

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, December 12th, 2019
6:30 p.m.**

On Thursday, December 12th, 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, Mike McKenney, Jonathan Giroux, Tom Stanhope and Zoning Administrator, Becky Perron

Absent: Christina Boissoneault

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

New Business:

Application of Jamie Partlow requesting Conditional Use Approval to remove & replace a seasonal camp in the Flood Hazard District in accordance with Sections 401, 408 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 1632 Samson Point Road in the Lakeshore District and Flood Hazard Overlay and is owned by Stephen Dana.

The Application was represented by Robert and Jamie Partlow, proposed camp owners. There were no Interested Parties. The Clerk swore in the Applicants.

R. Partlow explained his intentions to replace a camp that was damaged in the flood of 2011. The proposed camp will utilize the same square footage as the previous camp, but it will be a rectangular shaped 24'x34' structure. The footprint of the camp will be rotated to have better access to the viewshed and a 160 square foot deck is being proposed on the lake side.

A. Omartian asked if the existing camp has already been removed. The camp was removed with owner Stephen Dana's permission.

B. Perron explained that a permit had been granted to rehab the structure and replace some of it after it sustained flood damage but the structure had not been remodeled.

R. Partlow stated the camp sits at one of the higher elevations in the surrounding area. The structure mostly obtained floor damage unlike other structures in the surrounding area.

B. Brigham asked if the Applicant would utilize the existing septic. They confirmed and added the water source is the lake. R. Partlow added they own the adjacent camp and will be removing the fence that separates the two lots.

B. Thompson asked if the camp would be higher than the previous structure. R. Partlow was unsure of the design. He did not know if they would utilize two stories or just one and a half. J. Partlow explained the previous structure was two stories. B. Perron stated the height limit in the lakeshore district is 35'.

B. Brigham asked if the camp has any lake frontage. It does not.

B. Thompson advised the Applicant to take pictures of the road prior to construction to ensure it is in the same shape upon completion of the project.

Continued Business:

Continued 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.

The Appeal was represented by Peter Garceau of Cross Consulting Engineers. There were no Interested Parties. P. Garceau was sworn in by the Clerk. B. Perron stated the appellant is requesting a continuance.

B. Brigham asked what the proposed timeframe is. P. Garceau explained the appellant just reached out to Cross Consulting to address the violations. P. Garceau submitted an application to the Zoning Office today that they feel will address the violations. The appellant is requesting 60 days to allow the Zoning Administrator to review the Application, give a proper warning and develop a staff report. If the Board approves the Site Plan the violation will no longer exist and therefor an appeal is not necessary.

The Board agreed to continue the Application to the 27th of February.

MOTION: B. Brigham made a motion to continue the Appeal of Malone Dorset Street Properties, LLC to the meeting of February 27th. M. McKennerney seconded. All in favor, none opposed, motion carried.

Continued Appeals of Thomas M. Carpenter in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The properties subject to appeal are located at 0 ,447, 457, 465, 497 Swanton Road separately; all in the Commercial District within a Designated Growth Center and owned by the Appellant.

The Appeals were represented by Thomas & Chasity Carpenter, owners, and Attorney Jim Langdon. Chad Bonnani, Attorney for the Town was also present.

J. Langdon explained his clients have been making good faith efforts to address the issues detailed in the Notice of Violations (NOV). J. Langdon stated his colleague has been the Council for the Appellants and during that time, there have been several efforts to settle with the Town and multiple drafts of a settlement have passed back and forth between the Town and the Appellant. He stated that his clients have hired an engineer, contractors and attorneys and have been working to understand the rules so they can come back into compliance.

B. Brigham asked if the Appellant is requesting a continuance to be able to work on the NOV's further. J. Langdon stated the Town had not responded to the most recent settlement agreement. T. Carpenter said they have been working on some of the violations, but due to weather and State regulations some of the solutions have been slowed down. One example is the house located at 447 Swanton Road is uninhabitable and needs to be torn down. T. Carpenter explained that he has been working with the state but there is a product in the house that needs to be removed before the house can be demolished. Mike Gosslin cannot remove the house until February.

B. Perron explained that the Town is not in agreement with the settlement the Appellant provided. She stated that the Town and the Appellant are too far apart on some details and she was unsure that they would be able to come to an agreement. B. Perron explained that the settlement drafts have not acknowledged that the parcel known as 0 Swanton Rd (previously 495 Swanton Road, behind) is actually merged with the parcel where their residence sits. There is no frontage on 0 Swanton Road as per a DRB decision. T. Carpenter said he was unaware that 0 Swanton Road could not utilize the frontage on an old Class 4 road that runs adjacent to their parcel. B. Perron stated the Selectboard had told them that road could not be used by customers as it is a Class 4 road and not a 60' wide Right of Way. The road can only be utilized to transport campers to the back lot.

B. Brigham said he thought the best thing to do is give the Town and the Appellants more time to reach an agreement, and to allow the Appellants to work out their violations. B. Perron stated the NOV's have been active for 7 months and reiterated that the Town and the Appellant are too far apart on a settlement agreement at this time.

B. Thompson asked the Appellants if they have worked on the violations since receiving the notices. T. Carpenter stated they have aggressively worked on solutions but working with the state and the weather have hindered the timelines. B. Perron explained that some of the potential solutions the Appellant has requested would create new violations.

C. Bonnani explained that the Appellant either needs to come into compliance or submit a new site plan for approval. The order of operations is important to prevent new violations from occurring. He explained that if this Appeal is continued, it will be the third continuance and at some point, the Appeal will need to be heard. B. Thompson asked what the goal is if the Appeal is continued.. C. Bonnani stated the Appellant will need to move forward with their appeal, submit a Site Plan that can be approved, or submit a settlement that the Town can agree on clearly outlining what will be done and the timelines. B. Perron stated that hearing the Appeal only determines if the ZA made the right choice by issuing the NOV's.

A. Omartian questioned if the Appellant would need to have a hearing for the Appeal if an agreement is reached prior to the hearing date. It was determined if the Appellant withdraws the Appeal, it would not need to be heard by the Board.

B. Thompson asked what existing violations are currently being worked on that are not contingent on the removal of the uninhabitable home. B. Thompson asked if the gravel in the back area is supposed to be as large as it is, or if it was expanded. C. Carpenter agreed that the roadway and the parking lot have been expanded over time, but explained it was due to the gravel being pushed out and around during plowing. B. Thompson stated he is a contractor, so he knows that gravel does not just grow (expand).

The Appellant spoke at length about their future plans for the lots.

B. Brigham asked if the Appeal was continued to the end of February, if the Appellant thought the violations would be alleviated. The Appellant stated the uninhabitable house is supposed to be demolished in February. B. Perron stated that the existence of the house is not a violation. T. Carpenter explained that the hole left from the demolished house will be filled in with existing dirt piles at 497 Swanton Road which would alleviate the NOV at 497 Swanton Road. B. Thompson stated that there would still be snow in February which would continue to hinder the rest of the violation solutions. B. Brigham stated that by February the Appellant should have been able to work out an agreement with the Town.

MOTION: B. Brigham made a motion to continue the Appeals of Thomas Carpenter to the meeting of March 12th. T. Stanhope seconded. B. Thompson wondered if the motion should specify this would be the last time the Appeal could be continued. The Board was in favor.

MOTION: B. Brigham made a motion to continue the Appeals of Thomas Carpenter to the meeting of March 12th. This will be the last continuation the Board offers. T. Stanhope seconded. All in favor, none opposed, motion carried.

Deliberative Session

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

MOTION: B. Brigham made a motion to come out of deliberative session at 8:10 p.m. M. McKennerney seconded. All in favor, none opposed, motion carried.

Application of Jamie Partlow requesting Conditional Use Approval to remove & replace a seasonal camp

MOTION: B. Thompson made a motion to approve Application of Jamie Partlow requesting Conditional Use Approval to remove & replace a seasonal camp in the Flood Hazard District in accordance with Sections 401, 408 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 1632 Samson Point Road in the Lakeshore District and Flood Hazard Overlay and is owned by Stephen Dana with the following conditions: 1. To accept the amended findings of fact and conclusions of law listed in the Zoning Administrators staff report dated November 19th, 2019, 2. Upon completion of the project, the Applicant shall provide a confirming elevation certificate from registered engineer, 3. All State and Federal Permits are the Owner's responsibility. M. McKennerney seconded the motion. All in favor, none opposed, motion carried.

Minutes:

MOTION: B. Brigham made a motion to accept the minutes from the DRB meeting dated November 14th, 2019. M. McKennerney seconded. All in favor, none opposed, motion carried.

Adjournment:

MOTION: M. McKennerney made a motion to adjourn the DRB meeting at 8:15 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.

Respectfully Submitted,
AJ Johnson, Administrative Assistant

Brent Brigham, Chair

Arthur Omartian, Vice Chair

Bruce Thompson, Clerk

Christina Boissoneault

Jonathan Giroux

Mike McKennerney

Tom Stanhope