

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, September 10th, 2015
6:30 p.m.**

On Thursday, September 10th, 2015 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 Bonnette Properties, LLC and Bourne's Energy requesting Site Plan Approval and Parking Waiver for a Storage and Distribution Site within a pre-existing PUD in accordance with Sections 303, 315(7) and 417 of the St. Albans Town Zoning Bylaws and Subdivision Regulations. The property is located at 400 & 402 Lake Road in the Commercial District and owned by Bonnette Properties, LLC.

This application was represented by Peter Bourne, Brian Davis and Maurice Bonnette. Pam Scott also appeared on behalf of Bourne's Energy. The applicants were sworn in and the Board asked them to explain their intentions.

P. Bourne explained that Bourne's Energy wished to construct an 18,000 gallon storage tank for the purpose of refueling delivery trucks. The tank will be placed on a 10'x24' concrete pad. Traffic will depend on the season; during the winter Bourne's expects drivers to refuel their trucks between two to three times daily. The trucks will not need to refuel as often in the summer, perhaps once a day. A transport truck will refuel the bulk storage tank approximately once every three weeks during the summer and up to two times a week during the winter. Bourne's does not intend to store customer tanks on the site although a tank may occasionally be left for a few hours if a driver gets an emergency call. P. Bourne stated his company had already built five of these load plants; each plant was built to exceed the current code from the State of Vermont. The tank will probably be white.

B. Thompson wondered if trucks would be left on site overnight. P. Bourne confirmed there would not.

J. Jewett inquired to the safety aspect of the plant. B. Davis explained that the plants are particularly safe. The plant is designed with safety precautions; one example is the valves releasing the fuel slam shut once the tank loses air. In the event of a fire the plant is designed to shut down. There are two "kill switches" in the plant. The first is at the pump and the second is at a station about 25 feet from the loading rack.

J. Jewett asked if Bourne's had ever had a safety issue at one of their plants. P. Bourne stated there had never been an issue. He reminded the Board that all of his company's plants were built above code. He also stated employees attended training and the maintenance of the plant was always taken care of.

K. Drennen inquired when the transport truck would deliver. P. Bourne answered that the company worked around arrangements but preferred to refuel at night as there is less traffic.

A. Omartian wondered how long it took to fill the trucks. P. Bourne stated the transport truck filled the tank in about forty minutes and the delivery trucks refueled in approximately thirty-five minutes.

B. Brigham questioned how large the transport trucks were. P. Bourne answered that the trucks can carry nine or ten thousand gallons but are only filled to eighty percent. The delivery trucks take around three thousand gallons per refuel.

A. Omartian asked if the trucks idle during refueling. P. Bourne confirmed they do.

A. Omartian asked if neighbors ever complained about the sound. P. Bourne stated it had not yet been a problem but realized there were a lot of residents in the area and explained his company would be flexible and open to suggestions from the Board about refueling times. He also added there was plenty of room for traffic even during loading.

The Board discussed Fire Chief Cross's letter which stated a fire hydrant would need to be installed at the westerly drive entrance to 402 Lake Road. M. Bonnette stated a fire hydrant was already located at the corner of Jewell Street and Lake Street. The Board stated another hydrant would need to be installed regardless. B. Thompson wondered if the hydrant would be used to cool the tank in the event of a fire. B.

Davis explained that propane is heavier than air. In the event of a fire, firefighters don't focus on putting the fire out unless they can shut the tank off entirely. Instead they focus on cooling the tank and the air around it so the fuel doesn't expand, then the tank is shut off, then the fire is attended to. He also added the Fire Department will be asked to join them on location once a year for training in the event of an emergency.

B. Brigham asked if Bourne's was concerned about a large propane tank being so close to residents. P. Bourne stated it wasn't a concern, there are customers with tanks right by their homes who often misuse them and he did not foresee a problem.

B. Brigham asked if the removal of the parking spaces would create a hardship for the other businesses and tenants at Bonnette's Property LLC. M. Bonnette stated it would not create any problem, there were far too many parking spots in his opinion.

J. Jewett questioned if there would be any general security measures such as cameras or security lighting. P. Bourne answered that there was a six foot tall chain link fence which would be locked as well as security lighting. There are no padlocks on the valves because any individual trying to overload the system or cause mischief would have to have extensive knowledge to turn the system on correctly.

B. Thompson asked what size the average refueling tank was. P. Bourne explained there was a 30 thousand gallon tank in Colchester, Morrisville, Waitsfield and Lyndonville. Bourne's was looking to put 18 thousand gallon tanks in St. Albans and Waitsfield.

Application of Robert & Linda Gilbert requesting a front yard variance to construct a handicap ramp within the front yard setback in accordance with Sections 305(4), 315(6), 321 and 415 of the St. Albans Town Zoning Bylaws and Subdivision Regulations. The property is located at 188 Nason Street in the Commercial/Residential District. The mobile home is owned by the Applicants and the land owned by Andre & Nicole Lapierre.

The applicants, Robert & Linda Gilbert, were sworn in by the Clerk.

B. Brigham asked "so you built a ramp, correct?" R. Gilbert responded that he did not have a choice.

B. Perron explained to the Board that the Gilbert's had received a permit in April of 2015 to build a ramp to obtain entrance to and from their home from their driveway. At the time of construction the ramp was too steep for comfortable use and was then built to meet ADA compliance. A ten foot variance of the setback requirements for mobile home parks would be required with the new construction of the ramp.

J. Jewett asked if the ramp was now in compliance with the ADA standard? It was confirmed the ramp raises one inch per foot which is within ADA compliance. J. Jewett wondered if R. Gilbert could comfortably go up and down the ramp. It was confirmed he could. J. Jewett asked if the ramp was impeding on anyone else's land. It was confirmed that it was not.

J. Jewett stated that he felt comfortable with this application and wished to share their decision before going into deliberative session. The Board was in agreeance.

MOTION: T. Stanhope made a motion to approve the Application of Robert & Linda Gilbert requesting a front yard variance to construct a handicap ramp within the front yard setback in accordance with Sections 305(4), 315(6), 321 and 415 of the St. Albans Town Zoning Bylaws and Subdivision Regulations. The property is located at 188 Nason Street in the Commercial/Residential District. The mobile home is owned by the Applicants and the land owned by Andre & Nicole Lapierre with the following conditions: to accept the proposed findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated August 21st, 2015. J. Jewett seconded the motion. All in favor, none opposed, motion carried.

Deliberative Session

MOTION: J. Jewett made a motion to enter deliberative session at 7:05 p.m. K. Drennen seconded. All in favor, none opposed, motion carried.

Application of Bonnette Properties, LLC and Bourne's Energy requesting Site Plan Approval and Parking Waiver

MOTION: A. Omartian made a motion to approve the Application of Bonnette Properties, LLC and Bourne's Energy requesting Site Plan Approval and Parking Waiver for a Storage and Distribution Site within a pre-existing PUD in accordance with Sections 303, 315(7) and 417 of the St. Albans Town Zoning Bylaws and Subdivision Regulations. The property is located at 400 & 402 Lake Road in the Commercial District and owned by Bonnette Properties, LLC with the following conditions: 1) resupply

of the 18,000 gallon tank must be completed no later than 10:00 p.m. and no resupply shall commence before 6:00 a.m., 2) no customer tanks stored on site for more than 24 hours, 3) all fire department recommendations and concerns are met and 4) to accept the amended proposed findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated August 21st, 2015. T. Stanhope seconded the motion. All in favor, none opposed, motion carried.

Minutes

MOTION: J. Jewett made a motion to accept the minutes from the DRB meetings dated, August 13th, 2015. K. Drennen seconded. All in favor, none opposed, motion carried.

Adjournment

MOTION: B. Thompson made a motion to adjourn the DRB meeting at 8:00 p.m. J. Jewett seconded. All in favor, none opposed, motion carried.

Respectfully Submitted,
AJ Johnson, Administrative Assistant

Brent Brigham, Chair

Jeff Jewett, Vice Chair

Bruce Thompson, Clerk

Arthur Omartian

Karen Drennen

Mike McKennerney

Tom Stanhope