

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, March 24th, 2022
6:30 p.m.**

On Thursday, March 24th, 2022 at 6:30 p.m., the Town of St. Albans Development Review Board met at Town Hall for hearings.

Present: Vice Chair, Arthur Omartian, Clerk, Mike McKennerney, Christina Boissoneault, Allison Hickey, Tom Stanhope, Ellen Baker, Zoning Administrator, Megan Sherlund

Absent: Brent Brigham, Administrative Assistant, AJ Johnson

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

New Business:

Application of Kyle Bessette for a front yard setback variance to construct a 30' x 50' garage on the west side of the property in accordance with Section 404 and 805 of the St. Albans Town Unified Development Bylaws. The property is located at 5 Green Mountain Dr. in the Residential District and is owned by the Applicant.

The Application was represented by Kyle Bessette, owner. Abutting property owners, David Mosher of 4 Green Mountain Dr. and Keith & Kelly Wakefield of 7 Green Mountain Dr. requested Interested Party Status.

MOTION: M. McKennerney made a motion to accept David Mosher and Keith & Kelly Wakefield as Interested Parties as abutting property owners. T. Stanhope seconded the motion. All in favor, none opposed, motion carried.

Clerk, M. McKennerney swore in the Applicant and Interested Parties.

K. Bessette explained he would like to construct a bigger garage on his property as his existing garage is too small. There is a power line easement that runs through his property limiting where he can build to directly behind the hedge row. He thought the front yard setback was 30' from the side of the road, but it is actually 60' from the center of the road due to the width of the road right of way.

A. Omartian wondered why the garage needs to be so large. K. Bessette explained he does not want to waste money by not constructing it large enough for his needs. He does not want to have to add on in the future and works on a lot of his vehicles in his existing garage.

M. McKennerney questioned how tall the door openings will be. K. Bessette responded the openings will be 12'.

A. Omartian inquired what type of vehicles will go in the garage. K. Bessette stated normal vehicles. A. Omartian explained when he looks at the size of the garage, he wondered if a tractor trailer will go inside. K. Bessette explained the way the yard is set up will prohibit a tractor trailer from being able to pull into the garage. He would rather overbuild now than regret not building a large enough space.

A. Omartian asked for confirmation the structure is supposed to be 60' from the center of the road. M. Sherlund confirmed, and explained the road is a 60' right of way. The front yard setback starts from the edge of the road right of way. The Applicant is proposing to construct 40' from the edge of the right of way.

M. McKennerney explained the size of the proposed garage appears to be more appropriate for a commercial garage rather than a private garage. He wondered if the Applicant has any future plans for a commercial garage. K. Bessette stated he is not trying to build an auto shop or a car dealership, but he does wash cars for people.

T. Stanhope asked if the Applicant intends to have any outside lighting. He may have one or two lights above the doors.

T. Stanhope asked if the hedge line is next to the road. K. Bessette confirmed, and stated there is the road, a ditch line, and then the hedges which are approximately 12' tall. He explained the hedges will block out around 90% of the building and only the roofline should be visible.

A. Omartian inquired if the garage could be moved to the south. K. Bessette outlined the power line easement which cannot be moved.

A. Omartian asked if the Interested Parties have any questions.

David Mosher, owner of 4 Green Mountain Drive and Vice President of the Homeowners Association, explained that the owners of each unit have concerns especially the effect the proposed garage may have on their property values. He is concerned about a business being run from the property.

A. Omartian stated he is not within the Commercial District. M. Sherlund explained the property is located within the Residential District. A Home Occupation could possibly be obtained, but would need to be applied for and meet the regulations. D. Mosher questioned if a car detailing business would classify as a Home Occupation in the Residential District. M. Sherlund confirmed. D. Mosher asked if the hours are defined. M. Sherlund stated they will need to be as part of the permit approval process. A. Omartian stated the abutting landowners were notified of this hearing; will they also be notified if the Applicant applies for a Home Occupation? M. Sherlund explained each land owner will not be notified in the same process, but there will be a poster that must be posted on site for 15 days prior to the operation of a business. Neighbors have the ability to appeal the permit.

The neighbors questioned what kinds of businesses are allowed as home occupations and expressed concerns over what will happen to the residential feel of the neighborhood. M. Sherlund reiterated that while there are approved home occupations, there are regulations.

A. Hickey asked if the car detailing business is the Applicants full time job. Currently, he only details one or two cars a day, but at this time it is not his full-time job. In the future it could be a full-time job. He will be the only one in the house who works at the business.

K. Wakefield inquired if the Applicant is currently performing these services. He is, but with the proposed garage all of the services will be moved into the garage instead of outside which will reduce the noise. K. Wakefield asked if the Applicant feels noise is currently an issue. The Applicant explained that he has not received any complaints, but wants to prevent future concerns. The Interested Parties continued to discuss concerns regarding the business and if a future homeowner would want to expand the structure even more. K. Bessette explained he has no intentions of selling his home right now.

A. Omartian asked what the elevation of the garage is proposed to be in relation to the house. The house will be taller.

K. Wakefield stated the proposed garage is larger than her mothers house that is next door.

E. Baker questioned if there are hedges on all surrounding sides of the proposed garage. There are, with the exception of the neighboring parcel.

K. Wakefield questioned what the rest of the process looks like. A. Omartian explained an application can be continued if the Board has unresolved questions but he does not anticipate it will be as all of the Boards questions have been heard.

D. Mosher stated that every building in the development is set back from the center of the road and now the first thing people will see when pulling into the development is this garage sitting next to the road. He wondered if the Applicant would advertise. K. Bessette will not advertise on the front of the garage.

K. Wakefield explained that three years ago they tried to build a deck and was denied for a 2' variance. He does not feel that would change the feel of the neighborhood whereas this will. Is there a lack of Commercial space, he wondered? K. Bessette stated there is nothing available, and because he is a member of the Fire Department, he needs to stay local. K. Wakefield pointed out that this is a continuation of an existing business which has not been previously permitted. M. Sherlund stated she would address the Applicant regarding that.

The Interested Parties expressed concern that this business will be performed when the Applicant is home from his full-time job – nights, weekends etc. K. Bessette reiterated the Zoning Administrator will set hours of operation – if he is in the garage at night, it will be working on his own vehicles.

A. Omartian pointed out the Applicant could build a 15' x 50' garage and the setback requirements would be met. M. Sherlund pointed out where the ROW starts.

A neighbor asked if it is possible to build the garage without removing the hedges. K. Bessette stated the hedges will not be removed, only a bush and a tree will.

A. Omartian stated the hedges will make a visual barrier. K. Wakefield stated the building will not be blocked, it will be right out on the front lawn as a commercial building and will not look at all residential.

D. Mosher stated that when a commercial business is brought into a residential neighborhood all houses within 650 – 900' take a hit on the assessment.

A. Omartian asked M. Sherlund if the Applicant can appeal the Boards decision to the Environmental Court. M. Sherlund confirmed. A. Omartian asked if the Interested Parties can appeal the decision. M. Sherlund confirmed.

Deliberative Session

MOTION: T. Stanhope made a motion to enter deliberative session at 7:00 p.m. A. Hickey seconded. All in favor, none opposed, motion carried.

MOTION: M. McKennerney made a motion to come out of deliberative session at 7:40 p.m. C. Boissoneault seconded. All in favor, none opposed, motion carried.

Application of Kyle Bessette for a front yard setback variance

MOTION: E. Baker made a motion to approve Application of Kyle Bessette for a front yard variance to allow for construction of a 30' x 50' garage in accordance with Section 404 and 805 of the St. Albans Town Unified Development Bylaws. The property is located at 5 Green Mountain Dr. in the Residential District and is owned by the Applicant with the following conditions: 1) Contact the Zoning Administrator for the building permit and home occupation permit, 2) Maintain a natural screening around the garage as needed, 3) The building permit must include a scaled drawing depicting distance from the center of the road and all property lines, 4) All State and Federal Permits are the Applicants responsibility and a copy shall be given to the Zoning Administrator for the file, and 5) the Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated March 17th, 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 February 10th, 2022. M. McKennerney seconded. All in favor, none opposed, motion carried.

Adjournment

MOTION: M. McKennerney made a motion to adjourn the DRB meeting at 7:50 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.

**Respectfully Submitted,
AJ Johnson, Administrative Assistant**