

**Town of St. Albans  
Development Review Board Meeting Minutes  
Thursday, July 14<sup>th</sup>, 2016  
6:30 p.m.**

On Thursday, July 14<sup>th</sup>, 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, Mike McKennerney, Tom Stanhope and Zoning Administrator, Becky Perron

**Absent:**

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

**Continued Business:**

**Application of Roger & Nancy Dussault and Mill River Holding, LLC requesting Site Plan and Conditional Use Approval of a Restaurant and Light Industrial Use in accordance with Sections 405, 802 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 10 Beauregard Drive in the Commercial District and owned by Roger & Nancy Dussault.**

P. Garceau of Cross Consulting represented the application alongside co-owners David, George and Joyce Fitzgerald. The applicants were sworn in.

P. Garceau explained the application had been continued from the previous meeting with the request for a lighting plan to be submitted. There will be no other changes to the Site Plan. The existing light bulbs will be switched out for more efficient light bulbs. An existing pole with no street light will have a new light installed.

J. Jewett explained the Board had asked the applicants to return due to the lighting plan to ensure patrons of the restaurant would have a safe walk to their vehicles and the staff would be safe when bringing the trash out at the end of the day. The applicants agreed safety is a priority.

P. Garceau described the foot-candle calculations shown on the submitted plan. There will be a minimum of 0.7, an average of 3, and will fade to 0 at the property line.

K. Drennen asked for the proposed hours of operation. The Fitzgerald's confirmed 11:00 a.m. to 10:00 p.m.

J. Jewett asked in P. Garceau saw any areas of concern. He did not.

**New Business:**

**Application of Pineview Investments, LLC requesting Sketch and Final Plat of a 7 lot subdivision within a PUD, Site Plan Amendment, and Waivers in accordance with Sections 206, 207, 208, 209, 403, 803 and 804 of the St. Albans Town Unified Development Bylaws. The property is located on Marie Lane in the Residential District and owned by the Applicant.**

Brett Grabowski of Pineview Investments, LLC represented the application. The applicant was sworn in. B. Grabowski provided the project's background by explaining Pineview Estates is a 52 unit project south of VT Route 104. There are 26 single family homes in various stages of development and 26 condos. The focus of the application is the condo units. The project originally started in early 2000; Pineview Investments became involved around 2006. So far, 19 condo units have been built. About half of the constructed condo units and the common land are held by Pineview Investments, the remaining units are independently owned.

Currently, construction of a 4-plex is almost complete and the last 3-plex will be constructed shortly. Pineview Investments is proposing to create 7 footprint lots for the remaining 7 condo units to be constructed. B. Grabowski explained the financing market for condominiums has gotten extremely difficult. Financing is difficult for new owners as well as buyers who are looking to invest in re-sale units. He stated that banks are "shy" of condominiums to begin with but they are even more hesitant with condominiums that are not completely built. By subdividing the seven remaining lots, the condominiums can then be considered a PUD, thus eliminating some of the financing struggles. The security of the units is the land beneath them, he explained.

B. Brigham asked for confirmation the remaining seven units would not be a part of the condominium. B. Grabowski confirmed and stated the units would be a part of their own association.

B. Grabowski submitted preliminary documents which stated he had the authority to remove units from the original condominium regime. The units will have their own association which will essentially be a Homeowners Association; occupants will own their own units and the land beneath them and have their own responsibilities. The preliminary documents also reserve rights for the seven units in regards to accessibility and parking. The unit owners will still be responsible to contribute to the existing association of condominiums, which will include grounds, upkeep, the garages, and the road. The unit owners are also a part of the master association which is owned by the twenty-six single family homes. "It is an arrangement that works very well, especially under the current State regulations," Grabowski said.

K. Drennen asked for confirmation that there is Phase I, Phase II, and a master association. Grabowski confirmed stating there is an association for the entire Pineview Community, for insurance purposes. He also provided background information on the single family homes.

B. Perron asked how this proposal will help the people who have already purchased their units. B. Grabowski stated the current owner's regimes will stay the same. After the seven units are subdivided off the current units will be considered a complete project. All 19 units will be complete, occupied, financed and are not subject to the additional financing requirements from the bank.

B. Perron asked if it was difficult to sell the condo units without the land beneath them. B. Grabowski by definition a condominium was the unit without the land. He stated it is easier to sell them with the land beneath them because they are essentially a stand-alone unit and the project becomes more of a PUD.

B. Perron wondered if the owners of the existing units were approached about this proposal. B. Grabowski confirmed they were. B. Perron asked if the owners bought into the project thinking a certain number of units would be contributing that will no longer be contributing to the maintenance etc. B. Grabowski stated the seven units will still be contributing to the overall project, such as the roads and the mowing of the lawn.

B. Brigham questioned if the Homeowners Association will be a member of the Condo Association. B. Grabowski stated all the units are a member of the master association, but there is a stand-alone condo association, a stand-alone association for the houses, and a stand-alone association for the seven units. All the associations contribute to the master association.

B. Brigham asked for more details on the lots themselves. B. Grabowski stated the lots created arbitrary lines around the building. It's a foot print lot, essentially the lines around the foundation, except the front and back. B. Brigham asked what the depth of the building are. The buildings are 48' deep, and 25.25' wide. B. Grabowski stated the lots will encompass the decks and the porches but the width of the lots are the exact building width.

J. Jewett asked if the rest of the land becomes common land. B. Grabowski confirmed.

J. Jewett inquired if the road and the cul-de-sac are in place. B. Grabowski stated the road was but the cul-de-sac was not.

B. Perron stated the essential size and layout of the units has not changed. The only change is subdividing the units off.

K. Drennen asked if the project required an Act 250 amendment. B. Grabowski stated the amendment is only to the Wastewater Permit and is administrative in nature.

B. Thompson wondered how you buy into an association three ways. B. Grabowski said budgets are created and followed. State statute gives legal authority to each association. B. Perron asked if the fees will change for the people who have already purchased their units. B. Grabowski stated the fees will not change.

B. Brigham asked if the association will carry the insurance on the building. B. Grabowski confirmed.

B. Perron wondered if the association was a part of the stormwater permit. B. Grabowski confirmed. He stated there are several stormwater ponds and the maintenance of each pond is broken up between associations.

B. Perron asked if the two units that she had given COC's to were owned units or rented units. B. Grabowski stated the units are rented and a third unit would also be rented.

**Application of Eric Patno & Lindsey Larivee requesting Conditional Use Approval of a residential PUD in accordance with Sections 402, 802 and 804 of the St. Albans Town Unified Development Bylaws. The property is located at 4579 Lower Newton Road in the Rural District and owned by the Applicants.**

The application was represented by Eric Patno and Lindsay Larivee. The applicants were sworn in.

E. Patno explained he and L. Larivee had just purchased the parcel from Ms. Paquette a few weeks ago. The ten acre lot contains a house and outbuildings, including a 36x32 barn that is roughly 15-20 feet from the house. The applicants are proposing to convert the barn into two apartments for family members to live in and subdivide the ten acre lot into two five acre lots. They would remain on one of the five acre lots and sell the second lot to their parents who will construct a new single family unit. The applicant's goal is to keep family members within close proximity of each other.

B. Perron suggested the applicants apply for Conditional Use Approval to see if the Board would have any hesitations about the Site Plan Amendment proposal that would follow their Conditional Use Approval. B. Perron explained a Site Plan Approval would be needed as well as waivers for setbacks. The applicants didn't want to spend money on engineering plans if the Board was cautious of the applicants intentions.

B. Brigham asked B. Perron if the use was approved in the district. B. Perron stated a PUD was an allowed Conditional Use.

E. Patno stated M. Jarvis from the State of Vermont had done a site visit. He explained that two septic systems could be put in if the proposed subdivision took place. There is room to put a septic in for the proposed single family home to be built after the subdivision as well as room for a system for the proposed duplex. The applicant would have two options: separate tanks with two side-by-side leach fields, or two completely separate systems.

J. Jewett asked for confirmation the duplex would not be connected to the current homes. E. Patno replied the duplex would have stand-alone septic, power, and water.

J. Jewett wondered what the proposed square footage per unit would be. E. Patno explained the downstairs unit would have one bedroom and be approximately 700 square feet. The upstairs unit would have two bedrooms and be approximately 800 square feet.

J. Jewett inquired if any external changes to the building were proposed. E. Patno was considering adding a deck for egress on the second story apartment. B. Perron reminded the Board a Site Plan Approval would be required and the Board could review any plans then.

A. Omartian wondered when the Site Plan would be available. E. Patno stated as soon as possible upon Conditional Use Approval from the Board.

**Application of the Benevolent Order of Elks Lodge 1566 requesting Site Plan Amendment in accordance with Sections 404, 410 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 44 Gricebrook Road in the Mixed Residential/Commercial District within a Designated Growth Center and owned by the Applicants.**

Shawn Trudo represented the application. J. Jewett disclosed that he and Shawn worked for the same company but had not discussed the project. He stated if anyone on the Board was uncomfortable he would happily recuse. The Board was not concerned and allowed J. Jewett to discuss the application. S. Trudo was sworn in by the clerk.

S. Trudo explained to the Board that in 2005 a wood patio was approved by the DRB and never completed. The Elks Club is now proposing to do a cement patio outside. The patio area and some green space will be fenced in and used to congregate, play horseshoes and enjoy sunshine. A dumpster pad will also need to be approved.

B. Brigham asked if the dimensions of the previously approved patio had changed. B. Perron stated it was a little larger. B. Brigham asked if the proposed patio would still fit within the setbacks. B. Perron confirmed. She also stated that the dumpster pad would be moving to accommodate the new patio.

S. Trudo stated where the dumpster pad is currently will become green space.

B. Brigham asked if there was a shed on the property. B. Perron confirmed stating it was previously approved.

M. McKennerney asked if there would be screening around the dumpster. S. Trudo was unsure but was open to considering so members wouldn't have to see the dumpster.

### **Deliberative Session**

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

### **Application of Roger & Nancy Dussault and Mill River Holding, LLC requesting Site Plan and Conditional Use Approval**

**MOTION: B. Thompson made a motion to approve the Application of Roger & Nancy Dussault and Mill River Holding, LLC requesting Site Plan and Conditional Use Approval of a Restaurant and Light Industrial Use in accordance with Sections 405, 802 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 10 Beauregard Drive in the Commercial District and owned by Roger & Nancy Dussault with the following conditions: 1) the hours of operation shall be from 11:00 a.m. to 11:00 p.m. and 2) to accept the amended findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated July 14<sup>th</sup>, 2016. K. Drennen seconded the motion. All in favor, none opposed, motion carried.**

### **Application of Pineview Investments, LLC requesting Sketch and Final Plat of a 7 lot subdivision within a PUD, Site Plan Amendment, and Waivers**

**MOTION: J. Jewett made the motion to allow the Zoning Administrator to review the proposed association documents with the Town Attorney and discuss the Boards concern's. M. McKennerney seconded the motion. All in favor, none opposed, motion carried.**

**MOTION: J. Jewett made a motion to continue the Application of Pineview Investments, LLC requesting Sketch and Final Plat of a 7 lot subdivision within a PUD, Site Plan Amendment, and Waivers to the Development Review Board hearing of August 11<sup>th</sup>, 2016 to request the following: the agenda for the July 14<sup>th</sup> hearing shall be forwarded to the current condo owners who shall be warned of the August 11<sup>th</sup> hearing and acknowledge their receipt of the agenda with a signature or a certified mailing receipt. K. Drennen seconded the motion. All in favor, none opposed, motion carried.**

### **Application of Eric Patno & Lindsey Larivee requesting Conditional Use Approval**

**MOTION: A. Omartian made a motion to approve the Application of Eric Patno & Lindsey Larivee requesting Conditional Use Approval of a residential PUD in accordance with Sections 402, 802 and 804 of the St. Albans Town Unified Development Bylaws. The property is located at 4579 Lower Newton Road in the Rural District and owned by the Applicants with the following conditions: 1) to accept the proposed findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated July 14<sup>th</sup>, 2016. T. Stanhope seconded the motion. All in favor, none opposed, motion carried.**

### **Application of the Benevolent Order of Elks Lodge 1566 requesting Site Plan Amendment**

**MOTION: K. Drennen made a motion to approve the Application of the Benevolent Order of Elks Lodge 1566 requesting Site Plan Amendment in accordance with Sections 404, 410 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 44 Gricebrook Road in the Mixed Residential/Commercial District within a Designated Growth Center and owned by the Applicants with the following conditions: 1) the proposed concrete dumpster pad will be constructed as previously proposed and 2) to accept the proposed findings of fact and conclusions of law listed in the**

Zoning Administrator's staff report dated July 14<sup>th</sup>, 2016. J. Jewett seconded the motion. All in favor, none opposed, motion carried.

**Minutes**

MOTION: B. Thompson made a motion to accept the minutes from the DRB meeting dated June 23<sup>rd</sup>, 2016. K. Drennen seconded. All in favor, none opposed, motion carried.

**Adjournment**

MOTION: J. Jewett made a motion to adjourn the DRB meeting at 9:05 p.m. M. Mckennerney seconded. All in favor, none opposed, motion carried.

**Respectfully Submitted,  
AJ Johnson, Administrative Assistant**

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Brent Brigham, Chair

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Jeff Jewett, Vice Chair

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Bruce Thompson, Clerk

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Karen Drennen

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Mike McKennerney

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Arthur Omartian