

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, July 8th, 2021
6:30 p.m.**

On Thursday, July 8th, 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, Clerk, Mike McKennerney, Christina Boissoneault, Allison Hickey Tom Stanhope, Zoning Administrator, Megan Sherlund, Administrative Assistant, AJ Johnson
Absent: Vice Chair, Arthur Omartian

Zoom ID: 872 4804 8201

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

Continued Business:

Application of Liam & Jami Bisson submitted by Cross Consulting Engineers for Conditional Use Flood Hazard Approval to construct a seawall in accordance with Sections 401 and 408 of the St. Albans Town Unified Development Bylaws. The property is located at 269 Bingham Shore Rd. in the Lakeshore District within a Flood Hazard Overlay and owned by the Applicant.

The Application was continued from the meeting of June 24th and represented by Nick Bouton of Cross Consulting Engineering. He was sworn in by Clerk, M. McKennerney.

N. Bouton stated Liam and Jami Bisson, Applicants, are proposing to construct a natural stone seawall at their lakeside property on Bingham Shore Road. The parcel contains an existing residence and two accessory structures.

An existing wooden deck and steps leading to the lake are proposed to be removed; the deck will be replaced with a concrete patio and the steps will be replaced.

A grass ramp is being proposed as a canoe access with a small landing in the middle. Two grass terraces are proposed to be separated by natural boulder stone walls.

The Applicant is not proposing to clear brush or trees.

The Applicant has been working with the State to obtain a permit under the Shoreland Protection Act and hopes to have it in hand shortly.

M. McKennerney asked if the neighboring properties have seawalls. N. Bouton confirmed. M. McKennerney wondered how the union of the seawalls will be handled. N. Bouton explained the seawalls will not touch. There are trees between the properties.

B. Brigham questioned if the bottom of the wall is at 98' elevation. It is.

New Business:

Application of N. Bonny Green Revocable Trust for a Conditional Use approval in a Flood Hazard Overlay to approve a previously built seawall in accordance with Sections 401 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 810 Maquam Shore Rd in the Lakeshore District and owned by the Applicant.

The Application was represented by N. Bonny Green. Abutting land owners, Yves Granon & Suzy Champagne requested Interested Party Status, as well as Applicant's son, Peter Green.

MOTION: T. Stanhope made a motion to request Interested Party Status to Yves Granon, Suzy Champagne, and Peter Green. M. McKennerney seconded. All in favor, none opposed, motion carried.

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

B. Green explained the property had an existing seawall which was destroyed by the flood of 2011. Frank Shumway, landscaper, was hired to construct a new wall. B. Green explained in the past, when people have done work on her property, they have applied for and received the proper permits. F. Shumway was unaware that permitting is required at a local level.

B. Brigham pointed out the wall is built and completed and has been for 9 years. B. Green confirmed.

B. Brigham asked if M. Sherlund and A. Johnson have seen the wall. M. Sherlund confirmed. B. Brigham questioned if they thought the wall appeared to be in order. M. Sherlund stated the wall appears to be designed as the drawing indicates. A. Johnson stated the wall appears to be as drawn, but they are not engineers and cannot do confirming elevations.

B. Brigham wondered if the drawing shows the finished elevation on the wall. M. Sherlund pointed out language that indicates the top of the wall is at 104’.

B. Brigham asked if the property is located within the Flood Hazard Overlay. Some of the land is, but the home is not.

B. Brigham asked for confirmation the seawall is a concrete block seawall with natural boulders on top of it. The Applicant confirmed.

Application of Janet Montagne for Sketch Approval to subdivide 16.8 acres into 4 lots in accordance with Sections 403 and 206(a) of the St. Albans Town Unified Development Bylaws. The property is located on Maple Ridge Road in the Rural District and owned by the Applicant.

The Application was represented by Luke Willey of Ruggiano Engineering. John Richard and Bonnie Hipko, abutting landowners, requested Interested Party Status.

MOTION: M. McKennerney made a motion to grant Interested Party Status to John Richard and Bonnie Hipko. C. Boissoneault seconded. All in favor, none opposed, motion carried.

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

L. Willey explained the Applicant is submitting a Sketch application for a 4 Lot Subdivision and PUD. The existing parcel is 16.8 acres, accessed on Lake Road, and contains a private road. The proposed subdivision will include 2 new Single-Family homes on the proposed Lot 2 and 3. Lot 4 is proposed as a PUD with 3 additional units. The access is off an existing private road which has an approved 60’ Right of Way (ROW) coming off Lake Road. The portion that has the approved 60’ ROW will be “beefed up” to meet current road standards. From Lot 3, the road will become a shared driveway to serve Lots 3 and 2 which will run parallel to the existing drive. After that point, the existing drive will remain as-is. There will be no changes to the existing private road that serves the existing homes; the only improvement will be to the first section and the new shared driveway to Lots 2 and 3.

B. Brigham asked if Lot 1 is already served by a driveway off the ROW. L. Willey confirmed. Lot 1 is accessed off the existing roadway and will remain as is. B. Brigham questioned if Lot 1 presently has an 801 waiver to waive road frontage requirements. L. Willey showed where the existing 60’ ROW ends and turns into a 25’ ROW.

B. Brigham wondered where the frontage for Lot 1 will be after the subdivision. Lot 1 will be served off the existing 25’ ROW as it currently is. B. Brigham again questioned if Lot 1 had a road frontage waiver. M. Sherlund was unsure, but said if it does not, it will need to be included in the application for an 801 waiver. A. Johnson pointed out the Applicant will already be requesting two 801 waivers. L. Willey stated Lot 3 and 4 will have frontage on the existing 60’ wide ROW. B. Brigham explained the whole, existing lot has frontage on the 60’ ROW – after the subdivision, Lot 1 will not have frontage. L. Willey stated the frontage will be along the 25’ ROW. B. Brigham stated this is not adequate – the Bylaws state there needs to be frontage on a 60’ ROW, or an 801 waiver needs to be obtained.

A. Johnson thought the Applicant was going to request an 801 waiver for Lot 1 and 2. Lot 4 has frontage off Lake Road and Lot 3 has frontage on the approved 60’ ROW. L. Willey explained the Applicant will not be requesting the waiver for Lot 2, because the 60’ ROW will extend to Lot 2. B. Brigham asked if the frontage along the extended 60’ ROW will be at least 175’? M. Sherlund noted the map shows 95’.

The DRB reviewed and discussed the extended ROW further.

B. Brigham asked for confirmation what size the ROW is beyond the 60’ ROW. L. Willey believes it is 25 feet. B. Brigham questioned if the Interested Parties have an 801 waiver for their properties. J. Richard stated he was the original home on Maple Ridge Road. A. Johnson wondered if a waiver was required when the property was originally subdivided. B. Brigham explained that creating this additional subdivision will produce 3 lots that will have frontage on the 25’ ROW, which does not meet the current Bylaws.

L. Willey referred to an “old Brooks survey” which shows the old Lot 3 (Bonnie’s lot) as having some frontage along the 60’ ROW. B. Brigham asked if there is 175’ of frontage along the 60’ ROW, and then

stated that may not have been a requirement “back then”. L. Willey asked what the significance is of 175’. B. Brigham stated that is the required frontage in the Rural district along a Town Road or DRB approved 60’ ROW. J. Richard explained he has been living in his home for 21 years. B. Brigham reiterated under the existing Bylaws; you cannot have more than 2 homes off the 25’ ROW. M. Sherlund explained having a third lot would create a non-conformance with the Bylaws. It doesn’t change the old Lot 3, L. Willey challenged. The two new lots will require an 801 waiver, but the other lot will be accessed the same way it always has. L. Willey asked if it is possible to get an 801 waiver for up to 2 lots. B. Brigham confirmed.

The DRB discussed possible solutions, including extending the 60’ ROW to allow for frontage. L. Willey stated there are a number of reasons why extending the ROW is not preferred. The road doesn’t really line up to property lines.

The DRB continued to discuss solutions, and interpretations of the 801 waivers. L. Willey maintained that the subdivision would not increase the non-compliance. B. Brigham stated there is no non-compliance that is existing – it is only once the proposed subdivision occurs. M. Sherlund reiterated the subdivision will increase the number of properties that are accessed without frontage. B. Brigham explained the frontage on the existing lot will be taken away as part of the subdivision.

B. Brigham inquired about the proposed PUD shown on Lot 4. He pointed out the required lot size (3 acres) is not being met. L. Willey confirmed, and explained he wondered if the allowable density requirements trumped at minimum lot size. The Rural district allows for 40,000 square foot lot sizes which equals 2.6 true acres.

B. Brigham asked if the Board has the ability to waive the minimum lot size requirement for PUD size. A. Johnson stated the DRB can, and has in the past, but it has been in different circumstances. A. Johnson stated that generally, if the Bylaws are able to be met, a waiver is not appropriate.

There was a discussion regarding the preferences of the Applicant.

B. Brigham pointed out that the PUD buffer was left out of the bylaws in every district except the Rural.

L. Willey questioned if utility easements need to be subtracted out from the lot size. They do not. B. Brigham noted the plan shows 50’ easements.

L. Willey is also unsure if the PUD units will be one lot or lots created for each. He also discussed footprint lots. He thinks it will be impossible to get all three units on their own lots without requesting PUD approvals.

B. Brigham wondered if the Applicant could request a Boundary Line Adjustment between the proposed Lot 4 and the Montagne Revocable Trust. L. Willey explained the trust is also exploring developing their land.

B. Brigham asked if any soil investigation has been performed. L. Willey stated soil investigation and septic design has been done for up the road, but they have not done anything closer to the road yet. He is unsure if the units closer to the road will require a shared system or individual systems. The soil maps indicate the soil is very good in the area.

The DRB discussed open space requirements. This part of the Bylaws is not clear and will need to be revised during the next rewrite.

J. Richard questioned if the 60’ ROW could be used to access other future developments. He anticipates the rest of the property will be developed one day. B. Brigham stated with a number of improvements, the ROW could likely be used for other developments.

B. Hipko wondered if blasting threw limestone will fracture the stone and damage the water table and wells. B. Brigham questioned how deep the existing wells are. J. Richard stated his well has a depth of 180’. B. Brigham explained the deeper the well the less concern. An average well is 200’-300’.

B. Brigham advised L. Willey to go back to the drawing board and make adjustments and return to the Board with additional plans and information. M. Sherlund requested a new plan with less lines.

Deliberative Session

MOTION: M. McKennerney made a motion to enter deliberative session at 7:45 p.m. C. Boissoneault seconded. All in favor, none opposed, motion carried.

MOTION: M. McKennerney made a motion to come out of deliberative session at 8:20 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.

Application of Janet Montagne for Sketch Approval

MOTION: M. McKennerney made a motion to continue the Application of Janet Montagne for Sketch Approval to subdivide 16.8 acres into 4 lots in accordance with Sections 403 and 206(a) of the St. Albans Town Unified Development Bylaws to the meeting of September 9th, 2021. T. Stanhope seconded the motion. All in favor, none opposed, motion carried.

Application of N. Bonny Green Revocable Trust for a Conditional Use approval in a Flood Hazard Overlay

MOTION: C. Boissoneault made a motion to approve the Application of N. Bonny Green Revocable Trust for a Conditional Use approval in a Flood Hazard Overlay to approve a previously built seawall in accordance with Sections 401 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 810 Maquam Shore Rd in the Lakeshore District and owned by the Applicant with the following conditions: 1) A certified engineer shall provide a letter confirming the elevation at the top of the seawall, 2) The Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated June 8th, 2021, and 3) All State and Federal permits are owner's responsibility. T. Stanhope seconded the motion. All in favor, none opposed, motion carried.

Application of Liam & Jami Bisson submitted by Cross Consulting Engineers for Conditional Use Flood Hazard Approval to construct a seawall

MOTION: B. Brigham made a motion to approve the Application of Liam & Jami Bisson submitted by Cross Consulting Engineers for Conditional Use Flood Hazard Approval to construct a seawall in accordance with Sections 401 and 408 of the St. Albans Town Unified Development Bylaws. The property is located at 269 Bingham Shore Rd. in the Lakeshore District within a Flood Hazard Overlay and owned by the Applicant with the following conditions: 1) A certified engineer shall provide a letter confirming the elevation at the top of the seawall, 2) Upon completion of the project the Applicant shall provide certification by a registered engineer that the project has been completed as per DRB approved plans, 3) The Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated June 8th, 2021, and 4) All State and Federal permits are owner's responsibility. C. Boissoneault seconded the motion. All in favor, none opposed, motion carried.

The Town is forming an Honor Wall Committee. M. Sherlund wondered if a member of the DRB would be available to participate. C. Boissoneault inquired how often the Honor Wall Committee will meet. M. Sherlund stated the committee will meet about once a month from September to December. C. Boissoneault had previously agreed to volunteer, but later thought she would be unavailable. C. Boissoneault confirmed she can remain the representative.

Adjournment

MOTION: M. McKennerney made a motion to adjourn the DRB meeting at 8:30 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.

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