

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, April 14th, 2016
6:30 p.m.**

On Thursday, March 24th, 2016 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, Karen Drennen, Arthur Omartian, and Zoning Administrator, Becky Perron

Absent: Tom Stanhope, Mike McKennerney

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

New Business:

Application of Janet Cote requesting Site Plan Amendment to amend a previously approved Site Plan in accordance with Sections 400, 402, 803, and 804 of the St. Albans Town Unified Development Bylaws. The property is located at 612 Maquam Shore Road in the Lakeshore and Rural Districts within a pre-existing PUD and owned by the Applicant.

J. Jewett recused himself as a potential interested party. The application was represented by Janet Cote and Jay Buermann of Buermann Engineering. Chair, B. Brigham asked interested parties to identify themselves. A motion was made to grant Interested Party Status. The applicants and interested parties were sworn in.

MOTION: K. Drennen made a motion to grant Interested Party Status to Leo and Linda Bilodeau, Christine Kitonis, Michael and June Austin, and Jerome Franklin, representing himself as interested parties within the neighborhood and John Masler by Jerome Franklin, as an abutting land owner on Sandy Cove Road. B. Thompson seconded. All in favor, none opposed, motion carried.

J. Buermann stated he was representing Ms. Cote on her Site Plan Amendment for a mound system and the associated grading. B. Perron clarified that the Site Plan Amendment being requested was only for the grading- a mound system does not require a Site Plan Amendment. J. Buermann stated a handicap ramp will also be installed.

J. Buermann showed a plan to the Board with various colored lines representing the grading of the mound system. Some colored lines represented the original site plan and some colored lines represented the lot after the proposed grading. J. Buermann estimated the proposed grading would reduce sheet flow of stormwater by up to forty-one percent on the south side and twenty-four percent on the north side.

B. Brigham wondered how the stormwater would be reduced. J. Buermann stated a drainage swale would be inserted on the south side to catch the southerly flow of water and direct it back on to J. Cote's property. The swale was represented by a black arrow on his plans. The proposed swale will be approximately one to two feet deep and about six feet wide; enough to channel the water toward the intended direction. The last several months the stormwater has been flowing onto Sandy Cove Road.

B. Thompson asked if the proposed berm would keep the water from going further south than intended. J. Buermann confirmed. B. Thompson asked if the swale would go through the proposed delivery parking to the north. J. Buermann stated the swale would run past the edge of the proposed delivery parking.

K. Drennen questioned if Sandy Cove Road would be repaired to pre-construction quality. J. Buermann confirmed it would be.

B. Thompson inquired if the mound had already been installed. J. Buermann confirmed it had but the wastewater components still needed to be set.

B. Brigham asked if the swales had been installed yet. J. Buermann stated the berm had been set on the south side of the property but the rest of the property had not been fine graded yet.

B. Brigham asked for confirmation that the bulk of stormwater will sheet onto J. Cote's property. J. Buermann confirmed that most of the water would be captured on her property.

B. Brigham wondered if the trees shown on the plan were still on site. J. Buermann confirmed they were with the exception of a couple which had been removed as stated on the plan. B. Brigham asked if the swale would affect the remaining trees. J. Buermann was unsure. He anticipated the swale breaking some roots on the trees but stated the species of tree on the property are often durable.

K. Drennen asked if the berm and swale would be designed to the standard for the 100 year event. J. Buermann stated there was no standard for berms and swales regarding the 100 year event.

K. Drennen asked what will happen to the water by the existing camper. J. Buermann stated it will pond near the camper and seep in as the ground can take it. If the water overwhelms the ground it will flow west and J. Cote will get her feet wet entering and exiting the camper, J. Buermann joked.

B. Thompson wondered if there was a silt fence on site from construction. J. Buermann stated he had not been to the site recently. A new contractor will be selected soon and a pre-bid meeting will be held to discuss details of the site. J. Buermann added the previous contractor was under the incorrect belief that all disturbed soil had to be kept on site. They are now removing the surplus of soil off-site.

Chair, B. Brigham asked the Interested Parties to share their questions or concerns.

L. Bilodeau stated her primary concern was the mound system being higher than the road. Her concern was that the snow would build up on the mound system and blow into the road causing drifts that would make the road unsafe and inaccessible for emergency response vehicles. There is no ditch between the mound system and the road. J. Buermann replied he could not predict drift patterns and therefore could not alter the grading of the mound system to prevent them. B. Brigham wondered if some sort of natural fencing could alleviate the drifting.

J. Franklin shared his confusion regarding the pre-mound and post-mound lines shown on J. Buermann's plan. J. Buermann reiterated the thought process in his design. It is my best professional guess, he stated.

J. Franklin was concerned with water pooling or ponding in the road with no detention pond to collect the excess water. J. Buermann anticipated a vast majority of the water would soak into the pervious surfaces. Perhaps there would be a concern in an extreme storm situation, but most of the pooling water would continue to flow west as it soaked into the permeable ground.

J. Franklin wondered if pooling water would be a concern for septic systems. J. Buermann rebutted a little surface water would not harm a correctly installed, fully-functioning septic system. He asked the Board if he should give in-depth detail about different types of septic systems but the Board did not feel it was necessary.

M. Austin shared his concerns about the condition of the road. He asked that the road be brought to the condition and the grade that it was previous to J. Cote's construction. He asked if the DRB had been to visit the site. B. Brigham stated that the Board cannot go to a site together without a properly warned meeting.

B. Brigham asked if there was a culvert under the road. J. Buermann stated there was not.

M. Austin wondered if the original contractor was still employed by Ms. Cote. J. Buermann did not expect him to be onsite anymore. M. Austin wondered how the new contractor would be held accountable to return the road to the previous conditions. J. Buermann answered that the new contractor would be responsible for the damage and repairs of construction and would understand that prior to beginning the job.

J. Franklin suggested a bond to hold the new contractor responsible. He wondered if an engineer should be hired to certify the work done. J. Buermann responded that he was currently under contract to be that engineer but would not be offended if another engineer overtook that job. J. Buermann stated his client is the State of Vermont.

J. Franklin asked what the exact elevation of the road needed to be built to to match previous conditions. J. Buermann was unsure.

L. Bilodeau was concerned that pooling water would pose a contamination risk. He was concerned that pooling water would fail a septic system and the water would pool and flow to abutting campers. He was also concerned that contaminated soil used to be on the site which could pose a hazard.

B. Brigham asked what the mound system would be treating. J. Buermann stated the mound system would treat the store, attached apartment building, and the camper. B. Brigham replied that if the mound system is built correctly it will not spew untreated water and contamination would not be a problem.

L. Bilodeau reiterated her concerns about drifting snow and the safety hazard it may pose for emergency response vehicles. B. Perron stated that the Board could not review the mound system nor the elevation it had already been built too, the Board was there to review the grading.

J. Franklin asked why J. Buermann was hired by the State? J. Buermann stated that the State had performed an environmental cleanup of the site and destroyed the existing septic system and three disposal fields. The State is being held responsible for restoring the site to pre-construction conditions.

Application of Hannaford Supermarket requesting Site Plan Amendment to add a grocery pick-up area in accordance with Sections 405, 410 and 803 of the St. Albans Town Zoning Unified Development Bylaws. The property is located at 227 Swanton Road in the Commercial District within a Designated Growth Center and owned by Commons Associates.

The application was represented by J. Lord, a representative for Hannaford Bros. The Clerk swore the applicant in.

J. Lord stated that Hannaford Bros. was looking to add a grocery pick-up service to their St. Albans store. Hannaford has been installing this service to various stores for about three years and currently has around thirty enrolled stores. The customer's order their groceries online and are assigned a time to pick the items up at the local store. When their assigned time arrives they drive into one of the designated spaces, call the phone number provided, and have their groceries brought to their vehicle by a store employee. The customer swipes their credit card and drives away without ever leaving their vehicle.

K. Drennen wondered if there is a minimum order amount. J. Lord stated a fee would be charged for any amount under twenty-five dollars but any order of more than twenty-five dollars would not be charged a fee.

K. Drennen asked if nine spaces would be sufficient. J. Lord anticipated seven spaces being enough. The largest number of spaces at other stores is nine. Originally the store wanted a drive-through service but could not work out the details with the building owner. J. Lord reminded the Board that the pick-up is by appointment from ten a.m. to eight p.m. Employees can pick two or three orders at a time and can process around twelve orders an hour.

J. Lord stated the parking lot was being restriped to accommodate the service. A handicap space would be moved, eleven spaces would be restriped and three spots would be removed from the site entirely. There are a lot of excess spaces in the parking lot, J. Lord stated. The parking spaces will be larger than most spaces; they will be large enough to accommodate a vehicle, a large cart, and an employee. There will be no change in grading.

J. Jewett inquired if lighting would be added. J. Lord answered nine spaces would be reserved and every other space would have a small light on it, around seven feet, to help employees see into the vehicles they are loading during the darker hours.

B. Perron wondered if customers ever called the number for pick-up but parked in the wrong spot. She was concerned that employees would be running around the parking lot looking for the right vehicle. J. Lord answered that each sign had a number on it for its space and you must identify your space and be in the correct space for pick-up.

J. Jewett questioned if the flow of traffic would be affected. J. Lord did not anticipate any changes.

B. Brigham inquired if anything was off limits. J. Lord replied that the pharmacy was off limits. K. Drennen wondered if people could purchase tobacco and alcohol. J. Lord stated they could, but the rules would be the same as at the register. Customers would need to present ID.

A. Omartian wondered if people bought meat and produce. J. Lord stated they did, and employees were trained to pick out the best of both. A. Omartian wondered when this service would be available, if approved. J. Lord anticipated June or July.

Application of Peter Morse & Malone Dorset St. Properties, LLC requesting Site Plan Approval to construct additional indoor storage buildings in accordance with Sections 405, 410 and 803 of the St. Alans Town Unified Development Bylaws. The property is located at 0 and 6 Franklin Park West in the Commercial District within a Designated Growth Center and owned by the Applicants.

Luke Willey of Ruggiano Engineering and Peter Morse represented the application. They were sworn in by the Clerk.

L. Willey stated they had appeared before the Board to request Site Plan Approval for the existing Morse property in Franklin Park West. A boundary line adjustment was received to add 2.3 acres to the parcel to make room for the proposed development. An existing mini-storage is on site. The Site Plan Approval is to request the approval of additional storage units and the associated paving and curb cut. The proposed storage buildings will look almost identical to the existing ones. The proposed units will not be connected to the current units due to unfavorable topography. The parcel is on a private portion of Franklin Park West and therefore a curb cut approval is not needed from the Town. Existing trees will be removed and new ones will be planted in a row behind the proposed units. The fencing will be expanded around the proposed units. The police department wrote a letter stating the project would not cause any additional impact of services. The Fire Chief did not foresee the project as an additional impact and would write a letter saying so.

K. Drennen asked of the \$600,000 project cost how much would be landscaping. L. Willey had not broken the landscaping cost out.

B. Brigham wondered why the existing trees would not be moved and would instead be replaced. L. Willey thought the existing trees would be too large to transplant.

B. Perron asked if the stormwater pond was designed to handle the additional buildings. L. Willey stated it was and the stormwater permit would be amended. B. Perron asked if the curb cut would be designed to Town standards in case the Town is asked to take over that portion of the road. It was confirmed the curb cut would be to B-71 standards.

Application of Ben & Jerry's Homemade requesting Site Plan Amendment to construct additions, add parking & relocation of an existing shed in accordance with Sections 406, 803 and 804 of the St. Albans Town Unified Development Bylaws. The property is located at 400 Industrial Park Road in the Industrial District and owned by the Applicants

Peter Garceau of Cross Consulting Engineers represented the application. The Clerk swore him in. Ben & Jerry's is requesting Site Plan Amendment to construct a few additions over two phases.

Phase I is proposed to start in August of 2016. Phase II is proposed to begin in 2019. The total expansion will be around 55,000 square feet.

P. Garceau pointed out the existing visitor parking and visitor entrance. Those will remain unchanged. New parking will be added within existing green space. P. Garceau pointed out existing truck parking which will be relocated. Thirty parking spaces are being proposed for the trucks. Truck drivers will often back their trucks into the designated parking area and drop their trailers until it is time to pick up their deliveries or there is a loading dock empty. It is not a long-term trailer storage spot, often only a day or two.

B. Brigham wondered if Ben & Jerry's had their own tractors to hook onto trailers if they have been dropped and need to be moved. P. Garceau imagined they did but stated generally tractors will drop the trailer and pick them back up in a timely manner.

J. Jewett wondered if the new parking area was currently paved. It is not. The poles that are within the new parking area will stay.

There are currently four detention ponds on site. Three of the ponds will be eliminated and new storm structures will be added along with a ditch and all stormwater will be treated in an expanded existing detention pond outside of the Industrial Park Road. The pond to be expanded is up to the 2002 standards. By eliminating three of the ponds more space will be freed up for the expansion.

J. Jewett asked if the old ponds would be filled in. P. Garceau confirmed the ponds would be excavated of all silt, built up with structural sand and turned into green space.

The existing water main and sewer lines will be moved to make room for the proposed additions. A culvert will be eliminated and moved to another ditch by the proposed expanded stormwater pond. Another small addition is proposed to house additional tanks in their on-site wastewater plant. They will still be within their pre-treatment permit which allows for 125 gallons per day.

An additional 65 employees are proposed for the expansion. Ben and Jerry's is currently permitted for 235 but will be requesting up to 300. The expansion of the parking lot is to ease the parking during the switching of over-lapping shifts. The proposed parking is more than is currently required by the Town but Ben and Jerry's expects it to be used.

K. Drennen asked what impact the expansion would have on Route 7. P. Garceau expected the changes to be minor. The additional spaces added for parking are less than what would require a traffic study but P. Garceau expected the traffic flow to be spread out evenly along Nason St., Lemnah Dr., and Route 7.

There are currently eight other lots to be developed.

K. Drennen asked of the \$2.5 million project cost what was the breakdown of lights, landscape, construction etc. P. Garceau responded that the landscaping would be very minimal with only a few additional plantings expected. A majority of the cost would be construction.,

B. Thompson wondered when they would break ground. P. Garceau expected an August 1st start. Ben and Jerry's plan to get the foundation and site work done in August and September. The steel will be a sixteen week project. A lot of site work needs to be done prior to digging for the additions such as moving the natural gas line, moving the main high voltage power line and moving the water line.

Deliberative Session

MOTION: K. Drennen made a motion to enter deliberative session at 8:30p.m. B. Thompson seconded. All in favor, none opposed, motion carried.

Application of Janet Cote requesting Site Plan Amendment

MOTION: B. Brigham made a motion to approve the Application of Janet Cote requesting Site Plan Amendment to amend a previously approved Site Plan in accordance with Sections 400, 402, 803, and 804 of the St. Albans Town Unified Development Bylaws. The property is located at 612 Maquam Shore Road in the Lakeshore and Rural Districts within a pre-existing PUD and owned by the Applicant with the following conditions: 1.) all site work, road repair and damage from construction will be restored to the elevations shown on the survey of April 22, 2011, 2.) the applicant shall follow proper erosion control, 3.) a registered engineer shall certify the project upon completion, and 4.) to accept the proposed findings of fact and conclusions of law listed in the Zoning Administrator's amended staff report dated March 31st, 2016. K. Drennen seconded the motion. All in favor, none opposed, motion carried.

Application of Hannaford Supermarket requesting Site Plan Amendment

MOTION: B. Thompson made a motion to approve the Application of Hannaford Supermarket requesting Site Plan Amendment to add a grocery pick-up area in accordance with Sections 405, 410 and 803 of the St.

Albans Town Zoning Unified Development Bylaws. The property is located at 227 Swanton Road in the Commercial District within a Designated Growth Center and owned by Commons Associates with the following conditions: to accept the proposed findings of fact and conclusions of law listed in the Zoning Administrator's amended staff report dated March 31st, 2016. A. Omartian seconded the motion. All in favor, none opposed, motion carried.

Application of Peter Morse & Malone Dorset St. Properties, LLC requesting Site Plan Approval

MOTION: J. Jewett made a motion to approve the Application of Peter Morse & Malone Dorset St. Properties, LLC requesting Site Plan Approval to construct additional indoor storage buildings in accordance with Sections 405, 410 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 0 and 6 Franklin Park West in the Commercial District within a Designated Growth Center and owned by the Applicants with the following conditions: 1.) at the end of construction the project will be signed off by a registered engineer certifying the project was completed as per the site plan and 2.) to accept the proposed findings of fact and conclusions of law listed in the Zoning Administrator's amended staff report dated March 31st, 2016. B. Thompson seconded the motion. B. Brigham, J. Jewett, B. Thompson, A. Omartian in favor, none opposed, K. Drennen abstains.

Application of Ben & Jerry's Homemade requesting Site Plan Amendment

MOTION: K. Drennen made a motion to approve the Application of Ben & Jerry's Homemade requesting Site Plan Amendment to construct additions, add parking & relocation of an existing shed in accordance with Sections 406, 803 and 804 of the St. Albans Town Unified Development Bylaws. The property is located at 400 Industrial Park Road in the Industrial District and owned by the Applicant with the following conditions: 1.) Prior to starting any site work, a letter of credit in the amount of \$250,000 (10% of the 2.5 million project cost) will be received by the Town to remain in effect for three years, 2.) upon certification by a registered engineer that the project was completed as per the approved plans, the letter of credit can be reduced to 10% of the original for the remainder of the term, 3.) to accept the proposed findings of fact and conclusions of law listed in the Zoning Administrator's amended staff report dated March 31st, 2016 and 4.) the applicant will have a registered engineer certify that the project has been completed as per the plans. A. Omartian seconded the motion. All in favor, none opposed, motion carried.

Minutes

MOTION: J. Jewett made a motion to accept the minutes from the DRB meeting dated March 24th, 2016. K. Drennen seconded. All in favor, none opposed, motion carried.

Adjournment

MOTION: K. Drennen made a motion to adjourn the DRB meeting at 9:50 p.m. B. Thompson seconded. All in favor, none opposed, motion carried.

Respectfully Submitted,
AJ Johnson, Administrative Assistant

Brent Brigham, Chair

Jeff Jewett, Vice Chair

Bruce Thompson

Arthur Omartian

Karen Drennen