

**Town of St. Albans  
Development Review Board Meeting Minutes  
Thursday, October 20<sup>th</sup>, 2022  
6:30 p.m.**

On Thursday, October 20<sup>th</sup>, 2022 at 6:30 p.m., the Town of St. Albans Development Review Board met at Town Hall for the following hearings.

**Present:** Chair, Brent Brigham, Vice Chair Arthur Omartian, Clerk Mike McKennerney, Allison Hickey, Tom Stanhope, Zoning Administrator, Megan Sherlund, Administrative Assistant, AJ Johnson  
**Absent:** Christina Boissoneault

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

**New Business**

**Application of Michael & Kathleen Gregoire represented by Dennis DeCarmine requesting Conditional Use Approval for Retail Cannabis establishment in accordance with Sections 4.7 and 8.3 of the St. Albans Town Unified Development Bylaws. The property is located at 120 Swanton Rd. in the Commercial District within a designated Growth Center and is owned by the Applicant.**

The Application was represented by Dennis DeCarmine and Michael & Kathleen Gregoire. There were no Interested Parties. The Applicant was sworn in by Clerk, M. McKennerney.

D. DeCarmine stated he is proposing to join the retail cannabis market in an established retail building he currently operates from. He has applied for the State license and all State guidelines will be followed. The retail cannabis use is proposed to be partitioned off from the existing retail space.

B. Brigham questioned how waste or waste products will be handled, for example if it is dropped on the floor. D. DeCarmine explained the product can be dropped off to the police department dumpster.

A. Omartian wondered if the Applicant will package the product. D. DeCarmine explained there are a couple of ways to provide cannabis to customers; some retail facilities offer “deli-style” where you can pick your product out of a jar and other retail facilities have the product pre-packaged in a child proof package ready for purchase.

A. Omartian asked what the licensing process is like and what hoops need to be jumped through. D. DeCarmine explained the State has a Cannabis Control Board and described the process as having “plentiful hoops” including an FBI background check. Additionally, he has to follow state codes and inspections and receive approvals from the State Fire Marshal.

T. Stanhope inquired who performs the compliance and enforcement checks. D. DeCarmine explained the State issues the license. A. Johnson stated the Town Selectboard agreed to form a Cannabis Control Commission at their previous meeting. The Selectboard will issue local licenses similar to how they issue liquor licenses.

D. DeCarmine explained the proposed retail layout. There will be a separate, locked entrance with security. An employee must let customers in and the area will be monitored by security cameras. There will be two counter spaces; one counter will have product and a second will have information about products.

B. Brigham asked if the Fire Marshal was okay with there only being one door. D. DeCarmine stated he has not mentioned any issues with the door, and there are two exits from the building.

B. Brigham questioned if there will be any additional lighting installed. There will be no additional lighting on the building. D. DeCarmine may change the signage.

A. Omartian inquired why the Applicant stated they would limit the amount of people allowed in the Retail Cannabis space. D. DeCarmine explained you are allowed to have 1 person per 4 square feet, but they will not allow that many in the store at one time.

The hours of operation will likely be 10 a.m. until 6 p.m. but may stay open until 8 p.m. on the weekend.

E. Baker asked if it is a cash only business. Customers may use cash or card.

**Application of Marguerite McCracken Revocable Trust represented by Jordan Sweet requesting Conditional Use Approval for Storage and Distribution in accordance with Sections 4.7 and 8.3 of the St. Albans Town Unified Development Bylaws. The property is located at 150 Swanton Rd in the Commercial District within a designated Growth Center and is owned by the Applicant.**

The Application was represented by Jordan Sweet, and Michael Shappy. There were no Interested Parties. The Applicants were sworn in by Clerk, M. McKennerney.

J. Sweet stated the proposed facility will be a wholesale cannabis company operating out of the old Danform Shoe building. The product will be purchased from the cultivators and packaged for sale to the retailers.

B. Brigham questioned if the retailer comes to the building to pick their products. The products will be delivered to the retailers.

B. Brigham asked what happens to waste and waste products. J. Sweet does not anticipate much waste or wasted products, but any that they do have will be brought to the dumpster at the police station. The product received by the Applicant will be mostly bud; all of the extra trim will be done by the cultivators.

B. Brigham inquired what security measures will be in place. The Applicant is working with Black Dog Security System to install eight cameras. It is unlikely that product will be on premises overnight, however any product that is on site will be stored in a locked safe.

A. Omartian questioned if there will be any retail sales on site. There will be no retail sales, the building will not be open to the public, and there will be no signage. There will be three employees on site. A. Omartian asked if there will be any anti-personnel bars on the windows. J. Sweet stated there is no requirement from the Cannabis Control Board, but the windows will be tinted.

A. Omartian asked if there will be any security or guards on site. There will not. A. Omartian asked if the client will pick up product. The Applicant will drive to the cultivator, pick up the product, repackage it and bring it to the dispensary. A. Omartian inquired how many retail facilities the Applicant will be supporting. They anticipate between five and ten.

B. Brigham wondered if the Applicant has applied for State licensing. J. Sweet explained he wanted to get local approvals first, as well as his State inspections.

B. Brigham questioned if the employees will park on the side of the building or behind. There are ten or eleven spaces available to park, but the Applicant does not have a specific area. There are a couple spaces out front that will likely be paved and a no parking emblem will be put up.

**Application of 2 Franklin Park West LLC requesting Site Plan Amendment for an increase in building size from a previously approved 26,000 square feet to 41,794 square feet in accordance with Sections 4.7, 4.11, and 8.4 of the St. Albans Town Unified Development Bylaws. The property is located at 155 Franklin Park West in the Commercial District within a designated Growth Center and is owned by the Applicant.**

The Application was represented by Sam Ruggiano, Brent Kosac and Shawn Hanlon. There were no Interested Parties. The Applicants were sworn in by Clerk, M. McKennerney.

S. Ruggiano stated the Applicant is proposing to increase the size of a previously approved, but not yet constructed, building. There will be no increase in proposed impervious surface. The wastewater disposal has increased due to an anticipated increase in employees from 40 to 75. Act 250, Stormwater and Construction General permits will all be amended. The Applicant is proposing a Spring 2023 construction date.

B. Brigham questioned what will happen to the other building the business is currently operating out of. It may be used as support for the new dealership, or at some point, another franchise or dealership may take it over.

B. Brigham asked if the parking area surrounding the building will be paved. It will. B. Brigham asked if the stormwater permit needs to be amended due to the size of the building. S. Ruggiano explained the permit will be amended, but it is more of a transfer since there is no proposed increase in impervious surface. All permits will need to be changed to the new owners.

A. Omartian inquired what is presently on site. There is an old barn, but no dealership structures.

T. Stanhope asked about the lighting shown on page C2. Lighting will be added on the side of the

building for ingress and egress of people and cars. The light poles will be down shielding lights on 20' poles with 3' bases.

B. Brigham asked if a sidewalk will be constructed along Parah Drive. It is already constructed along the frontage of Lot 3.

B. Brigham inquired if the new construction is a requirement of the Ford and Chrysler company. The Applicant confirmed and explained the company must sign off on the look and location. They have a specific standard.

The Applicant is proposing eight electric charging stations but more may be added in the future as demand for electric vehicles increase.

There will be shrubs and a few trees added for landscaping.

B. Brigham questioned if the company will sell new or used vehicles. The Applicant explained there is a shortage of vehicles right now due to the pandemic and shipping complications. The vehicle inventory will depend on how things normalize after the shortage.

B. Brigham asked how many parking spots are on the site. The Applicant was unsure, but the plans showed over 275.

**Application of Franklin South LLC requesting a frontage waiver to allow for a 2-lot subdivision in accordance with Sections 4.5 and 8.2.1 of the St. Albans Town Unified Development Bylaws. The property is located at 44 Fairfax St. in the Residential District and is owned by the Applicant.**

The Application was represented by Gabriel Handy, owner, and K. Jurentkuff of Chase and Chase Surveying.

Abutting land owners Nancy Brault and Sheila Heald requested Interested Party Status.

**MOTION: M. McKennerney made a motion to grant Interested Party Status to Nancy Brault and Sheila Heald as abutting land owners. T. Stanhope seconded. All in favor, none opposed, motion carried.**

The Applicants and Interested Parties were sworn in by Clerk, M. McKennerney.

B. Brigham read a letter submitted by S. Heald, who was present via Zoom. For ease of recording, the letter has been added into the minutes and reads as follows:

“I am currently in Ohio until November. Yesterday, I received a forwarded, certified mail letter regarding the proposal to build duplex homes in my neighbor’s back yard which is directly adjacent to my house and backyard property. To be very upfront with you I am shocked and disappointed to receive this notice of a development proposal which will have significant negative impact on my property value and enjoyment of my property. In addition, the time between my notification and the proposed Review Meeting is unacceptably short. It gives me insufficient time to contact my legal resources and to converse with neighbors about a course of action we could take to prevent this project. I am definitely willing to spend time and money to ensure this project does not damage our quality of life and property value! I and my deceased husband, Winslow Heald (previous co-owner of Heald Funeral Home) purchased our Fairfax street acreage in 1986 so we could build a home that ensured much privacy, minimal noise and absence of congested living conditions. The duplex project proposed will result in 3 (vs 1) residential units that run the entire length of my western property line. Three families will occupy these units with all the activities, noise and traffic of normal living only to be enhanced because of the congested spacing. If these three units are owned by one owner then it’s likely that one or more of these units will become rental property with constant turnover. As previously mentioned we currently oppose this project based on the conditions it creates for us. We’re requesting more time to make the contacts necessary to either defeat the project or ensure restrictions are included in the deed (i.e. no live tree removal allowed / required privacy fencing along my property line, not zoned as rental property etc.) that minimize the damages we will incur. We would like to be included in the meeting tomorrow via Zoom or similar conferencing. Thanks in advance for your consideration of how this project will impact my property and its market value.”

K. Jurentkuff explained the Applicant is proposing to subdivide the property into two lots. The proposed second parcel is to be served by a 30' wide Right of Way from Fairfax Street. Pending the access approval, the Zoning Administrator will be able to grant a 2 Lot Subdivision administratively. The required lot size is 7,500 square feet per unit. K. Jurentkuff stated the Applicant is requesting a permitted use and will meet all Bylaws for the proposed development.

The Applicant is working on a building design which will allow the structure to meet all required setbacks and refrain from building within the 50' stream buffer per the Stormwater Ordinance.

B. Brigham questioned what kind of structure will be built. The Applicant is proposing a duplex which will likely have a walkout basement in the rear and an attached garage for each unit. The units are proposed to each have 3 bedrooms.

The Applicant explained he intends to lease the existing home on the proposed front lot, with the option to purchase after a year. The duplex units will not be rentals; they will be for sale upon completion of construction.

A. Omartian questioned how you can control how much noise someone makes once they purchase the home. G. Handy stated you cannot. There will be "condo docs" which will outline shared responsibility such as mowing, plowing, insurance, but you cannot control what someone does in their own home.

A. Omartian asked why the Applicant is proposing a duplex, why not just a single-family home? K. Jurentkuff explained the costs associated with development are high and the second unit will help cover the upfront costs.

B. Brigham questioned if there is room to construct a duplex with the setbacks and streambank buffer. The Applicant is exploring design options, but anticipates a structure of roughly 44' by 36' wide. Each unit will be approximately 18' wide. They are exploring designs and options on driveway access. The garages will likely be placed side by side in the middle of the structure to minimize drive area and allow for less impervious surface.

N. Brault explained her concerns with the development. She is concerned about the loss of privacy in her back yard. She is shocked the Applicant thinks the large proposed building will fit the character of the neighborhood. When she built 30 years ago, she did not expect to have neighbors so close to her. She stated the property has been cleaned up nicely, but she is very much against the building. She is also very frustrated the proposed access drive will be 8 feet from her property line.

K. Jurentkuff reiterated all development will meet the Bylaw regulations. B. Brigham explained the Board does not have a lot of choice in permitting an application if it meets the standards of the zone. He explained the Interested Parties can appeal the DRB's decision to environmental court.

G. Handy explained he intends to sell each unit for \$375,000. He is proposing quality homes.

S. Heald asked if the Board has any control over the number of bedrooms allowed in each unit. B. Brigham explained the Town does not have jurisdiction over water and wastewater allowances. Municipal water is allocated from the City of St. Albans.

S. Heald wondered what the livable square footage of each unit will be. The design has not been fully decided, but the Applicant expects around 1,200 square feet.

S. Heald expressed concern that a six-bedroom structure will ruin her quiet space to live.

The Board and Interested Parties discussed appeals. An Interested Party can appeal the DRB's decision to allow the frontage waiver to the Environmental Court, or can appeal the Zoning Administrator's decision to grant the 2-Lot Subdivision or Building Permit to the DRB.

S. Heald does not want the trees along the existing boundary line to be removed.

N. Brault asked if the Applicant's intention was always to subdivide the land and build a new structure. He confirmed.

The Interested Parties are concerned for the stream and how the new building will affect it. M. Sherlund explained the stormwater consultant, an engineer, will perform a technical review of the plans.

A. Omartian wondered how long until the Applicant has a plan showing the footprint of the building. G. Handy does not intend to request Town approvals until he has all state permits in place.

When asked if he is opposed to providing screening to the neighboring properties, G. Handy stated he is open to the idea and understands fences make good neighbors. He is concerned with how long it may take a tree to grow.

**Application of Commons Associates L.P. represented by Anthony Sorrentino requesting Conditional Use Approval for Retail Cannabis in accordance with Sections 4.7, 4.11, and 8.3 of the St. Albans Town Unified Development Bylaws. The property is located at 321 Swanton Rd. in the Commercial District within a designated Growth Center and is owned by the Applicant.**

The Application was represented by Anthony Sorrentino. He came before the Board at a previous meeting to allow for a light manufacturing use to make cannabis infused products. He is now requesting Conditional Use Approvals to utilize the front section of the previous Yogurt City space as a Retail Cannabis use.

The Applicant is proposing a front entry space with a camera and buzzer system on the door. The windows will be covered in film for privacy and a human will provide secondary ID checks. Additionally, there will be 16 cameras in use at all times.

An existing bench inside will be left to allow for elderly and disabled people to sit while they wait for service. A merchandise case is being proposed for hats, t-shirts, pipes and other merchandise.

The Applicant is working on licensing to allow the facility to employ a “bud-tender”, a person who allows customers to see and smell the product as opposed to providing product that is already in sealed packages. An ATM will be provided in the store.

The hours will likely be 9:00 a.m. to 9:00 p.m.

B. Brigham asked about waste and waste products. A. Sorrentino stated in a best-practice facility you should never have product hitting the floor, but their product is different than some other retail facilities. The Applicant is proposing to utilize an extraction method which eliminates the “good stuff” from the plant. The remaining material can be composted or resold for “second-run pressing”.

B. Brigham questioned what happens to the product when the store is closed. All product will be locked in a room or safe.

The Applicant is proposing a pre-order system which allows customers to order online and pick up at the store.

#### **Deliberative Session**

**MOTION: T. Stanhope made a motion to enter deliberative session at 8:01 p.m. A. Omartian seconded. All in favor, none opposed, motion carried.**

**MOTION: T. Stanhope made a motion to come out of deliberative session at 8:40 p.m. A. Hickey seconded. All in favor, none opposed, motion carried.**

**Application of Michael & Kathleen Gregoire represented by Dennis DeCarmine requesting Conditional Use Approval**

**MOTION: A. Omartian made a motion to approve the Application of Michael & Kathleen Gregoire represented by Dennis DeCarmine requesting Conditional Use Approval for Retail Cannabis establishment in accordance with Sections 4.7 and 8.3 of the St. Albans Town Unified Development Bylaws. The property is located at 120 Swanton Rd. in the Commercial District within a designated Growth Center and is owned by the Applicant with the following conditions: 1) All previous conditions shall remain in effect unless otherwise amended by this decision, 2) All State and Federal Permits are the Applicants responsibility and a copy shall be given to the Zoning Administrator for the file, 3) The Applicant shall provide the Zoning Administrator with a copy of proposed signage, 4) The Applicant shall agree to and comply with all findings of fact and conclusions of law listed in the staff report as well as all conditions of approval in the decision, 5) the Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated October 13<sup>th</sup>, 2022. A. Hickey seconded the motion. All in favor, none opposed, motion carried.**

**The Application of Marguerite McCracken Revocable Trust represented by Jordan Sweet requesting Conditional Use Approval**

**MOTION: M. McKennerney made a motion to approve the Application of Marguerite McCracken Revocable Trust represented by Jordan Sweet requesting Conditional Use Approval for Storage and Distribution in accordance with Sections 4.7 and 8.3 of the St. Albans Town Unified Development Bylaws. The property is located at 150 Swanton Rd in the Commercial District within a designated**

Growth Center and is owned by the Applicant with the following conditions: 1) All State and Federal Permits are the Applicants responsibility and a copy shall be given to the Zoning Administrator for the file, 2) All previous conditions of approval shall remain in effect unless otherwise amended by this decision, 3) The Applicant shall agree to and comply with all findings of fact and conclusions of law listed in the staff report as well as all conditions of approval in the decision, 4) the Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated October 13<sup>th</sup>, 2022, and 5) As stated during testimony, the front parking spaces shall be removed. T. Stanhope seconded the motion. All in favor, none opposed, motion carried.

#### Application of 2 Franklin Park West LLC requesting Site Plan Amendment

MOTION: A. Hickey made a motion to approve the Application of 2 Franklin Park West LLC requesting Site Plan Amendment for an increase in building size from a previously approved 26,000 square feet to 41,794 square feet in accordance with Sections 4.7, 4.11, and 8.4 of the St. Albans Town Unified Development Bylaws. The property is located at 155 Franklin Park West in the Commercial District within a designated Growth Center and is owned by the Applicant with the following conditions: 1) Upon completion of the project, and prior to the issuance of a Certificate of Compliance, the Applicant shall provide certification by a registered engineer that the project was completed as approved by the DRB, 2) All previous conditions shall remain in effect unless otherwise amended by this decision, 3) All State and Federal Permits are the Applicants responsibility and a copy shall be given to the Zoning Administrator for the file, 4) The Applicant shall agree to and comply with all findings of fact and conclusions of law listed in the staff report as well as all conditions of approval in the decision, 5) the Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated October 13<sup>th</sup>, 2022. T. Stanhope seconded the motion. All in favor, none opposed, motion carried.

#### Application of Franklin South LLC requesting a frontage waiver

MOTION: E. Baker made a motion to approve the Application of Franklin South LLC requesting a frontage waiver to allow for a 2-lot subdivision in accordance with Sections 4.5 and 8.2.1 of the St. Albans Town Unified Development Bylaws. The property is located at 44 Fairfax St. in the Residential District and is owned by the Applicant with the following conditions: 1) All State and Federal Permits are the Applicants responsibility and a copy shall be given to the Zoning Administrator for the file, 2) A screening plan shall be submitted to the Zoning Administrator prior to obtaining a building permit, 3) The screening shall run along the side yard boundaries where no screening already exists, 4) Existing vegetation along the side yard boundaries shall remain undisturbed, 5) Upon completion of the project and prior to the issuance of a Certificate of Compliance, the Applicant shall receive certification by a registered engineer that the project was completed per the DRB approved plans, 6) The Applicant shall agree to and comply with all findings of fact and conclusions of law listed in the staff report as well as all conditions of approval in the decision, 6) the Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated October 13<sup>th</sup>, 2022. A. Omartian seconded the motion. All in favor, none opposed, motion carried.

#### Application of Commons Associates L.P. represented by Anthony Sorrentino requesting Conditional Use Approval

MOTION: E. Baker made a motion to approve the Application of Commons Associates L.P. represented by Anthony Sorrentino requesting Conditional Use Approval for Retail Cannabis in accordance with Sections 4.7, 4.11, and 8.3 of the St. Albans Town Unified Development Bylaws. The property is located at 321 Swanton Rd. in the Commercial District within a designated Growth Center and is owned by the Applicant with the following conditions: 1) All State and Federal Permits are the Applicants responsibility and a copy shall be given to the Zoning Administrator for the file, 2) The Applicant shall agree to and comply with all findings of fact and conclusions of law listed in the staff report as well as all conditions of approval in the decision, 3) the Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated October 13<sup>th</sup>, 2022. T. Stanhope seconded the motion. All in favor, none opposed, motion carried.

#### Minutes

MOTION: T. Stanhope made a motion to approve the minutes from the meeting of September 22<sup>nd</sup>, 2022. A. Omartian seconded. All in favor, none opposed, motion carried.

#### Adjournment

MOTION: T. Stanhope made a motion to adjourn the DRB meeting at 9:00 p.m. A. Omartian seconded. All in favor, none opposed, motion carried.

Respectfully Submitted,  
AJ Johnson, Administrative Assistant