

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, May 13th, 2021
6:30 p.m.**

On Thursday, May 13th, 2021 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, Mike McKennerney, Tom Stanhope, Allison Hickey, Zoning Administrator, Megan Sherlund, Administrative Assistant, AJ Johnson
Absent: Christina Boissoneault

Zoom ID: **839 4673 5704**

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

New Business:

Application of The Town of St. Albans for a Site Plan Amendment for a basketball court and tennis court in accordance with Sections 401 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 666 Maquam Shore Rd. in the Lakeshore District and owned by the Applicant.

The Application was represented by Alan Mashtare, Director of Public Works. Timothy Clancy and Ronald Anstey requested Interested Party Status as abutting land owners.

MOTION: M. McKennerney made a motion to grant Interested Party status to T. Clancy and R. Anstey. A. Omartian seconded. All in favor, none opposed, motion carried.

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

B. Brigham asked if the Town is proposing to construct 2 tennis courts and 2 basketball courts? A. Mashtare stated one of each is proposed; one long slab with a dividing fence. A. Mashtare explained the Selectboard requested the project to have additional activities in the park. The courts will have a chain-link fence around them. Additional lighting is not being proposed and no additional noise or dust is expected. The hours will continue to be 8:00 a.m. until dusk. 2 parking spaces are being removed and ADA parking will have better access to the handicap accessible bathrooms.

B. Brigham asked if the parking area is currently paved. It is not. B. Brigham questioned how many parking spaces are currently on site. A. Mashtare was unsure. He explained the parking area is not being enlarged, and estimated around 20 vehicles can park in the lot. B. Brigham asked if parking has been an issue in the past. A. Mashtare said parking has not been an issue yet, but the park is seeing an increase in use.

A. Mashtare stated the State of Vermont required trees to be planted when the Town constructed a picnic shelter at the park. He positioned them along the boundary of R. Anstey in an attempt to shield any noise.

B. Brigham questioned how tall the hedges are along the South end. A. Mashtare estimated 9 or 10 feet.

B. Brigham asked for confirmation the park closes at dusk. A. Mashtare confirmed. It depends on the time of year, but it's never later than 9 p.m. There is a gate that is locked at night.

Interested Party, T. Clancy stated he is concerned about an increase in noise. When he bought the property two years ago, the park was under used and had limited activity. Occasionally, he can hear children on the playground, but generally there is not a whole lot of activity. He is worried that people playing basketball will get "rowdy" or scream. There have been situations where park-goers will walk on his beach frontage; he put up a sign but someone through it into the Lake. He wondered where the basketball court will be in relation to his property line. B. Brigham explained the basketball court will be closer to the restrooms and the tennis court will be on the south side.

A. Mashtare explained the location of the courts was selected in an effort to keep the noise away from neighbors.

R. Anstey explained he received a certified letter to warn him of this meeting, but he is frustrated he wasn't notified of the "first meeting" (a site visit by the Selectboard). He is happy that the gate is locked at night and thinks the basketball court and tennis court will make a good addition to the park.

A. Omartian wondered how high the fence around the court will be. A. Mashtare stated the fence will be 10' tall and chain link.

B. Brigham inquired if A. Mashtare would consider a little more screening on either end of the court to dampen the noise. A. Mashtare explained he can plant trees but it won't be exactly even with the court due to the slope of the land.

The Board had no other questions.

Application of Thomas Carpenter for a Site Plan Approval for an existing RV dealership in accordance with Sections 406, 410 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 447, 457, and 497 Swanton Rd. in the Commercial District and Growth Center Overlay and owned by the Applicant.

The Application was represented by Joe Flynn and Karl Marchessault of O'Leary-Burke Civil Engineers and Thomas Carpenter, owner, and his wife Chasity.

George Haddad, potential owner of the abutting property, Sam Ruggiano, representative of Dexter Enterprises, Judith Zullo, Attorney for G. Haddad and Paul Valardo, abutting land owner all requested Interested Party Status.

MOTION: M. McKennerney made a motion to grant Interested Party Status to George Haddad, Sam Ruggiano, Judith Zullo and Paul Valardo. A. Omartian seconded. All in favor, none opposed, motion carried.

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

J. Flynn explained the Applicant is here for Site Plan Approval and Boundary Line Adjustments to cure the current Notice of Violations (NOV). Once the Site Plan is approved, the Boundary Line Adjustment (BLA) will be submitted to merge lots.

K. Marchessault explained many of the violations on the property have been cured and pictures have been submitted to the Zoning office as proof.

B. Brigham questioned if the fill (one of the violations) has been removed and the area seeded. K. Marchessault confirmed. Additionally, a residential structure was removed and two unapproved gravel areas have been removed.

B. Brigham wondered if the 60' Right of Way (ROW) is existing or proposed. J. Flynn stated it is proposed, but has not been finalized; one day it could serve as an access to the rear parcel.

B. Brigham asked if the BLA will removed property from 465 Swanton Road and add it to 457 Swanton Road. The Applicant confirmed. Three separate parcels will remain after the BLA.

M. McKennerney wondered if the Applicant has applied for a Stormwater permit after noting the existing permit has expired. K. Marchessault explained the current system is still in place, the permit has lapsed. Their focus right now is clearing up the NOV's. B. Brigham explained a typical condition of approval is forwarding the State permits to the ZA.

S. Ruggiano stated he was participating in the meeting on behalf of his client, Dexter Properties. He was curious if the existing impervious surface is back to what was approved at the time the Stormwater permit was issued. He also wondered if a curb-cut permit will be obtained if the proposed 60' wide ROW is done in the future. B. Brigham explained the curb cut and Stormwater permit are both things that will be required by the State, but they are not necessary for this Site Plan Amendment.

J. Zullo also expressed interest in the Stormwater permit. T. Carpenter stated he was unaware the permit had expired and will take care of it at some point. B. Brigham noted the Dexter property is higher than the Carpenter property.

B. Brigham questioned if the stormwater plan for the Dexter property (recently approved by the DRB when G. Haddad was seeking Site Plan Approvals for a car dealership,) showed the stormwater flowing to the back of the property. S. Ruggiano confirmed; the stormwater will discharge to the wetlands to the west. The wetlands flow north towards the Carpenter's land.

P. Valardo stated his land has recently been substantially flooding with rain events. During the last rainstorm, water flowed through his property and over Route 7. He stated this can not be an on-going problem with every storm.

B. Brigham asked if the flooding was a new problem. P. Valardo confirmed.

T. Carpenter explained there are two large beaver dams that are blocking the natural flow of water and creating flooding. One of the dams is on the Handy property. Fish and Game has been on site and removed the secondary dam and does not believe the beavers are living in the area anymore. T. Carpenter stated he was able to contain a lot of the water on his property during the last flooding event, but some of the flooding is on State land which he cannot take responsibility for. He does not think the Handy's are interested in removing the dam on their property and the State can not go on the Handy property without permission.

K. Marchessault explained he was shocked when he saw a video provided by the Carpenter's that showed the water rapidly moving through the Carpenter property. The water was not coming from their stormwater pond.

S. Ruggiano stated that he and ZA, Megan Sherlund recently did a site walk around the Dexter and Handy properties, (which he had walked alone prior to that,) and discovered a beaver dam approximately 4' tall which was obstructing the natural flow of the water. S. Ruggiano contacted Jim Cota, Agency of Transportation, who recommended contacting the the Furbearer agency from Fish and Wildlife. S. Ruggiano has been hired by Handy's to figure out an environmentally safe and conscious way to remove the dam. He saw a 5 foot culvert that only had a 10" opening allowing water flow. Once the dam is removed, much of the water problem should be resolved

After much discussion, the Board agreed this is a multi-property problem, and joked that beavers do not follow lot lines.

Deliberative Session

MOTION: A. Omartian made a motion to enter deliberative session at 7:35 p.m. M. McKennerney seconded. All in favor, none opposed, motion carried.

MOTION: T. Stanhope made a motion to come out of deliberative session at 7:45 p.m. M. McKennerney seconded. All in favor, none opposed, motion carried.

Application of The Town of St. Albans for a Site Plan Amendment

MOTION: M. McKennerney made a motion to approve the Application of The Town of St. Albans for a Site Plan Amendment for a basketball court and tennis court in accordance with Sections 401 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 666 Maquam Shore Rd. in the Lakeshore District and owned by the Applicant with the following conditions: 1) The North and South end of the courts will be screened with vegetation, 2) The Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated 5/13/2021, 3) The Applicant shall agree with and adhere to the findings of fact and conclusions of law in the staff report and the conditions of the decision, 4) All State and Federal permits are owner's responsibility. A. Omartian seconded the motion. All in favor, none opposed, motion carried.

Application of Thomas Carpenter for a Site Plan Approval

MOTION: A. Omartian made a motion to approve the Application of Thomas Carpenter for a Site Plan Approval for an existing RV dealership in accordance with Sections 406, 410 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 447, 457, and 497 Swanton Rd. in the Commercial District and Growth Center Overlay and owned by the Applicant with the following conditions: 1) The State stormwater permit shall be renewed and provided to the Zoning Administrator, 2) The Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated 5/13/2021, 3) All State and Federal permits are owner's responsibility and 4) All previous conditions of approval shall remain in effect unless otherwise amended in this decision. M. McKennerney seconded the motion. All in favor, none opposed, motion carried.

Minutes

The DRB agreed to review the minutes but no longer sign them.

MOTION: B. Brigham made a motion to approve minutes by voice vote and no longer sign the minutes. T. Stanhope seconded. All in favor, none opposed, motion carried.

Adjournment

MOTION: A. Omartian made a motion to adjourn the DRB meeting at 8:20 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.

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