

The Town of St. Albans
PLANNING COMMISSION MINUTES
Town Hall, 579 Lake Road
July 14th 2015 at 6:00 p.m.

Minutes

Present: S. Smith (Chair), B. Nihan, B. Brigham, G. Henderson, M. McKennerney
Staff Present: N. Neider, Planner & R. Perron, Zoning Administrator

CALL TO ORDER-

B. Nihan called the meeting to order at 6:10 p.m. S. Smith arrived and took over as Chair at 6:15 p.m.

NEW LEGISLATION- SOLAR ENERGY FACILITIES AND TELECOMMUNICATION

Planner, N. Neider, handed out reading material on new legislation regarding Solar Energy Facilities and Telecommunication Districts. Typically, a solar or telecommunication application applies to the Public Service Board and gets a Certificate of Public Good. The applicant does not need to receive permits from the Town on these applications but often requests a letter of support from the Planning Commission. Citizens throughout the State have complained they cannot appeal these applications. New legislation advises municipal Bylaws be noted and given due notice. Planner, N. Neider and Zoning Administrator, B. Perron recommended adding language to the Bylaws regarding screening and impact levels. The PC agreed to review the handouts and return to the discussion at a later meeting.

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

The PC reviewed Article V: Zoning Permits Section 504- Dwelling Conversion Permit and agreed to add the word camp into the first paragraph. Previously it read-
“A zoning permit is required prior to the conversion of any seasonal dwelling into a year-round dwelling”
It shall now read-
“A zoning permit is required prior to the conversion of any seasonal dwelling (camp) into a year-round dwelling.”

The PC reviewed Article VI: Zoning Administration and Enforcement Section 602- Zoning Permit Notice and Procedure and had a lengthy discussion about the third paragraph. The attorney and ZA recommended it be removed as there is a thirty day appeal period but the PC agreed to leave it as is. It shall continue to read-

“A Zoning Permit issued following a public hearing through the DRB, shall take effect immediately after the written decision is issued.”

The PC reviewed Article VI: Zoning Administration and Enforcement Section 602- Zoning Permit Notice and Procedure and agreed to change a word in paragraph four from previous to pending. Previously it read-

“...Applicants must withdraw any previous applications before submitting a new one if the....”

It shall now read-

“...Applicants must withdraw any pending applications before submitting a new one if the...”

The PC reviewed Article VI: Zoning Administration and Enforcement Section 602- Zoning Permit Notice and Procedure and agreed to change the wording on number 3 on the last paragraph. Previously it read-
“...Notice shall be displayed at the time of application and shall not be removed until after the appeals expiration date.”

It shall now read-

“... Notice shall be displayed once approved and shall not be removed until after the appeals expiration date.”

The PC reviewed Article VI: Zoning Administration and Enforcement Section 604- Violations and Enforcement and agreed to combine the first two sentences, previously A and B. It shall now read-
“A. Violations of these Regulations will be prosecuted in accordance with 24 V.S.A. § 4451 and § 4452.

The PC reviewed Article VI: Zoning Administration and Enforcement Section 605- ZA Conflict of Interest and agreed to add wording to the last paragraph. Previously it read-

“All such applications shall be referred to the Development Review Board unless an Acting ZA has been appointed.”

It shall now read-

“All such applications shall be referred to the Development Review Board clerk unless an Acting ZA has been appointed to handle this application.”

The PC reviewed Article VII: General Regulations Section 701- Abandonment of a Use and agreed to reword the second paragraph. Previously it read-

“In the event that the structure is damaged, abandonment shall occur after twenty four (24) months.”

It shall now read-

“In the event that the structure is damaged, abandonment shall occur after the twenty fourth (24th) month that the damage was sustained unless proof is provided of an ongoing litigation at which time, the abandonment shall occur on the twenty fourth (24th) month after the claim or investigation is completed.

The PC reviewed Article VII: General Regulations Section 702- Access Management and agreed to rewrite the first paragraph, remove the second paragraph and add wording to the third paragraph. The first paragraph previously read-

“Access management onto any road adopted by the Town of St. Albans shall be administered by the St. Albans Town Public Works Director utilizing the current Town of St. Albans Road Standards Ordinance.”

It shall now read-

“Access management onto any road adopted by the Town of St. Albans shall be administered by the St. Albans Town Public Works Director utilizing the Town of St. Albans Road Standards Ordinance as may be amended from time to time.”

The second paragraph previously read-

“If needed, a curb cut permit shall be applied for to the St. Albans Town Public Works Director prior to a DRB review. The Public Works Director shall issue a draft permit pending DRB approval.”

The third paragraph previously read-

“Any new roads, whether or not that road is proposed to be conveyed to the Town, shall be constructed according to the minimums of these standards....”

It shall now read-

“Any new roads, whether or not that road is proposed to be conveyed to the Town, shall be constructed according to the minimums of the Town of St. Albans Road Standards Ordinance.”

The PC reviewed Article VII: General Regulations Section 703- Nonconformities- Uses and Structures and agreed to add a “uses” section with five sentences. This section shall now read-

1. Any pre-existing use of land or use of structure which does not conform to the zoning district allowable use provisions (could not now be established in the district(s) in which it is located) shall be deemed a nonconforming use.
2. Upon approval of a variance by the Development Review Board, any nonconforming use may be altered or expanded, but not to exceed 50% of its area as it existed on the effective date of these Bylaws.
3. A nonconforming use shall not be reestablished after being abandoned or discontinued. (See Section 701 Abandonment of a use)
4. A nonconforming use shall not be changed to another nonconforming use.
5. A nonconforming use that is changed to a conforming use shall not be resumed.

The PC reviewed Article VII: General Regulations Section 703- Nonconformities- Uses and Structures and agreed to add four sentences to Structures and remove five sentences. The previous sentences read-

1. A nonconforming structure shall not have its aspect or degree of non-compliance increased.
2. A nonconforming structure that is devoted to a conforming use may be reconstructed, structurally altered, restored or repaired in whole or in part with the provision that the degree of nonconformance shall not be increased.
3. Any nonconforming structure may be altered including additions to the structure if such addition or alteration complies with the provisions of these Regulations relating to setbacks.
4. New nonconforming structure shall be prohibited, except as may be authorized by the DRB through variance, waiver or PUD approvals.
5. New temporary nonconforming structures are only allowed as in Section 703- Temporary Structures and Uses.

The new sentences shall read-

1. Any pre-existing structure or part thereof which is not in compliance with regulations concerning setbacks, height, lot size or other dimensions, or which does not meet parking area requirements, shall be deemed a nonconforming structure.
2. Upon approval of a variance by the Development Review Board, a nonconforming structure may be altered or expanded, providing such action will not increase the aspect or degree of nonconformity.
3. Under no circumstances can a structure be reconstructed or expanded so any part of the structure (including eaves, balconies, decks, ect.) extends beyond the lot lines.

4. If replacing a structure on the exact footprint, which will result in no increase in the size or dimension of the existing structure which was in compliance at one time, a variance need not be obtained from the Development Review Board. The ZA shall have the authority to issue a building permit.

The PC reviewed Part VIII: Development Review Board (DRB) Section 802- Right of Way or Easement Review for Land Development Without Frontage or with Frontage via Public Waters and agreed to amend number 2 B. Previously it read-

“b) All commercial and industrial uses shall have direct access to a maintained public road and shall meet the standards set out in the current St. Albans Town Road Ordinance...”

It shall now read-

“b) All commercial and industrial uses shall have direct access to a maintained public road and shall meet the standards set out in the St. Albans Town Road Ordinance (as may be amended from time to time)...”

The PC reviewed Part VIII: Development Review Board (DRB) Section 803- Site Plan Review and agreed to remove part of the paragraph under “Review Standards” and replace it with statute. Previously it read-

“In reviewing site plans, the DRB may impose appropriate conditions and safeguards with respect to the adequacy of pedestrian and vehicular access and circulation, parking, landscaping, surface water and wetland protection, screening, lighting, and other similar site factors. In approving a site plan the DRB may take into consideration the following standards and any other applicable standards specified in these Regulations...” It shall now read-

“In reviewing site plans, the DRB may impose appropriate conditions and safeguards with respect to the adequacy of parking, traffic access, and circulation for pedestrian and vehicles; landscaping and screening; the protection of the utilization of renewable energy resources; exterior lighting; the size, location and design of signs; and other matters specified in the bylaws.”

The PC reviewed Part VIII: Development Review Board (DRB) Section 805- Waiver Review and removed it as per the attorney’s advice.

The PC reviewed Part VIII: Development Review Board (DRB) Section 807- Appeals of the Decision of the ZA and agreed to replace the third paragraph. Previously it read-

“Within thirty (30) days of receiving a notice of appeal the ZA shall refer the appeal to the first available hearing of the DRB. The Board shall give public notice. Public notice shall also include mailing the appellant a copy of the notice at least fifteen (15) days prior to the hearing date.”

It shall now read-

“The DRB shall set a date and place for public hearing of an appeal under this chapter that shall be within 60 days of the filing of the notice of appeal. The DRB shall give public notice of the hearing and shall mail to the appellant a copy of that notice at least 15 days prior to the hearing date.”

OTHER

The PC received a letter from David Kimel of Collins Perley Sports & Fitness Center. The Fitness Center would like to explore building a field house surrounded by a walking track. A field house is a structure with an inflated (“bubble”) roof which could be 95-100 feet tall. Currently, a field house is not an approved use. D. Kimel is approaching the PC before asking the community for support. The PC agreed to ask D. Kimel to speak at the next meeting.

MINUTES

MOTION: M. Mckennerney made a motion to accept the minutes of the meeting dated June 30th, 2015. G. Henderson seconded. All in favor, none opposed, motion carried.

ADJOURNMENT

MOTION: G. Henderson made a motion to adjourn the meeting at 8:30 p.m. M. Mckennerney seconded. All in favor, none opposed, motion carried.

Respectfully submitted,
AJ Johnson, Administrative Assistant

Sam Smith, Chair

Date

Bill Nihan

Date

Grant Henderson

Date

M. McKennerney

Date