

**Town of St. Albans  
Development Review Board Meeting Minutes  
Thursday, November 19<sup>th</sup>, 2020  
6:30 p.m.**

On Thursday, November 19<sup>th</sup>, 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, Tom Stanhope, and Interim Zoning Administrator, Amanda Johnson  
**Absent:**

Zoom ID: 889 1450 8740

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

**Continued Business:**

**Application of Jeffrey & Tammy Boissoneault requesting Sketch Plan, Final Plat, 801 Waiver, and Site Plan Approval of a 3 Lot Subdivision in accordance with Sections 200-209,403,801, and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 1055 Brigham Road in the Rural District and owned by the Applicant.**

Jeffrey Boissoneault appeared via Zoom. C. Boissoneault recused herself as she is a family member of the Applicant. S. Trainer and M. Luman returned via Zoom as Interested Parties. The Applicant and Interested Parties were sworn in.

The Board heard this application on October 22<sup>nd</sup>. They continued the application to the meeting of November 19<sup>th</sup>, requesting copies of the stormwater plan and screening plan to include privacy screening for the East side of the new road easement and the South side of Lot 11.

B. Brigham asked if the Interested Parties had seen copies of the new exhibits. They had not. B. Brigham described the screening plan. A row of Cedar along the East side of the new road easement, and along the South side of Lot 11 are proposed. Red Maple and White Cedar are also shown interspersed for a total of 10 Maple and 65 Cedar trees. The trees are proposed to be planted around 5 or 6 feet tall.

The Stormwater plan was also discussed. B. Brigham stated the plan was small and hard to read. He asked the Applicant if the plan has been explained to him. J. Boissoneault stated he hasn't really been explained the plan, but it was designed by engineers designed it to be a working system. B. Brigham explained most of the water appears to be taken care of with sheet flow across the lawns. Any remaining water will end up in a small retaining pond. B. Brigham inquired if the driveways would be pitched to allow the runoff to flow to one side. The Applicant confirmed. B. Brigham stated the plan was unlike any he has seen before. He added the important thing is to not have water collecting on the back side of the existing lots.

A. Omartian asked when the trees will be installed in relation to the sale of the properties. J. Boissoneault assumes the two will happen around the same time. B. Thompson asked if the project is anticipated to begin in the Spring. J. Boissoneault doesn't have an exact plan, but assumes it will be around Summer. B. Brigham explained the trees would not be put in before the road is built. A. Omartian asked if the trees would be warrantied for a year or two if they do not take. J. Boissoneault stated Green Leaf Forestry will be planting the trees, but they could be warrantied.

B. Brigham asked the Interested Parties if they have any questions. S. Trainer inquired if the new homes will be a part of the existing Homeowner's Association (HOA). The existing HOA is concerned about the quality of the road as well as the new Stormwater permit. S. Trainer also feels it is important to have all of the homes look the same, and be subjected to the same Bylaws. She has concerns about additional water ending up on the existing properties. B. Brigham explained that the Board is not allowed to dictate HOA's. S. Trainer reiterated that the new properties will be using their road. She also asks that the new trees be put in before the properties are built to cut down on the amount of dust and noise the existing homes will be exposed to. B. Brigham explained that trees are not typically planted while constructing a road due to the risk of damaging the new trees.

M. Luman asked to see a copy of the Stormwater plan. M. Luman asked for confirmation the new lots will utilize their own Stormwater permit. J. Boissoneault confirmed. A. Johnson offered to scan and send the Stormwater and screening plans to the Interested Parties. B. Brigham explained the soils on site have a permeation rate of about an inch per hour according to the engineer. Most of the water coming off the road and the new driveways will infiltrate the ground. Heavier rain will run off toward the pond and fill it up. B. Brigham explained Stormwater ponds today are not the same as they used to be. It is no longer considered ideal to have a pond with water in it at all times. Dry ponds are preferred (which only fill during a storm event). M. Luman stated the existing pond has a similar function. B. Brigham stated the goal is to have less run off post development than what exists pre-development.

S. Trainer asked if the only common HOA element the new homes will share is the access point, could the Applicant utilize a different access point on from their land? S. Trainer added that the existing HOA has pretty strict Bylaws that keep the neighbors friendly, and keep the property values up. The existing HOA have similar thoughts regarding how their own homes look and how to be a good neighbor. B. Brigham reiterated the Board cannot dictate what Bylaws an HOA can mandate. S. Trainer stated the DRB can dictate the access point that the new homes will utilize. A. Johnson explained that the Applicant is requesting approvals for the plan submitted. If J. Boissoneault wants to utilize a different access point, he will need to bring a new plan in front of the Board for approval. S. Trainer asked if there is anything they can do to request a new access for the proposed homes. A. Johnson stated it will need to be discussed between the developer, the HOA, and their attorneys. The Board can only act on the plan in front of them today.

J. Boissoneault explained he intends to put deed restrictions on the proposed homes. They will be similar to the existing HOA Bylaws. There won't be any trailers, he added. S. Trainer appreciates J. Boissoneault's intent, but explained their concern is regarding the road, and restricting the proposed homes from having businesses and increased traffic. M. Luman asked how winter maintenance will be controlled, since the current Bylaws dictate which lots are responsible for which payments. J. Boissoneault explained the new lots will join the road portion of the existing HOA. A. Johnson advised J. Boissoneault to meet with the existing HOA to go over Bylaw details, since it is not within the Boards jurisdiction.

#### **New Business:**

**Application of Dayle & Leeann Wright requesting Conditional Use Approval to construct a seawall in accordance with Sections 401, 408, and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 167 East Shore Drive in the Lakeshore District within the Flood Hazard Overlay and owned by the Applicants.**

Dale Wright appeared via Zoom. There were no Interested Parties. The Applicant was sworn in by Clerk, B. Thompson.

D. Wright explained the erosion in the area of East Shore is very bad. Two years ago, a tree was about to fall into the lake. D. Wright called the State and asked if he could remove it before it fell, and they said no. During the winter the tree fell into the lake. The erosion has continued to increase.

B. Brigham reviewed the tentative contract with Island Excavating. D. Wright explained the company has been on site to determine the best way to perform the job. Access to the site is very difficult, but a next-door neighbor (The Flanagan's) has a ramp that can be utilized.

B. Brigham asked if there has been any contact with the Agency of Natural Resources (ANR) regarding the project. D. Wright explained he is new to the procedure, and has not contacted anyone from the State. Island Excavating advised the Applicant to hire an engineer to design the seawall. D. Wright hired Cross Consulting.

D. Wright explained his intent is to build a seawall that is less impactful than cinderblock or cement walls. He does not care for the cinder-block "look". Large blasted rocks will be utilized. The seawall will be designed using shot rock, fabric, fill and topsoil. A. Johnson stated she sent the applicant to Rebecca Pfeiffer at the end of October and no comment has been received.

The plan provided shows all work above the 98' elevation. The highest point of the wall will be around 110' elevation. D. Wright explained a smaller wall is proposed around 102' elevation, which will level off and large rocks will stack line the back of the hill (creating a "terrace effect"). The rocks will not reach the top of the hill. D. Wright referred to the photo that was submitted as evidence of the erosion.

B. Thompson asked if the Applicant will need to get other permits. D. Wright is unsure which permits he needs. B. Brigham advised D. Wright to work with Cross Consulting on his next steps.

**Application of Malone Dorset St. Properties, LLC and Peter Morse requesting Site Plan and PUD Amendments to construct 4 storage unit buildings in accordance with Sections 406, 410, 803, and 804 of the St. Albans Town Unified Development Bylaws. The property is located at 8 Franklin Park West and Lot 22 Franklin Park West and owned by the Applicants.**

The Application was represented by Sam Ruggiano of Ruggiano Engineering. He was sworn in by the Clerk.

S. Ruggiano explained that P. Morse is buying an adjoining lot from Malone properties to expand his storage unit business. The Applicant is proposing four new units that will match the existing units.

The existing access points will be utilized. The lighting will be the same as what is existing on site. A drainage system with a swale is shown around the buildings that will collect in a micro-pool pond, which will then discharge into the existing pond.

The Applicant does not anticipate a lot of new traffic from the four new buildings. Three trees are being proposed for landscaping.

B. Thompson asked if the fence will be moved. S. Ruggiano confirmed.

A. Johnson asked if the Applicant has been conversing with Fire Chief Cross. He confirmed. The Chief is requesting a battery-operated diamond saw to cut locks off from the storage units in the event of an emergency. This equipment can be stored in the office.

S. Ruggiano added the Applicant is requesting to remove a condition of a previous phase which requires them to construct sidewalks. This condition was in place due to the Sidewalk Master Plan, which is no longer in effect. A. Johnson explained that Malone appeared before the Board last year in response to a Notice of Violation. One of the proposed cures to an existing violation was a walking path within Franklin Park West in lieu of the unbuilt sidewalks. The Board had approved that condition.

A. Johnson asked if a Police Department letter has been received. S. Ruggiano confirmed.

B. Brigham confirmed the Applicant is only requesting 3 new plantings. S. Ruggiano explained that the Applicant intends to further develop the site, and does not want to finish the landscaping yet. After this development there will be a total of 22 buildings.

**Application of 49 Parah Drive, LLC requesting Site Plan Review, Conditional Use Approval, and Planned Unit Development Review to convert an existing barn into a Multi-Use building in accordance with Sections 406, 410, 802, 803, and 804 of the St. Albans Town Unified Development Bylaws. The property is located at 53 Parah Drive and owned by the Applicant.**

J. Vickery appeared via Zoom to represent the Application. There were no Interested Parties. The Applicant was sworn in by Clerk, B. Thompson.

J. Vickery explained the property consists of a triplex, which he previously converted from a Single-Family Home, and a large barn. The previous owners utilized the barn for several Home Occupations.

J. Vickery is proposing to convert the barn into spaces that can be used for multiple businesses. In his application, he requested approvals for Agribusiness, Business Services, Club, Indoor Storage, Light Industry, Professional Office, Retail Business, Social Services, Building Contractor Shop, Equipment Sales & Services, Motor Vehicle Repair / Service, Storage & Distribution, and Warehouse.

B. Brigham inquired if the barn is currently sectioned off the way it is shown on the plan. J. Vickery stated there are some natural separations, and he intends to construct other separations. Unit 101 (as shown on the plan), used to be a large pool area which has since been filled in and turned into a garage. Unit 106 is also a garage space with a large ceiling.

B. Brigham asked if the front 5 units are in a basement-like setting. J. Vickery explained the basement itself is considered “support space” and is not a good rental space. The ceiling is only 7’ high. The first floor has ceiling space from 8’ – 13’. B. Thompson inquired if the space is empty. J. Vickery stated there are businesses in the space now.

A. Omartian asked if the tenants are able to utilize the basement space for storage. J. Vickery stated the basement space holds the utilities, he is storing a lot of his items in that space, and he does not intend to rent the space.

B. Brigham asked the Applicant why he is requesting a waiver on the PUD lot size. J. Vickery explained he submitted the waiver request on the suggestion of A. Johnson. A. Johnson explained that the barn was previously an accessory structure to the Single-Family Home. Now that the Applicant is proposing multiple businesses in the barn it would no longer be an accessory structure, or utilized for home occupations. Under the current Bylaws a PUD must have 3 acres, but the Applicant only has 1.4 acres with the two existing structures. B. Brigham asked if the DRB has ever granted a waiver for a PUD lot size. A. Johnson was not sure if there has been a more recent case, but stated the Board granted a similar

approval to Mike Gosselin on Brigham Road. Both lots have a multi-family home, as well as a large, pre-existing structure utilized for business.

B. Brigham noted that engineer P. Mazurak submitted documentation outlining what the wastewater system had been historically utilized for. A. Johnson called P. Mazurak when the exhibit was submitted and inquired if he was trying to demonstrate what the system could be utilized for and he confirmed.

J. Vickery outlined his cosmetic plans for the barn which includes new windows and siding.

B. Brigham asked if the 14 parking spaces shown on the plan are enough. A. Johnson confirmed based on the parking schedule for a multi-use building 14 spaces are required.

### **Deliberative Session**

**MOTION: C. Boissoneault made a motion to enter deliberative session at 7:30 p.m. B. Thompson seconded. All in favor, none opposed, motion carried.**

**MOTION: A. Omaritan made a motion to come out of deliberative session at 8:50p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.**

### **Application of Jeffrey & Tammy Boissoneault**

**MOTION: A. Omartian made a motion to approve the Application of Jeffrey & Tammy Boissoneault requesting Sketch Plan, Final Plat, 801 Waiver, and Site Plan Approval of a 3 Lot Subdivision in accordance with Sections 200-209,403,801, and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 1055 Brigham Road in the Rural District and owned by the Applicant with the following conditions: 1) Upon completion of the project and / or prior to the issuance of a Certificate of Compliance, the Applicant shall provide certification by a registered engineer that the project has been completed as approved by the DRB, 2) The Applicant shall follow the screening and Stormwater plans as submitted, 3) The Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated November 9<sup>th</sup>, 2020, 4) All State and Federal Permits are Owner's responsibility. M. McKennerney seconded the motion. All in favor, none opposed, motion carried.**

### **Application of Dayle & Leeann Wright**

**MOTION: B. Thompson made a motion to approve the Application of Dayle & Leeann Wright requesting Conditional Use Approval to construct a seawall in accordance with Sections 401, 408, and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 167 East Shore Drive in the Lakeshore District within the Flood Hazard Overlay and owned by the Applicants with the following conditions: 1) Upon completion of the project the Applicant shall provide certification by a registered engineer that the project was completed as approved by the DRB, 2) Upon completion of the project, the road shall be returned to its preconstruction state, 3) All State and Federal permits are owner's responsibility, 4) The Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated November 9<sup>th</sup>, 2020 . A. Omartian seconded the motion. All in favor, none opposed, motion carried.**

### **Application of Malone Dorset St. Properties, LLC & Peter Morse**

**MOTION: B. Thompson made a motion to approve the Application of Malone Dorset St. Properties, LLC and Peter Morse requesting Site Plan and PUD Amendments to construct 4 storage unit buildings in accordance with Sections 406, 410, 803, and 804 of the St. Albans Town Unified Development Bylaws. The property is located at 8 Franklin Park West and Lot 22 Franklin Park West and owned by the Applicants with the following conditions: 1) A copy of the Police impact letter shall be provided to the ZA, 2) Upon completion of the project, the Applicant shall provide certification by a registered engineer that the project was completed as approved by the DRB, 3) All previous conditions of approval shall remain in effect unless otherwise amended by this decision, 4) The Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated November 9<sup>th</sup>, 2020 5) All State and Federal Permits are Owner's responsibility. T. Stanhope seconded the motion. All in favor, none opposed, motion carried.**

**Application of 49 Parah Drive, LLC**

**MOTION: C. Boissoneault made a motion to approve the Application of 49 Parah Drive, LLC requesting Site Plan Review, Conditional Use Approval, and Planned Unit Development Review to convert an existing barn into a Multi-Use building in accordance with Sections 406, 410, 802, 803, and 804 of the St. Albans Town Unified Development Bylaws. The property is located at 53 Parah Drive and owned by the Applicant with the following conditions: 1) The Applicants request for Conditional Use Approval for Agribusiness, Business Services, Club, Indoor Storage, Light Industry, Professional Office, Retail Business and Social Services have been found to be uses allowed within the Commercial District and are hereby approved as having no undue adverse effects. The additional uses (Building Contractor Shop, Equipment Sales and Services, Motor Vehicle Repair/Service, Storage & Distribution, and Warehouse), while conceptually approvable, will require further review, 2) The Applicant shall comply with the findings as issued in the Fire Department letter, 3) Prior to receiving a Certificate of Compliance, the Applicant shall provide certification from the State of Vermont Division of Fire Safety that the building has passed all code requirements and inspections, 4) All State and Federal Permits are Owner's responsibility 5) The DRB approves the request to waive the PUD lot size, and 6) The Board accepts the amended findings of fact and conclusions of law as provided in the Zoning Administrator's staff report dated November 9<sup>th</sup>, 2020. B. Thompson seconded the motion. All in favor, none opposed, motion carried.**

**Adjournment**

**MOTION: M. Mckennerney made a motion to adjourn the DRB meeting at 9:30 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.**

**Respectfully Submitted,  
Amanda Johnson, Interim Zoning Administrator**

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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

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Mike McKennerney

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Tom Stanhope