. Omartian made a motion to enter deliberative session at 7:29 p.m. Seconded by C. Boissoneault. All in favor, none opposed, motion carried.**

**MOTION: A. Omartian made a motion to come out of deliberative session at 8:43 p.m. Seconded by J. Giroux. All in favor, none opposed, motion carried.**

**Application of William and Elaine Gunther (Champlain Vet Clinic) requesting Site Plan Amendment to remove and replace the existing vet clinic**

**MOTION: C. Boissoneault made a motion to approve the Application of William and Elaine Gunther (Champlain Vet Clinic) requesting Site Plan Amendment to remove and replace the existing vet clinic in accordance with Sections 405 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 296 South Main Street in the Mixed Residential/Commercial District and owned by the Applicants with the following conditions: 1. The Board shall grant a 5 year waiver for the sidewalk or to follow the ordinance once in place, as requested in the application. 2. The dumpster area be enclosed with a 6' slatted fence with gate. 3. Follow the Fire Department's conditions of approval as stated in the Fire Chief's letter. 4. The applicant shall also adhere to all statements set forth during the hearing. 5. The old building shall be removed within 6 months of the issuance of the Conditional Certificate of Occupancy. 7. The Board accepts the Zoning Administrators amended findings of facts and conclusions of law listed within the ZA's amended staff report dated July 30<sup>th</sup>, 2019. 8. Upon completion of the project and/or prior to the issuance of a Non-Conditional Certificate of Compliance the applicant shall supply certification by a registered engineer that the project has been completed as approved by the DRB. 9. All State and Federal permits are the Owner's responsibility. B. Thompson seconded the motion. All in favor, none opposed, motion carried.**

**Continued application of Off Hathaway Shore Development requesting Sketch Plan, Final Plat, and Site Plan Approval of an 8 lot subdivision**

**MOTION: B. Brigham made a motion to approve the Continued 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 with the following conditions: 1. The applicant shall follow the Fire Department recommendations. 2. All previous conditions remain in effect unless otherwise amended by this decision. 3. All State and Federal Permits are the Owner's responsibility. 4. The road shall be paved before the issuance of the last Certificate of Occupancy which may include the existing farm road 60' ROW owned by O'Brien, Ladd, and Messier. 5. On completion of the project, the applicant shall provide a letter from a registered engineer certifying the project was completed in accordance with the site plan. 6. The DRB shall accept the amended findings of fact and conclusions of law listed in the Zoning Administrators amended staff report dated July 30<sup>th</sup>, 2019. A. Omartian seconded the motion. All in favor, none opposed, motion carried.**

**Minutes:**

**MOTION: C. Boissoneault made a motion to accept the minutes from the DRB meeting dated July 25<sup>th</sup> 2019. J. Giroux seconded the motion. All in favor, none opposed, motion carried.**

**Adjournment:**

**MOTION: B. Thompson made a motion to adjourn the DRB meeting at 9:00 p.m. C. Boissoneault seconded the motion. All in favor, none opposed, motion carried.**

**Respectfully Submitted,  
Jennifer Gray, Recording Secretary**

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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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Christina Boissoneault

\_\_\_\_\_  
Tom Stanhope

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Jonathan Giroux