

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, March 26th, 2015
6:30 p.m.**

On Thursday, March 26, 2015th, at 6:30 p.m., the Town of St. Albans Development Review Board met at Town Hall for hearings.

Present: Chair, Brent Brigham, Vice Chair, Jeff Jewett, Clerk, Bruce Thompson, Mike McKennerney, Karen Drennen, Arthur Omartian, Tom Stanhope and Zoning Administrator, Becky Perron

Absent:

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

New Business

Application of Howard & Debra Bushey and Gallagher. Inc. requesting a 401 waiver to waive the road frontage requirements for a two lot subdivision in accordance with Sections 315(4) and 401 of the St. Albans Town Zoning Bylaws and Subdivision Regulations. The properties involved are within the Rural District located at 89, 90 and 91 Bushey Drive owned by Howard & Debra Bushey and 1450 Sheldon Road owned by Gallagher, Inc.

A letter was provided granting Howard Bushey permission to represent John Gallagher; both are applicants.

MOTION: J. Jewett made a motion to grant Interested Party Status to Glen Gurwit, abutting property owner. K. Drennen seconded. All in favor, none opposed, motion carried.

M. McKennerney recused himself from this application as he is a property owner within the neighborhood and wished to obtain Interested Party Status.

MOTION: J. Jewett made a motion to grant Interested Party Status to M. McKennerney. K. Drennen seconded. All in favor, none opposed, motion carried.

H. Bushey owns two parcels on Bushey Drive and J. Gallagher owns a parcel on Sheldon Road. They are proposing a two lot subdivision of Gallagher's property which would grant 3 acres to H. Bushey. An Administrative two lot subdivision cannot be issued unless the proposed lot has adequate road frontage or a 401 waiver.

B. Brigham asked if the pavement ended at H. Bushey's boundary line. H. Bushey replied that the pavement ended approximately fifty feet from the fence.

There was confusion about whether the Town of St. Albans owned the entire paved portion of Bushey Drive. The Town now has a deed for the entire paved road.

B. Thompson asked for clarification where Bushey Drive was. B. Perron explained it was near the corner of Routes 104 and 105 just before Lebel Drive.

G. Gurwit, Interested Party, explained that he had come to the meeting because almost five hundred feet of his property abutted part of the proposed parcel. Currently, the proposed parcel is agricultural. He was concerned the proposed parcel would be developed and his parcel would depreciate. He did not understand why a 401 waiver was needed and felt the Bylaws were in place to protect property rights and asked to understand why a waiver could be granted if the bylaws stated this proposed lot would not be allowed without road frontage.

B. Brigham explained that the lot does not have enough road frontage to allow someone to develop another lot. The older lots all have frontage on Bushey Drive, the proposed lot would not.

G. Gurwit explained that he would prefer for the lot to remain an agricultural/rural lot. He was concerned that granting this waiver would allow for a conditional use permit and something such as a kennel or recreation center could end up on the lot. He did not feel that was in his best interest.

J. Jewett asked what, if any, was the plan for the parcel. H. Bushey clarified that there is not a current plan but if the lot passed a perk test a house may be built there and perhaps a large pond.

J. Jewett assured G. Gurwit that the 401 waiver was for a shared driveway of no more than two family homes and he would be notified if H. Bushey was applying for a Conditional Use permit and would see the permit sign in the road right of way for a building permit.

G. Gurwit expressed concern that a driveway would be built directly on his boarder. B. Perron explained that the town has no control over that but H. Bushy stated that if he does put a house on that lot the driveway would be on the left of the parcel and therefore the driveway would not be near that boundry.

M. McKennerney left the room when the DRB was making a decision on this application.

Application of Elliot Tokat requesting Conditional Use Approval to construct a seawall in accordance with Sections 305(3) and 315(1&3) of the St. Albans Town Zoning Bylaws and Subdivision Regulations. The property is located at 172 Tranquility Lane in the Lakeshore District within the Flood Hazard Overlay and is owned by the Applicant.

The applicant failed to show; the DRB agreed to continue the application to the hearing of April 23rd, 2015.

Application of Keith & Mary Ann Peterson requesting Conditional Use Approval for elevating a seasonal camp, repairing and raising pre-existing decks, constructing enclosed entry way over an existing deck, and reconstruction of flood damage in accordance with Sections 305(3) and 315(1&3) of the St. Albans Town Zoning Bylaws and Subdivision Regulations. The property is located at 135 Cheney Point Road in the Lakeshore District within the Flood Hazard Overlay and is owned by the Applicant.

K. Peterson represented this application.

MOTION: B. Thompson made a motion to grant Interested Party Status to Mike Smith, abutting property owner. J. Jewett seconded. All in favor, none opposed, motion carried.

MOTION: M. McKennerney made a motion to grant Interested Party Status to Jennifer Villeneuve, abutting property owner who wrote a letter to the DRB regarding structures on the site. K. Drennen seconded. All in favor, none opposed, motion carried.

J. Jewett lives near the applicant and asked if the applicant would feel more comfortable if he recused himself from this application. The applicant was okay with J. Jewett staying on the board.

K. Peterson explained that he and his wife had bought their camp just in time for the flood of 2011. It sustained significant damage. K. Peterson wanted to restore and raise the camp, rebuild the decks and reattach them to the camp, enclosing the deck closest to the road for bathroom space and replace the asphalt siding with cedar. K. Peterson was unaware a building permit was needed as he was replacing pre-existing structures and the footprint would be smaller than it had originally been.

B. Thompson wondered why K. Peterson was just appearing before the DRB if he had already started the work without a permit. K. Peterson stated that he had listened to a friend who told him he did not need a permit as he was building on the same footprint. When R. Perron sent him a letter he immediately stopped work on the camp and applied for the permit and an elevation certificate.

B. Brigham wondered if the camp had already been raised. K. Peterson stated that the camp had been raised to 104'.

Deliberative Session

MOTION: K. Drennen made a motion to enter deliberative session at 7:30 p.m. M. McKennerney seconded. All in favor, none opposed, motion carried.

Application of Howard & Debra Bushey and Gallagher. Inc. requesting a 401 waiver

MOTION: B. Thompson made a motion to approve the Application of Howard & Debra Bushey and Gallagher. Inc. requesting a 401 waiver to waive the road frontage requirements for a two lot subdivision in accordance with Sections 315(4) and 401 of the St. Albans Town Zoning Bylaws and Subdivision Regulations. The properties involved are within the Rural District located at 89, 90 and 91 Bushey Drive owned by Howard & Debra Bushey and 1450 Sheldon Road owned by Gallagher, Inc. with the following condition to accept the proposed findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated March 6th, 2015. A. Omartian seconded the motion. All in favor, none opposed, motion carried.

Application of Elliot Tokat requesting Conditional Use Approval

MOTION: B. Thompson made a motion to continue the Application of Elliot Tokat requesting Conditional Use Approval to construct a seawall in accordance with Sections 305(3) and 315(1&3) of the St. Albans Town Zoning Bylaws and Subdivision Regulations. The property is located at 172 Tranquility Lane in the Lakeshore District within the Flood Hazard Overlay to the meeting of April 23rd, 2015. A. Omartian seconded the motion. All in favor, none opposed, motion carried.

Keith & Mary Ann Peterson requesting Conditional Use Approval

MOTION: J. Jewett made a motion to approve the Application of Keith & Mary Ann Peterson requesting Conditional Use Approval for elevating a seasonal camp, repairing and raising pre-existing decks, constructing enclosed entry way over an existing deck, and reconstruction of flood damage in accordance with Sections 305(3) and 315(1&3) of the St. Albans Town Zoning Bylaws and Subdivision Regulations. The property is located at 135 Cheney Point Road in the Lakeshore District within the Flood Hazard Overlay and is owned by the Applicant with the following condition to accept the proposed findings of fact and conclusions of law listed in the Zoning Administrator’s staff report dated March 6th, 2015. T. Stanhope seconded the motion. B. Brigham, J. Jewett, T. Stanhope, M. McKennerney, K. Drennen, and A. Omartian in favor, B. Thompson opposed, motion carried.

Minutes

MOTION: J. Jewett made a motion to accept the minutes from the DRB meetings dated 1/8/15. K. Drennen seconded. All in favor, none opposed, motion carried.

Adjournment

MOTION: B. Thompson made a motion to adjourn the DRB meeting at 7:52 p.m. A. Omartian seconded. All in favor, none opposed, motion carried.

Respectfully Submitted,
AJ Johnson, Administrative Assistant

Brent Brigham, Chair

Jeff Jewett, Vice Chair

Bruce Thompson

Mike McKennerney

Arthur Omartian

Karen Drennen