

The Town of St. Albans  
PLANNING COMMISSION MINUTES  
Town Hall, 579 Lake Road  
June 23<sup>rd</sup> 2015 at 6:00 p.m.

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Minutes

**Present:** S. Smith (Chair), B. Nihan, G. Henderson

**Staff Present:** N. Neider, Planner & R. Perron, Zoning Administrator

**CALL TO ORDER-**

S. Smith called the meeting to order at 6:00 p.m.

**MEET AND GREET-**

1. GRANT HENDERSON- NEW PC MEMBER
2. NATHANIEL NEIDER- NEW PLANNER

The Planning Commission welcomed new Planning Commission member Grant Henderson and new Planner Nathaniel Neider.

**OTHER**

Z.A. Becky Perron brought a copy of the junk ordinance for the PC to review. She mentioned that she and the lawyer recognized that Junk Ordinances are difficult and costly to enforce. She also mentioned the ordinance could not conflict with the Bylaws. The PC agreed to make suggestions; the following were made:

The PC would like to see the attorney review the proposed Junk Ordinance.

The PC suggested adding the following line to the second paragraph:

“NOW, THEREFORE, to protect the public health, safety and wellbeing, and to promote the responsible use of resources and protection of the environment, the Board of Selectman of the Town of St. Albans hereby adopts this ordinance to regulate outdoor storage of junk and junk motor vehicles, but excluding duly authorized junkyards by the Town of St. Albans”.

The PC suggested removing subsection H under Article 1. Definitions. Previously it read-

“H. “Junkyard” means any place of outdoor storage or deposit that is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal processing facility. “Junkyard” also means any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for the storing or keeping of three or more junk motor vehicles that are visible from any portion of a public highway. However, the term does not include a private garbage dump or a sanitary landfill that is in compliance with 24 V.S.A. §§2201 et seq. and any applicable state regulations. “Junkyard” does not mean an operating repair facility where wrecked or disabled motor vehicles are stored for inspection, repairs, or sale.”

The PC suggested appeals of the ordinance be directed to the Selectboard instead of the Planning Commission.

**DISCUSSION OF ZONING BYLAWS AND SUBDIVISION REGULATIONS-  
COMPREHENSIVE LEGAL REVIEW**

The PC began their comprehensive legal review of the proposed bylaws. ZA, B. Perron mentioned that the table of contents had not yet been reviewed for accuracy but would be once the changes were made. She also stated the parking standards would need to be reviewed.

The PC agreed that the term “Zoning Administrator” could be shortened to ZA throughout the Bylaws.

The PC reviewed Article II: Subdivision Regulations Section 200- (Applicability) and agreed to add language to number 1. Previously it read-

“1. Subdivision of any tract of land into two or more lots.”

It shall now read-

“1. Subdivision of any tract of land into two or more lots, including leased lots, for the purpose of development or transfer of ownership, within any continuous period of two years after the effective date of these Zoning Bylaws and Subdivision Regulations.

The PC agreed to define “Leased Lot”.

The PC reviewed Article II: Subdivision Regulations Section 203- Administrative Two Lot Subdivision and agreed to change the title to Section 203- Administrative Review for Two Lot Subdivision.

The PC agreed to add a fourth term to Article II: Subdivision Regulations Section 203- Administrative Review for Two Lot Subdivision. It shall read-

“4. The proposed change does not violate any conditions imposed by prior Town of St. Albans municipal approvals.”

The PC reviewed Article II: Subdivision Regulations Section 204- Administrative Boundary Line Adjustment and agreed to change the title to Section 204- Administrative Review of Boundary Line Adjustments.

The PC reviewed Article II: Subdivision Regulations Section 204- Administrative Review of Boundary Line Adjustments and agreed to add wording to number 1 as well as add a section 5. Previously number 1 read-

“1. No additional lots will be created;”

It shall now read-

“1. No new or additional lots will be created;”

Number 5 shall now read-

“5. The proposed change does not violate any conditions imposed by prior Town of St. Albans municipal approvals.”

The PC reviewed Article II: Subdivision Regulations Section 206- Development Review Board (DRB) Procedures for the Subdivision of Land subsection A. Sketch Plan Review and agreed to eliminate wording on number 2. Previously it read-

“2. Each sketch plan application must include as a minimum, but not limited to, the following information:”

It shall now read-

“2. Each sketch plan application must include as a minimum, the following information:”

The PC reviewed Article II: Subdivision Regulations Section 206- Development Review Board (DRB) Procedures for the Subdivision of Land subsection A. Sketch Plan Review and agreed to add wording to the first sentence of the first unnumbered paragraph. Previously it read-

“The applicant shall attend the meeting of the Development Review Board on the sketch plan to discuss...”

It shall now read-

“The applicant of their duly authorized representative(s) shall attend the meeting of the Development Review Board on the sketch plan to discuss...”

The PC reviewed Article II: Subdivision Regulations Section 206- Development Review Board (DRB) Procedures for the Subdivision of Land subsection B. Final Plat Review and agreed to reword number 3. Previously it read-

“Cost estimate of all project infrastructure (broken down into specific elements (i.e., roads and shared driveways, landscaping, storm water system, lighting, structures, safe pedestrian ways, municipal water and sewer lines)”

It shall now read-

“Cost estimate of all project infrastructure (broken down into specific elements (i.e., roads, landscaping, storm water system, lighting, sidewalks, recreation paths and municipal water and sewer lines)”

The PC reviewed Article II: Subdivision Regulations Section 206- Development Review Board (DRB) Procedures for the Subdivision of Land subsection B. Final Plat Review and agreed to remove wording on number 5. Site Plan Approval. Previously it read-

“5. Site Plan Approval (See Section 801 (D))”

It shall now read-

“5. Site Plan Approval”

The PC reviewed Article II: Subdivision Regulations Section 207- Plat Map Requirements and agreed to remove the last sentence. Previously it read-

“...along with any associated fees (including recording fees) for all subdivisions and boundary line adjustments along with two paper copies of the plat.”

It shall now read-

“...along with any associated fees (including recording fees) for all subdivisions and boundary line adjustments.”

The PC reviewed Article II: Subdivision Regulations Section 209- Conditions of Final Plat Approval and agreed to remove the paragraphs formally known as 2 and 3. Previously they read-

“2. The Development Review Board may, where it deems necessary and with the consent of the Selectboard, retain proper legal or engineering professionals to review deeds, agreements or plans, design and construction of required improvements, the cost of which professional review shall be shared by the subdivider (75%) and the Town (25%).

3. Final approval by the Development Review Board shall not be deemed evidence of acceptance by the Town of any proposed road, easement, utilities, open space or other required public improvements shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard.”

The PC reviewed Article II: Subdivision Regulations Section 209- Conditions of Final Plat Approval and agreed to remove the last part of the new proposed paragraph 2. Previously it read-

“...The amount and terms of the bond/letter of credit shall be determined by the Development Review Board, but in no case shall the terms run longer than three years. The bond/ letter of credit shall be released only when the conditions have been satisfied in the judgment of the Development Review Board. In the event any required improvements have not been installed or maintained in accordance with the terms of the bond/letter of credit, such bond/letter of credit shall be forfeited to the Town to install and maintain such improvements as are covered by the conditions of the bond/letter of credit.”

It shall now read-

“...The amount and terms of the bond/letter of credit shall be determined by the Development Review Board, but in no case shall the terms run longer than three years.”

The PC reviewed Article III: General Planning and Design Standards section 300- General Planning Standards and agreed to add wording to the first and fourth paragraph. Previously the first paragraph read-  
“Land to be developed shall be physically suitable for the purpose with particular regard to water and sewer/septic, flood hazard, drainage....”

It shall now read-

“Land to be developed shall be physically suitable for the purpose with particular regard to the adequacy of water and sewer/ septic disposal, flood hazard, drainage...”

Previously the fourth paragraph read-

“The proposed development shall not cause substantial adverse congestion or unsafe conditions on the affected public or private roads, nor shall it place an adverse burden on the ability of the Town of St. Albans to provide public facilities and services. Considerations shall include the public cost of improvements relative to the anticipated tax return from the proposed development.”

It shall now read-

“The proposed development shall not cause undue adverse congestion or unsafe conditions on the affected public or private roads, nor shall it place an undue adverse burden on the ability of the Town of St. Albans to provide public facilities and services. Considerations shall include the capacity of existing facilities and services and the public cost of improvements relative to the anticipated tax return from the proposed development.”

The PC reviewed Article III: General Planning and Design Standards section 301- Required Improvements and Design Standards and agreed to ask the lawyer if the proposed number 2 was necessary. It currently reads-

“Utilize common driveways for adjacent lots.”

The PC reviewed Article III: General Planning and Design Standards section 301- Required Improvements and Design Standards and agreed to reword number 7. Previously it read-

“7. Coordination of infrastructure with adjoining tracts...”

It shall now read-

“7. Coordinating infrastructure with adjoining tracts...”

The PC reviewed Article III: General Planning and Design Standards section 301- Required Improvements and Design Standards and agreed to replace a paragraph. The PC agreed to check with the attorney regarding the sentence “in a form approved by the Town attorney.” The PC discussed the Selectboard reviewing and accepting easements without an attorney review. The paragraph added is as follows-

“Where appropriate, all storm water controls, infrastructure and drainage shall require an easement, in a form approved by the Town attorney, granting access for the maintenance, repair, replacement or inspection of all such drainage infrastructure and improvements to all persons or parties intended to own or control the drainage infrastructure and improvements.” The paragraph replaced previously read-

“All storm water controls, infrastructure and drainage require an easement(s) recorded in the St. Albans Town land records and shown on Town approved subdivision plat maps allowing maintenance, repair and inspection of all drainage infrastructure and improvements within the approved development to all permittees, co-permittees, Homeowner’s Associations and/or Town of St. Albans and designees of the permittees, co-permittees, Homeowner’s Associations and/ or Town of St. Albans of a State approved storm water permit as well as Homeowner’s Associations and/or Town of St. Albans for those developments nor requiring a State approved storm water permit.” The PC agreed to change the wording in the following sentence. Previously it read-

“Those areas designated within an MS4 area are subject to separate requirements and are regulated by the State issued MS4 permit.”

It shall now read-

“Those areas designated within an MS4 area are subject to requirements regulated by the ...”

The PC reviewed Article IV: Zoning Districts, Overlays, and Standards for Each District and agreed to reword the second part of the paragraph. Previously it read-  
“...Such structures shall be unoccupied by humans or animals, and cannot be converted to other uses. All other accessory structures under 200 square feet shall meet the setback requirements of these Regulations.”

It shall now read-

“...All other accessory structures under 200 square feet shall meet the setback requirements of these Regulations.”

The PC reviewed Article IV: Zoning Districts, Overlays, and Standards for Each District Section 400-Lakeshore District and agreed to remove the paragraph labeled “District Location” which described the previous Lakeshore district.

The PC reviewed Article IV: Zoning Districts, Overlays, and Standards for Each District Section 401-Conservation District and agreed to add a sentence to the descriptive paragraph. Previously it read-  
“The purpose of the Conservation Overlay is to limit development in order to protect sensitive natural areas such as wetlands and to provide habitat to wildlife sufficient to provide food, shelter and corridors for wildlife migration.”

It shall now read-

“The purpose of the Conservation Overlay is to limit development in order to protect sensitive natural areas such as wetlands and to provide habitat to wildlife sufficient to provide food, shelter and corridors for wildlife migration. Only low density residential development, outdoor recreation uses, conservation uses, agricultural uses and forestry uses which are compatible with the district purposes will be permitted.”

The PC reviewed Article IV: Zoning Districts, Overlays, and Standards for Each District Section 402-Rural District and agreed to add Conditional Uses to the Rural District. The following Conditional Uses were added: Kennel, Animal Shelter, Animal Boarding and Veterinary Office.

The PC reviewed Article IV: Zoning Districts, Overlays, and Standards for Each District Section 403-Residential District and agreed to defer the conversation for the next meeting, dated June 30<sup>th</sup>.

The PC reviewed Article IV: Zoning Districts, Overlays, and Standards for Each District Section 404-Mixed Residential/Commercial District and agreed to remove the defining paragraph and replace it with a new one. The previous paragraph read-

“The purpose of the Residential/Mixed Commercial District is to provide for residential development and certain commercial uses that enhance residential living by the provision of shopping facilities, personal services and professional services.”

It shall now read-

“The purpose of this district is to provide for appropriate commercial uses in areas where there is residential development. The character of the area should be protected and enhanced with the provision of shopping facilities, necessary parking facilities and suitable landscaping and screening. The scale of development within this district should be compatible with adjacent commercial and residential structures. New commercial uses should not cause further traffic congestion and should be designed to minimize such impacts.”

## **ADJOURNMENT**

**MOTION: B. Nihan made a motion to adjourn the meeting at 8:50 p.m. All in favor, none opposed, motion carried.**

Respectfully submitted,  
AJ Johnson, Administrative Assistant

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**Sam Smith, Chair**

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**Date**

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**Bill Nihan**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Grant Henderson**

\_\_\_\_\_  
**Date**

