

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, May 11th, 2023
6:30 p.m.**

On Thursday May 11th, 2023 at 6:30 p.m., the Town of St. Albans Development Review Board met at Town Hall for the following hearings.

Present: Vice Chair, Arthur Omartian, Clerk, Mike McKennerney, Allison Hickey, Ellen Baker, Tom Stanhope, Bruce Thompson, Zoning Administrator, AJ Johnson, Director of Community Development, Megan Sherlund, Administrative Assistant, Kim Kissinger

Absent: Chair, Brent Brigham

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

New Business

Application of BARRE ST ALBANS PROPERTIES LLC requesting a Site Plan Amendment to add an outdoor storage area for equipment and goods and construct a lean-to addition on a commercial building in accordance with Sections 4.7, 4.11 and 8.4 of the St. Albans Town Unified Development Bylaws. The property is located at 364 Swanton Road in the Commercial District within a designated Growth Center and is owned by the Applicant.

The Application was represented by Peter Mazurak, Apex Engineering, on behalf of the property owner.

The Applicant was sworn in by M. McKennerney.

P. Mazurak described the project. He explained the project has already started and his company was contacted after the fact to do a survey and create the Site Plan. The fence is not installed yet, but the parking and outdoor storage area is done. P. Mazurak said that eventually the property owner will pave the outdoor storage area with asphalt. He explained that there will be a lean-to addition to the left side of the building and that the partially completed storage area is just behind the building on common land.

A. Omartian asked what the dimensions of the storage area were? B. Thompson said 80' x 100'. P. Mazurak stated that the Granite Group owns half of the building and the fence will stay on their half of the property. B. Thompson asked if this was started without a permit? P. Mazurak confirmed and said that he was told about the project after it started and was then asked for a Site Plan to submit to the DRB for approvals. B. Thompson asked if it was 100' deep and if the driveway around the back will be closed off? P. Mazurak confirmed it will be closed off to vehicular traffic. B. Thompson asked if the Fire Department knew? A. Johnson confirmed. P. Mazurak stated they could still drive around if there was a fire. A. Omartian asked if the storage area was gravel now and will be paved with asphalt in the future? P. Mazurak confirmed, right now its ground up road material, and eventually the plan is to cover in asphalt to use forklifts. B. Thompson asked about the stormwater runoff? P. Mazurak stated he didn't see any issues when he went to the site. He stated that there is a series of catch basins and the plan was reviewed by EIV for the Town. He continued that they did add some erosion and sediment controls to the plan. A. Johnson told the Board that Exhibit 4 is the review comments from EIV. B. Thompson asked if the silt fence was there now? P. Mazurak didn't know because he did the survey during the winter when they found out about the project. A. Omartian asked if the packed gravel area is considered impervious? P. Mazurak confirmed.

Application of Vermont Organics Reclamation Inc requesting Conditional Use Approval to change an Agriculture use to a Recreation use in accordance with Sections 4.1, 4.4, 4.8, and 8.3 the St. Albans Town Unified Development Bylaws. The property is located at 94 Wilder Drive in the Industrial and Rural Districts and is owned by the Applicant.

The Application was represented by Tim Camisa, partial property owner.

The following property owners within the neighborhood requested: Interested Party Status: Tara Gauding, Michael Gauding, Bill Macintosh, Eileen Macintosh, Gary LaPlant, Kim Morse, Margaret Pattee, Tom Cramer, Raye Mudgett, Mary Ann McDermott, and David Galuszka.

MOTION: A. Omartian made a motion to grant Interested Party Status to the neighborhood members and abutting landowner. E. Baker seconded. All in favor. None opposed. Motion carried.

The Applicant and Interested Parties were sworn in by M. McKennerney.

T. Camisa explained the project. 802 Baseball Lab is in a 4,800 sq. ft. warehouse which is currently accessed from Wilder Drive. He stated that there is an ACT 250 permit for access through the Industrial Park Road but, he stated they have been asked by Franklin County Industrial Development Corporation (FCIDC) Board to wait to construct the driveway until the future development building locations are configured.

T. Camisa showed the Board a Site Plan for the Industrial Park expansion area indicating where the alternate driveway will be located. He confirmed that he is still asking for approval with current access on Wilder Drive. A. Omartian asked what is currently on the property? T. Camisa stated currently it is only 802 Baseball because a recent fire destroyed much of the agricultural infrastructure and he has since moved the greenhouse operations to South Burlington. A. Omartian asked what the current level of traffic was and what does he forecast for the future? T. Camisa said that once in a while the baseball business will have a whole team attend the facility which is about 5-10 cars but no more than 25 cars a day. He also mentioned that his agricultural business is no longer there which eliminates the UPS and truck deliveries. B. Thompson stated that right now its baseball in the building and asked what they do? T. Camisa stated that he has a tenant that teaches young men baseball, 6-years-old to college age. They are in a large warehouse room with nets allowing for different activities to happen at the same time. B. Thompson asked how long this business has been there? T. Camisa stated it's been 1-2 years.

A. Hickey asked if he will still do the farming or make a complete change from Agricultural to Recreation? T. Camisa stated he will still be farming in that location after he rebuilds. A. Johnson stated he requested a change of use for the one building from Agricultural to Recreation. A. Omartian asked if they were planning to have anything outdoor? T. Camisa said yes, they would like to put in a baseball diamond. B. Thompson asked if they wanted outdoor lights? T. Camisa said no. There would be no activity at night so there will be no lights except the one currently on the outside of the building.

B. Thompson asked A. Johnson if T. Camisa read the Fire Department report? A. Johnson stated no, she has not given him a copy of the letter but has talked with him about the conditions. T. Camisa stated he has no problems satisfying the Chief's requests. B. Thompson asked if there is a sprinkler system in the warehouse? T. Camisa stated yes, with an 18,000-gal tank for water that was designed with permits from the State Fire Marshall. B. Thompson asked for confirmation T. Camisa is here only to make the one building recreational? T. Camisa confirmed.

The Interested Parties were asked if they had questions. B. Macintosh stated he is the president of the Wilder Drive Homeowners Association. He stated his main concern is the impact of traffic through the residential area. He said they have 6 school aged kids who walk down that driveway, 6 dogs who are walked around the area, and the development is a 55 and older community with elderly who stroll around as well. He said that over the last year they have noticed an increase of traffic for the baseball business. Those patrons speed down the shared road and the residents find lots of trash.

A. Omartian asked where the new road is located. T. Camisa stated its not there yet, Tim Smith with FCIDC is looking at changing the location of the proposed driveway because of a possible industrial business in the Industrial Park area. He also notified the Board that there will need to be an ACT 250 amendment. A. Omartian asked where the condos are? T. Camisa stated they are 1.5 mile away from the Industrial Park property. A. Hickey asked if he would no longer use Wilder Drive when he gets the other road? T. Camisa confirmed he would much prefer the new access but it will take some time. A. Omartian asked if the condo residents will also use new road? T. Camisa stated no.

B. Thompson asked if the baseball use is there now? T. Camisa said yes, they use it daily. B. Thompson asked if there was a gate and if it was closed? T. Camisa stated yes there is a gate, it is 500' into his property but he does not close it. B. Thompson asked the residents if there are cars at night? B. Macintosh stated not at night. T. Camisa stated he has cleaned up the road. He's put 2 loads of stone down this spring, and he's done about \$15,000 of work to it the last few years as well as plowing a few times. B. Macintosh disagreed and stated they have a plowing service from Route 7 to the condos.

B. Thompson asked the residents if they are worried about traffic since it doesn't look like a lot? B. Macintosh stated he doesn't know but the estimate is 25 cars per day. B. Thompson stated it has been running for 16 months. B. Macintosh questioned if the business was started without approval? A. Johnson stated that she approached T. Camisa just after the fire and getting notification that the baseball business was occupying the warehouse (which was previously approved as an agricultural structure). She wanted to allow them the opportunity to bring the use of the property into voluntary compliance.

B. Macintosh asked what is recreational use and will the road be rezoned? A. Johnson stated that this approval is just for the use of the building, but the property itself is split between the Industrial District and Rural District.

K. Morse asked if the road (Wilder Drive) is in Georgia? A. Johnson confirmed.

T. Gauding stated that on the deed it says non-commercial recreation. A. Johnson stated that in her opinion the use is commercial recreation but the wording on the deed is a civil matter.

D. Galuszka stated the road only goes to the condos and the houses, he also stated that part of his property is the lawn for two of the lots.

T. Camisa stated that when he put the greenhouse and barn up, he went to the State and got a full permit. He first occupied the warehouse as an agricultural structure before renting it out to the baseball business.

The neighborhood residents discussed concerns about the agricultural traffic which has been increasing over the past couple years and causing issues. They talked about issues with delivery trucks like UPS and FedEx, as well as 18 wheelers for the agricultural business. They stated those vehicles are causing damage to the roads, signs, and yards.

A. Hickey asked if utilizing the new road would eliminate the use of Wilder Drive? T. Camisa confirmed. A. Hickey asked if the agricultural business would use this new road too? T. Camisa said yes, his vehicles like pavement. He might still use the driveway on Wilder at times, but the majority of traffic will be through Industrial Park Road. B. Thompson asked how long until that new road is constructed? T. Camisa stated there will be about 2 weeks for FCIDC Board to approve, then 1 – 2 months to amend ACT 250 permit, before construction could start. He hopes it will be done by fall.

A. Omartian asked what deliveries does he get at his property? T. Camisa stated he gets 50,000 lbs. of coconuts at a time by tractor trailer truck for his farming dirt business. B. Thompson asked if he had an easement on Wilder Drive? T. Camisa confirmed. B. Thompson stated he has an easement to legally use that road.

D. Galuszka discussed personal health concerns which he believes are in regards to the material of the road. He stated that traffic went from the occasional hay wagon down a dirt road into a “super highway” during the sunflower event and believes that the road should be asphalt before anymore development occurs.

T. Camisa responded to D. Galuszka’s comments and stated that Scott Magnan, who owns the other farm field with deeded access, had the sunflowers and that it was separate from his businesses. He stated that he uses legitimate stone for the road upgrades so there should be no health concerns, and that a paved road will make people go faster. B. Thompson asked the residents if they were ever told it would be paved? B. Macintosh stated no. B. Thompson asked for confirmed that it was always going to be gravel. B. Macintosh said they were never told anything about the road. E. Macintosh stated that the people who are using Wilder Drive for baseball are teenagers and parents who don’t care about the homes on the road. B. Thompson asked is there a slow sign? B. Macintosh said there is a 15-mph sign. B. Thompson asked if there was a sign for children playing? B. Macintosh said yes, but people ignore it. A. Omartian said speed bumps would help except for plowing.

The neighborhood residents discussed the language included in the deed and whether that was being followed. A. Johnson reminded the Board that if there is a violation of the deed that would be a civil issue. A. Omartian asked T. Camisa if he was charging a fee for the training. T. Camisa stated the business charges a fee. A. Hickey asked if the business is renting the building. T. Camisa confirmed.

A. Omartian asked A. Johnson if we require a business permit? A. Johnson stated that the Town of St. Albans does not require business registration.

G. LaPlant stated that the traffic has had a large increase and is very fast which is not safe. A. Johnson asked if there was a stop sign? B. Macintosh stated no. T. Gauding said there was one but it was hit and taken down. T. Cramer stated that he has a young son and there have been 2 incidents where trucks didn’t make the corner from Route 7 onto Wilder Drive and the truck went down behind the mailboxes which could have been bad if the kids were standing there for the bus. He stated that the big trucks sometimes come down Wilder Drive looking for directions, which damages the road.

T. Camisa stated he is willing to put a stop sign at the top of the hill coming from his property onto Wilder Drive and more speed signs if they would like.

B. Thompson asked the neighborhood residents if new signs would help the problems. T. Cramer stated no, they will get backed over. A. Hickey stated that they said some of the traffic is not sure where to go and a sign would direct people. T. Camisa stated there is a sign right there for people to see. T. Camisa said he would put the sign in with concrete so it will last longer. B. Macintosh stated the HOA would like the businesses to use the other road. B. Thompson estimates that it will be at least 6 months before that gets approved and then has to be constructed. T. Camisa said the farming activity will be gone for at least 6 months. A. Hickey reminded the audience that the Applicant is here for the recreational use of the one

building not the farm. T. Camisa stated yes, but the farming traffic will be gone for at least 6 months as well.

B. Macintosh asked if this is just about the building, when will the road use be addressed. B. Thompson questioned how it is now or in the future? B. Macintosh stated now. B. Thompson we can't answer how that will happen. B. Macintosh asked if there a guarantee for the new road? T. Camisa said he can't guarantee time frame, but it will get done. T. Stanhope stated the other access road is only proposed so far, it's speculative. A. Omartian told the audience they will discuss in deliberative session and it could get continued. He went on to say the Board understands their concerns and will take them into consideration. Lastly, A. Omartian mentioned that they could get temporary speed bumps. T. Camisa stated he would look into that for them.

Deliberative Session

MOTION: M McKennerney made a motion to enter deliberative session at 7:58 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.

MOTION: M. McKennerney made a motion to come out of deliberative session at 8:25 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.

Application of DGUSA Realty LLP.

MOTION: M. McKennerney made a motion to approve the Application of BARRE ST ALBANS PROPERTIES LLC requesting a Site Plan Amendment to add an outdoor storage area for equipment and goods and construct a lean-to addition on a commercial building in accordance with Sections 4.7, 4.11 and 8.4 of the St. Albans Town Unified Development Bylaws. The property is located at 364 Swanton Road in the Commercial District within a designated Growth Center and is owned by the Applicant, with the following conditions: 1. The Applicant shall obtain a building permit prior to completion of the project; 2. All previous conditions shall remain in effect unless otherwise amended by this decision; 3. All State and Federal Permits are the Applicants responsibility; 4. the Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated May 4th, 2023; 5. The Applicant shall agree to and comply with all findings of fact and conclusions of law listed in this decision as well as all conditions of approval. Seconded by T. Stanhope. All in favor, none opposed, motion carried.

Application of Vermont Organics Reclamation Inc.

MOTION: A. Omartian made a motion to approve the Application of Vermont Organics Reclamation Inc requesting Conditional Use Approval to change an Agriculture use to a Recreation use in accordance with Sections 4.1, 4.4, 4.8, and 8.3 the St. Albans Town Unified Development Bylaws. The property is located at 94 Wilder Drive in the Industrial and Rural Districts and is owned by the Applicant, with the following conditions: 1. The Applicant shall apply for a building permit; 2. Prior to the construction of a baseball diamond, a Site Plan Amendment shall be submitted; 3. If there is a change to the access road a Site Plan Amendment shall be submitted; 4. Applicant must follow all Fire Department recommendations; 5. All previous conditions shall remain in effect unless otherwise amended by this decision; 6. All State and Federal Permits are the Applicants responsibility; 7. the Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated May 4th, 2023; 8. The Applicant shall agree to and comply with all findings of fact and conclusions of law listed in this decision as well as all conditions of approval. Seconded by E. Baker. All in favor, none opposed, motion carried.

Minutes

MOTION: M. McKennerney made a motion to approve the minutes as amended from the meeting of April 27th, 2023. E. Baker seconded. All in favor, none opposed, motion carried.

Adjournment

MOTION: M. McKennerney made a motion to adjourn the DRB meeting at 8:35 p.m. E. Baker seconded. All in favor, none opposed, motion carried.

**Respectfully Submitted,
Megan Sherlund, Director of Community Development**