

SUBJECT TO DRB APPROVAL

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, June 25th, 2020
6:30 p.m.**

On Thursday, February 13th, 2020 at 6:30 p.m., the Town of St. Albans Development Review Board met at Town Hall and via Zoom for hearings.

Present: Chair, Brent Brigham, Vice Chair, Arthur Omartian, Clerk Bruce Thompson, Christina Boissoneault, Mike McKennerney, and Zoning Administrator, Becky Perron

Arthur Omartian and Mike McKennerney were present via Zoom.

Zoom ID: 885 491 11239

Absent: Tom Stanhope

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

Continued Business:

Continued application of Malone Dorset Street Properties, LLC requesting Site Plan and Conditional Use amendments in accordance with Section 406, 410, 802, and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 0 Franklin Park West in the Commercial District within a Designated Growth Center and owned by the Applicant.

The Application was represented by Peter Garceau of Cross Consulting Engineers. Clerk, B. Thompson swore in the Applicant. There were no Interested Parties.

B. Brigham stated the Application was an attempt to correct some existing violations that were subject to a Notice of Violation dated May 8th, 2019. The violations included the following unmet conditions of previous approvals:

- i. A certified cost estimate for all remaining infrastructure within the park as per DRB Final Plat decision dated 08/18/04;
- ii. A letter of credit for 100% of the cost of all remaining infrastructure as per DRB Final Plat decision dated 08/18/04;
- iii. A letter of credit in the amount of \$5,000 for landscaping for the park as per DRB Final Plat decision dated 08/18/04,;and,
- iv. A letter of credit in the amount of \$5,000 for landscaping for the park as per DRB Final Plat decision dated 06/04/04,;and,
- v. The construction of the pathway connecting the Rail Trail along the northerly boundary of Lot C to the proposed unbuilt roadway as shown on the enclosed plans as per DRB Site Plan Amendment decision dated 01/12/04.

P. Garceau explained the Applicant is requesting to have the removal of the landscaping condition of approval since the Town had taken over the road and the proposed landscaping would fall within the Town Right-of-Way. The Right-of-Way was private when the condition was initially required and now there are utilities located within the ROW. The Applicant is also requesting the three associated letters of credit be eliminated.

P. Garceau is also suggesting that landscaping be required on a lot-by-lot basis rather than a condition of the whole development.

P. Garceau explained the Applicant is requesting to relocate the previously approved 15' pedestrian path to the southern boundary of Lot C. The path would then extend to the Northwest boundary of Lot 10 and to have a temporary portion connecting from the proposed unbuilt roadway, along its ROW to the existing sidewalk adjacent to Parah Drive. The Applicant is requesting that this path be in lieu of the construction of concrete sidewalks along the ROW frontage of each lot within the park which is consistent with the St. Albans Town Bicycle and Pedestrian Master plan.

The final violation is in regards to the proposed unbuilt roadway and the associated letter of credit. P. Garceau explained the Applicant will need to build the roadway and the associated infrastructure should he ever want to sell the lots behind it. He suggested a condition that the Applicant will need to return before the DRB for Site Plan Amendment should they ever move forward with building the proposed roadway. There are still many lots to be developed in Phase I, which is slow-moving, so P. Garceau

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anticipates it will probably be awhile before the roadway would be constructed.

P. Garecau pointed out where the previously approved path is located on the plans and showed the currently proposed plan.

B. Brigham viewed the plans and asked if Lots 17 and 24 are currently developed. B. Perron stated the TV station is on Lot 16, and St. Albans Glass is on Lot 24. There was an approval for Lot 20, but it remains undeveloped.

B. Brigham asked for confirmation the NOV included a certified cost estimate for all remaining infrastructure. P. Garceau confirmed, and stated that had been provided to B. Perron previously. B. Perron was not sure the cost estimate had been provided. B. Brigham explained it would make sense to eliminate the first two NOV's with a condition that the Applicant come before the Board when they are ready to build the road, at which time the letter of credit would become necessary.

The Board discussed removing the letter of credit for the landscaping, since the trees are no longer being proposed.

P. Garceau stated the Applicant is still proposing to construct the path, but is requesting a little bit of time for the construction of the path since they have to work with some State agencies due to the wetlands.

B. Brigham asked if the path shown on the map is the most updated plan, or if it was the previously proposed path. P. Garceau confirmed the map had been updated. B. Brigham asked if Bokan had ever built their sidewalk. B. Perron confirmed it had been built, and was along Parah Drive. B. Brigham noted that the path would connect to the sidewalk, and said it made sense for the path to be constructed the way it is currently proposed.

B. Perron reminded the Board the path was approved to be a gravel and to serve both pedestrians and VAST. B. Perron asked if the proposed path is the same size as the one previously approved. P. Garceau stated the proposed path is 5-6 foot wide within a 15 foot wide ROW.

B. Thompson questioned what it would mean for the path to be in lieu of sidewalks within the frontage of Franklin Park West. B. Perron explained there is a requirement to have sidewalks put in within the Commercial District, but the path had been used several times by the DRB to waive the sidewalk requirements since there would already be pedestrian access through the pathway. Parah Drive will still have sidewalk requirements. The Applicant is requesting a sidewalk exemption for all lots except 8, 9 and 1.

B. Brigham asked what the Applicants intent was regarding the ongoing Appeal of the Notices of Violation. P. Garceau explained he had spoken to Bob Rushford who had provided a copy of a letter that was submitted in February. The Applicant is requesting a continuation of the Appeal for 30 days after the issuance or denial of the proposed plans from this meeting. P. Garceau stated the intent is if the Board approves their proposed solutions for the NOV's the Appeal will be dropped.

Continued appeal of Malone Dorset Street Properties, LLC in accordance with Section 406, 410, and 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: B. Brigham made a motion to continue the appeal of Malone Dorset Street Properties, LLC in accordance with Section 406, 410, and 802, and 803 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, Malone Dorset Street Properties, LLC, to the first available agenda 30 days after this decision has been signed. M. McKennerney seconded. All in favor, none opposed, motion carried.

Other business:

The Board needs to reorganize annually and agreed to keep the current roles of officers.

MOTION: C. Boissoneault made a motion to keep the existing organization of the officers. A. Omartian seconded. All in favor, none opposed, motion carried.

Deliberative Session

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

MOTION: made a motion to come out of deliberative session at 9:10 p.m. C. Boissoneault seconded. All in favor, none opposed, motion carried.

Continued application of Malone Dorset Street Properties, LLC requesting Site Plan and Conditional Use amendments

MOTION: B. Brigham made a motion to approve the Continued application of Malone Dorset Street Properties, LLC requesting Site Plan and Conditional Use amendments in accordance with Section 406, 410, 802, and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 0 Franklin Park West in the Commercial District within a Designated Growth Center and owned by the Applicant with the following conditions: 1) Prior to construction of the proposed roadway along Southern boundaries of Lots 10-15 the Applicant will come before the Board for Site Plan Amendment, 2) the Applicant must complete the pathway and all associated infrastructure, as per plan, by September 1st, 2021, 3) all lots shall be exempt from the St. Albans Town Sidewalk plan with the exception of Lots 1, 9, and 8, 4) The Applicant will comply with all Findings of Fact and Conclusions of Law in the Zoning Administrators staff report dated June 2nd, 2020, specifically finding number 3, 5) all other previously approved conditions shall remain in effect unless otherwise amended by this decision, 6) a letter of certification by a registered engineer stating all work was done as per the plan shall be provided to the Zoning Administrator, and 6) To accept the amended findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated June 2nd, 2020. B. Thompson seconded the motion. All in favor, none opposed, motion carried.

Adjournment:

MOTION: C. Boissoneault made a motion to adjourn the DRB meeting at 8:00 p.m. B. Thompson 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

Mike McKennerney