

Town of St. Albans
579 Lake Road
St. Albans, VT. 05478

The Town of St. Albans
PLANNING COMMISSION MINUTES
Town Hall, 579 Lake Road
January 5th, 2016 at 6:30 p.m.

Minutes

Present: S. Smith (Chair), B. Brigham (Vice Chair), M. McKenney, B. Nihan, G. Henderson
Staff Present: N. Neider, Planner, B. Perron, Zoning Administrator
Public Present: Elaine Ezerins, Messenger, Catherine Dimitruk, NRPC, B. Cheeseman, S. Rocheleau, J. Frost, D. Schofield, P. Larner, M. Craib, S. Coon.

CALL TO ORDER

S. Smith called the meeting to order at 6:30 p.m.

BYLAW REVISION RECOMMENDATIONS

Planner, N. Neider, and Zoning Administrator, B. Perron met with Northwest Regional Planning Commission director C. Dimitruk to discuss NRPC's recommendations for the proposed Zoning Bylaws. C. Dimitruk appeared before the PC to explain the proposed changes and comments.

Section 100- Enactment, previously read-

"...These Bylaws and Subdivision regulations, upon adoption, and while in effect, shall repeal the Bylaws and Subdivision Regulations adopted July 27, 2009."

C. Dimitruk recommended using the words "amend in their entirety" instead of "repeal". The PC agreed.

Section 100- Enactment, shall now read-

"...These Bylaws and Subdivision regulations, upon adoption, and while in effect, shall amend in their entirety the Bylaws and Subdivision Regulations adopted July 27, 2009."

Section 200- Applicability, previously 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."

C. Dimitruk recommended removing "within any continuous period of two years after the effective date of these Zoning Bylaws and Subdivision Regulations." The PC discussed the recommendation and agreed to leave Section 200 as it was.

The Planning Commission discussed Section 201- Administrative Review for Two Lot Subdivision.

NRPC advised the Development Review Board hold a hearing to accept the final plat once submitted. The Planning Commission disagreed stating it did not make sense to have an administrative review if the subdivision would have to go before the board anyway and the proposed DRB plat review would create too many unnecessary meetings.

The Planning Commission discussed Section 206- Development Review Board (DRB) Procedures for the Subdivision of Land. NRPC recommended mirroring the language used in statute. The PC agreed to leave Section 206 as is.

The Planning Commission discussed Section 300- General Planning Standards. Previously it read-

"...The proposed development shall be in conformance with the Town of St. Albans Town Plan, Zoning Bylaws and Subdivision Regulations and Town of St. Albans Ordinances then in effect." NRPC recommended using the term "Unified Development Bylaws" to stay consistent with the title of the document. It shall now read-

"...The proposed development shall be in conformance with the Town of St. Albans Town Plan, Unified Development Bylaws and Town of St. Albans Ordinances then in effect."

The PC reviewed Section 304- Steep Slopes. Previously it read-

"All new development involving the excavation, filling, or regrading of land having a slope of fifteen percent (15%) or more shall be subject to review by the DRB under Site Plan Review procedures." NRPC advised the language "all new development" was confusing because single and two family dwellings are exempt from Site Plan Review as per statute. The PC agreed to remove the words "all new development". It shall now read-

"All excavation, filling, or regrading of land having a slope of..."

The PC reviewed Sections 400-409 (districts) and received general comments from NRPC. The use “agricultural or farming” is in many districts. C. Dimitruk suggested the definition for agriculture was too broad and could be difficult to decide which activities were agricultural and therefore exempt from local zoning. The PC agreed and decided to exempt all agricultural or farming uses in each district.

The PC discussed PUD perimeters. NRPC thought the PUD perimeters were too much and the regular setbacks for the district should be used on the periphery of the PUD. The PC disagreed and left the PUD perimeters as they are.

The PC reviewed Family Child Care Home. C. Dimitruk stated the Family Child Care Home is defined in statute as part of a single family use. It cannot be regulated separately and does not need a permit. A Family Child Care Facility, however, can be regulated and must be considered a permitted use. The PC agreed with NRPC and removed Family Child Care Home as a use.

NRPC recommended reaching out to ANR River Management Group to review the Flood Hazard Overlay. N. Neider agreed to contact R. Pfeiffer.

The PC reviewed Section 410- Growth Center Overlay (North & South) standards for Mixed Residential/Commercial District. C. Dimitruk suggested changing the term “business” to “applicant” when speaking about who receives a bonus.

The PC also agreed to change the wording in the following paragraph-

“Under no circumstances can the accumulation of bonuses result in a property attaining higher than 77% building and parking coverage unless the DRB approves a variance or the development is a Planned Unit Development.”

It shall now read-

“Under no circumstances can the accumulation of bonuses result in a property attaining higher than 77% building and parking coverage unless the DRB approves the development as a Planned Unit Development.”

The PC also agreed to change the term “business” to “applicant” in the Commercial District and to again change the wording from “Under no circumstances can the accumulation of bonuses result in a property attaining higher than 77% building and parking coverage unless the DRB approves a variance or the development is a Planned Unit Development.” to “Under no circumstances can the accumulation of bonuses result in a property attaining higher than 77% building and parking coverage unless the DRB approves the development as a Planned Unit Development.”

The PC reviewed Section 500- Development Not Requiring a Zoning Permit (outside of the Flood Hazard Overlay) and agreed to change the wording on number 8. Previously it read-

“8. Accepted agricultural and silvicultural practices regulated by the Secretary of Agriculture of Commissioner of Forests, Parks, and Recreation.”

It shall now read-

“Required agricultural and silvicultural practices regulated by the ...”

The PC reviewed Section 501- Development Requiring a Zoning Permit. NRPC thought it was confusing and could be corrected by inserting language or deleting the examples. The PC agreed to delete the examples. Previously it read-

“It shall be the responsibility of the owner(s) of record to obtain a zoning permit prior to the commencement of any land development to include

1. New Construction, relocation or expansion of any structure.
2. Change of use from seasonal to year round dwellings.”

It shall now read-

“It shall be the responsibility of the owner(s) of record to obtain a zoning permit prior to the commencement of any land development.”

The PC reviewed Section 504- Dwelling Conversion Permit. NRPC suggested removing number 2 as it suggests a variance can be obtained for a seasonal to year round use which is very difficult. The PC agreed to remove number 2. Previously it read-

- “1. C) that a new Wastewater/ Potable Water Supply Permit is issued by the State of Vermont Department of Environmental Conservation for a new system capable of year round use, the system has been installed and the Town is provided a copy of the certification of installation provided to the State of Vermont; and
2. All necessary variances are received from the Development Review Board, and if needed,

3. All applicable local permits are obtained by the applicant, and...”

It shall now read-

“1. C) that a new Wastewater/ Potable Water Supply Permit is issued by the State of Vermont Department of Environmental Conservation for a new system capable of year round use, the system has been installed and the Town is provided a copy of the certification of installation provided to the State of Vermont; and
2. All applicable local permits are obtained by the applicant, and...”

The PC reviewed Section 602- Zoning Permit Notice and Procedure. NRPC advised the PC to remove the third paragraph which reads-

“A Zoning Permit issued following a public hearing through the DRB shall take effect immediately after the written decision is issued” The PC agreed to keep this section.

The PC reviewed Section 605- ZA Conflict of Interest and suggested adding literature about using an “acting ZA” for applications which pose a conflict of interest to the ZA. Previously the paragraph appointed the DRB Clerk as the person who would receive the application but NRPC pointed out the DRB clerk has no authority to act on an application. Previously it read-

“...All such applications shall be referred to the Development Review Board Clerk unless and Acting ZA has been appointed to handle this application.” It shall now read-

“...All such applications shall be referred to the Acting ZA appointed to handle this application.”

The PC reviewed Section 703 and agreed to change the wording in the second sentence under “use”. Previously it read-

“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.” It shall now read-

“Upon approval by the Development Review Board utilizing conditional use criteria, 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.”

Number two and three were also rewritten to eliminate the word variance and add the term “Unified Development Bylaws”. Previously it read-

“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. Damaged or destroyed nonconforming structures shall be reconstructed to conform to the standards of these Zoning Bylaws and Subdivision Regulations wherever practical.” It shall now read-

“2. Upon approval by the ZA, a nonconforming structure may be altered or expanded, providing such action will not increase the aspect or degree of nonconformity.

3. Damaged or destroyed nonconforming structures shall be reconstructed to conform to the standards of these Unified Development Bylaws wherever practical.”

The PC reviewed Section 705 and agreed to add words to the second sentence. Previously it read-

“Uses that are not listed as Permitted or Conditional in a zoning district or zoning overlay shall be prohibited in that district or overlay. Uses that are not listed as Permitted or Conditional in *any* zoning district or zoning overlay shall be subject to review by the DRB.” It shall now read-

“Uses that are not listed as Permitted or Conditional in a zoning district or zoning overlay shall be prohibited in that district or overlay. Uses that are not listed as Permitted or Conditional in *any* zoning district or zoning overlay shall be subject to review by the DRB utilizing conditional use criteria.”

The PC reviewed Section 801- Right of Way or Easement Review for Land Development without Frontage or with Frontage via Public Waters and agreed to remove the second paragraph. Paragraph 2 requires direct access to a public road when many roads in the Town are private. Previously paragraph 2 read-

“2. 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) or Agency of Transportation standards where applicable.”

The PC reviewed Section 802- Conditional Use Approval which NRPC advised adding more specific standards to. The PC disagreed and left it as it.

The PC reviewed Section 803- Site Plan Review. NRPC suggested adding language to make number 5 under review standards more compatible with statute. Previously number 5 read-

“5. Compatibility with existing, adjoining uses and structures and the character of the area.”

It shall now read-

“5. Compatibility with existing, adjoining uses and structures and the character of the area affected, as defined by the purpose of the zoning district within which the project is located.”

The PC reviewed Section 804- Planned Unit Development Review, density, and agreed to add language to the first paragraph. Previously it read-

“The maximum number of units or lots within a PUD shall not exceed the number which could be developed on a parcel under applicable zoning regulations unless a waiver is granted by the DRB.” NRPC advised using the term “waiver” is confusing and instead the sentence should make reference to the density bonus. It shall now read-

“The maximum number of units or lots within a PUD shall not exceed the number which could be developed on a parcel under applicable zoning regulations unless a waiver is granted by the DRB in accordance to the density bonus.”

The PC discussed Section 903- Family Child Care Home or Facilities and agreed to change the title and some wording. The PC had agreed to remove Family Child Care Home as a use (since it cannot be regulated) earlier in the meeting. The title shall now read “Family Child Care Home”. The last sentence of 903 previously read-

“In accordance with 24 V.S.A. §4412 (5) a family child care home shall be considered a permitted use of a property.” It shall now read-

“In accordance with 24 V.S.A. §4412 (5) a family child care home shall be considered a permitted single family residential use of a property.”

The PC reviewed Section 906- Marina and agreed to remove numbers 3, 4, and 7 as the Town cannot regulate some aspects of a marina being beyond their jurisdiction. Previously numbers 3, 4, and 7 read-

“3. The size of the marina and the type of vessels it will house shall be compatible with the physical dimensions and characteristics of the water body. Potential conflicts with navigational hazards or conflicts with other uses such as swimming areas shall be identified and a plan presented to minimize such conflicts.

4. Docks associated with a marina shall not unreasonably impact or encroach on the useable waters of adjacent properties.

7. Marinas shall provide approved pump-out facilities for marina users unless it can demonstrate to the satisfaction of the DRB that such facilities are not required for the marina’s clientele.”

The PC discussed Section 911- Public Facilities, specifically exempted from local zoning review are:, and agreed to remove language from number 4. Previously number 4 read-

“4. The replacement of an existing electrical distribution or communications distribution pole with a new pole, so long as the new pole is not more than ten (10) feet taller than the pole it replaces.”

It shall now read-

“4. The replacement of an existing electrical distribution or communications distribution pole with a new pole.”

The PC discussed Article IX definitions. The PC reviewed the definition for “Dwelling, Mulit-Unit Small” which previously read-

“A residential structure with between three (3) to twelve (12) dwelling units where units are no less than 500 square feet and no more than 1,400 square feet per unit.” NRPC did not feel the unit sizes were relevant and recommended removing the size stipulations and cleaning up the sentence. It shall now read-

“A residential structure with three (3) to twelve (12) dwelling units.”

The PC reviewed “Essential Public Services” which previously read-

“Includes construction or installation (by public utilities, municipal or other governmental agencies) of “local consumer” electric and telephone distribution lines, sewer, water and facilities for fire, police, highway and health services to the Town, or other similar equipment and accessories necessary for the furnishing of essential services.” C. Dimitruk suggested removing the language about electric and telephone distribution lines as deleting the language will comply with the exemption for projects that need Public Service Board Section 248 approval. Essential Public Services shall now read-

“Includes the construction or installation (by public utilities, municipal or other governmental agencies) of sewer, water, and facilities for fire, police, highway and health services to the Town, or other similar equipment and accessories necessary for the furnishing of essential services.”

The PC discussed “Residential Care” and “Group Home” and agreed to use one definition.

The PC agreed to add water course setbacks as Section 305. It shall now read-

“All structures, impervious roadways and parking, and permeable roadways and parking shall have a minimum setback of 50 feet from the center of all watercourses.”

The PC agreed to add Marinas as a use to the Flood Hazard District.

The PC changed the discussion to Sidewalk and Pedestrian planning. Several members of the community had joined the meeting to discuss their ideas and questions. A majority of the meeting attendees wanted the PC to insert some sidewalk/pedestrian standards to the proposed bylaws before passing them on to the

Selectboard.

P. Lerner expressed interest in requiring developers to install sidewalks. He wondered why the Town thought they would be required to maintain the sidewalks. He reiterated his request was not to move forward with the 2003 sidewalk master plan but rather to make provisions for new developers to install sidewalks, especially in the Residential/Commercial Districts.

D. Schofield wondered why the proposed bylaws base bonuses off the 2003 Sidewalk plan if the plan had not been implemented.

S. Coon wondered why the PC was open to doing more studies on sidewalks. He thought the Town should take action instead of making another plan that will not be implemented. He was especially open to the North end having sidewalks. "They aren't optional...they're essential" he stated.

S. Rocheleau is a business owner in St. Albans who intends to further develop his business. He confirmed as a developer and business owner he would be happy to install sidewalks if they were required by the Town.

J. Frost wondered what standards would be used for the developers who accepted the bonus for installing sidewalks.

C. Dimitruk speculated how many sidewalks could have been built by now if the Town had followed the 2003 sidewalk plan instead of making more unfinished plans.

The PC agreed to hold a meeting on the 26th of January to discuss sidewalks and pedestrian safety.

OTHER BUSINESS

Chair, S. Smith asked for a motion to sign a grant agreement for Strong Communities Better Connections.

MOTION: B. Brigham made a motion to have Chair, S. Smith sign the Strong Communities Better Connections grant agreement for \$7,500. B. Nihan seconded. All in favor, none opposed, motion carried.

MINUTES

MOTION: B. Nihan made a motion to accept the minutes of the meeting dated December 1, 2015. M. McKennerney seconded. All in favor, none opposed, motion carried.

ADJOURNMENT

MOTION: B. Brigham made a motion to adjourn the meeting at 8:40 p.m. B. Nihan seconded. All in favor, none opposed, motion carried.

Respectfully submitted,
AJ Johnson, Administrative Assistant

Sam Smith, Chair

Date

Brent Brigham, Vice Chair

Date

Bill Nihan

Date

Mike McKennerney

Date

Grant Henderson

Date