

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, November 10th, 2016
6:30 p.m.**

On Thursday, November 10th, 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, Tom Stanhope, Mike McKennerney, 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 Andrew & Chandra Walsh requesting Conditional Use approval to construct a seawall in accordance with Sections 400, 407 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 44 Hojaboom Road in the Lakeshore District within the Flood Hazard Overlay District and owned by the Applicants.

The application was represented by M. Walsh, brother of the applicant. M. Walsh was sworn in by Clerk, B. Thompson.

M. Walsh explained his brother's intention to construct a seawall in front of his camp which would fall in line with the neighboring seawall. The proposed seawall will begin at 98' elevation or above and will be constructed by a local excavating company.

The existing ledge is caving and eroding and will be replaced with large natural stones as outlined in the submitted pictures. The seawall will have steps with a landing about half way down the wall and removable stairs will go the rest of the way to the beach.

B. Brigham asked if there was currently a seawall or stone wall. M. Walsh explained the previous owner had tried to make a wall with items he had laying around such as blocks, bricks, and stone. The structure is now crumbling and falling apart. The proposed structure will be a wall, leaned back at a slight angle with fabric and shot rock fill.

B. Thompson asked for clarification where the proposed seawall will sit. M. Walsh explained the property has 53 feet of frontage and the wall will run along the entire 53 feet with a return along the neighbor's property.

B. Brigham asked if an elevation certificate had been obtained to certify the proposed 98' starting elevation of the wall. A signed form was provided from an engineer of SD Ireland but the Board stated an elevation certificate would be required upon completion of the sea wall.

J. Jewett asked if this would have any impact on the neighboring property. M. Walsh did not foresee any problems

Application of MSW Trust requesting Conditional Use approval to remove & replace a seawall in accordance with Sections 400, 407 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 133 North Road in the Lakeshore District within the Flood Hazard Overlay District and owned by the Applicant.

The application was represented by M. Walsh, owner, who was sworn in by the Clerk.

M. Walsh explained he had received a permit to construct a gabian seawall years ago. The wall was constructed at 98' elevation but was not constructed with a good enough base and has been washing out and breaking apart despite the wire used. The existing seawall will be torn out and a similar wall will be constructed approximately 80' along the shoreline. The wall will be angled to protect against large waves and ice action.

B. Thompson asked what M. Walsh would do with the stones from the existing wall. M. Walsh explained he would reuse some of the stones for his seawall and some for his brother's seawall.

J. Jewett asked if any additional filling would be used. M. Walsh stated the wall would be replaced exactly the same with the addition of extra stones behind the wall to protect against splashing.

J. Jewett asked if some of the lawn would need to be dug up. M. Walsh confirmed.

J. Jewett asked what the elevation at the top of the wall was proposed to be. M. Walsh stated it would be between 100' and 101' elevation.

Application of Mylan Technologies, Inc. requesting Site Plan amendment to construct an addition to the existing warehouse in accordance with Sections 406 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 700 Industrial Park Road in the Industrial District and owned by the Applicant.

The application was represented by D. Woolridge of Cross Consulting Engineers, and John Jorschick and Roberto Torres of Mylan Technologies. B. Brigham asked if anyone in the audience was looking to obtain Interested Party Status. E. Ciemniewski explained he was representing Teknor Apex as an abutting business and did wish to receive Interested Party Status.

MOTION: K. Drennen made a motion to grant Interested Party Status to Eric Ciemniewski, representative of Teknor Apex as an abutting business. J. Jewett seconded. All in favor, none opposed, motion carried.

D. Woolridge asked if the Board would accept revised plans. He explained the proposed building was being shifted by about ten feet and the plans originally submitted did not reflect that. Approval had been received from the Police and Fire Department regarding the proposed change. The Board accepted the revised plans.

D. Woolridge explained the parcel is approximately 26 acres with two existing connected buildings used by Mylan for storage. The proposed building will be approximately 41,135 square feet. A fire lane will be constructed in accordance with the fire code and has been designed to accommodate a large fire truck turning around.

The proposed building will impact 2,300 square feet of Class II wetlands and half an acre of the wetland buffer. The applicant will need to pursue a State permit to grant permission to build on this footprint.

B. Brigham wondered if the State generally grants such permits. D. Woolridge was under the impression they would. He stated the impact was made as minimal as possible while being able to fit the Fire Lane and turn around area and he thought that would be appreciated by the State.

B. Thompson asked if the building was in the wetland buffer also or if it was just the Fire Lane. D. Woolridge confirmed the building is partially within the wetland buffer. B. Thompson wondered if that was why the plans were changed to reflect the building moving over by 10 feet. D. Woolridge stated moving the building helped squeeze the Fire Lane in, which at a minimum, had to be twenty feet from the building.

There are sixteen parking spaces at the existing Building 1, no additional parking is being proposed. The building will need to tie into City water as significant water service for a sprinkler system will be required. The water line in the Industrial Park Road isn't large enough to provide the water needed and there for a capped 12 inch line under Benoit Drive will be tapped in to. The pipe will run along the back of the property and enter in the rear of the building. D. Woolridge added that running a pipe down Industrial Park Road was an option, and would have been about the same distance as running the pipe from Benoit Drive, but a neighboring property would need to be crossed to do so.

B. Perron inquired if the roadway would need to be cut. D. Woolridge explained that there is existing water services that cross the road now and the roadway shouldn't need to be cut, however, Benoit Drive is a private road and if the applicant needs to cut it, they will. B. Brigham asked if the pipe was stubbed when they put it in. D. Woolridge stated they believed that was the case.

K. Drennen asked for confirmation that no additional parking was being proposed. D. Woolridge explained the existing building has 8 employees and 16 parking spaces and more spaces did not seem necessary. The proposed building will only add 2 additional employees.

D. Woolridge shared a grading and utility plan. He stated the proposed building will step down about nine inches from the existing building. Contours around the building will help to prevent the building from encroaching on the wetlands even further.

D. Woolridge showed the proposed stormwater pond that will discharge into the ditch that runs along Industrial Park Road and into Rugg Brook. It will be sized for the expansion as well as some of the Fire Lane. B. Brigham asked if the storm drains and catch basins were presently there. D. Woolridge stated the proposed drains are not already there but pointed out on the Site Plan where there was an existing drain.

D. Woolridge reiterated that the pond will only collect stormwater from the Fire Lane and some of the grassed area below building two. The roof drainage from the proposed expansion will be collected internally and piped into the system. B. Brigham asked if the existing catch basins are proposed to go into the pond. D. Woolridge stated they will bypass the pond. B. Brigham wondered why they won't be guided into the pond. D. Woolridge explained they did not have the space. The proposed pond is as large as the site will allow for without further encroaching on the wetlands. There is also a significant grade of as much as twenty feet around the pond. B. Brigham inquired if the Town owned a pond. D. Woolridge pointed out the overflow area from the pump out station but added there is no stormwater pond in that area. B. Brigham wondered if the State would require the applicant to make provisions to treat existing stormwater. D. Woolridge explained that they are piping into an existing system and therefore only required to treat around 20% of the stormwater. He added that in the future they may ask applicants to treat existing stormwater. As of right now, the proposed pond will comply with the State.

Several new wall pack lights are being proposed on the perimeter of the building as well as utilizing existing lighting on other buildings. A lot of lighting is necessary due to security needing to be able to see. Two new trees are being proposed.

J. Jewett inquired how high the proposed building would be. D. Woolridge stated the building would be roughly 45' high and the lights would be roughly 20'. J. Jewett asked how far the light would disperse. D. Woolridge expected the light to cast roughly 50-60 feet but stated it would not reach the property line.

J. Jewett wondered why the building required such a heavy sprinkler system. J. Jorschick stated the class of materials being stored in the building were highly flammable. He added that the materials are not explosive.

J. Jewett asked if there was access all around the building in the case of a fire. D. Woolridge explained there were flat areas that could be walked on and doors to enter and exit but there was not an area that could be accessed by a vehicle. B. Perron added that the Fire Chief was aware of this but due to the large volume of sprinklers was not concerned.

B. Thompson stated the Town required 20 parking spaces for a warehouse of the proposed size. D. Woolridge explained there was not enough room to put the spaces where they make sense. Additional parking could be added but it would be roughly 500 feet away from the proposed building. D. Woolridge stated he had requested a parking waiver.

B. Thompson asked what the projected building materials would be. J. Jorschick thought the building would be a prefab building composed of metal, high beams, and concrete. The architectural plans are currently around 30% complete.

B. Brigham opened the discussion to the Interested Party and wondered if he had any questions. E. Ciemniowski asked if the materials being stored would be toxic in the event of a fire. J. Jorschick responded that most materials were toxic if engulfed in flame such as plastic pallets and if the building were to become consumed in flame then yes, it could qualify as toxic.

B. Brigham asked what kinds of pharmaceuticals were being stored. J. Jorschick replied that raw materials were being stored.

B. Brigham inquired if the larger warehouse would have more truck traffic. J. Jorschick stated there are around 2 trips per day with the existing warehouse and he projected 2 additional trips per day with the proposed warehouse.

B. Thompson asked if the building would act as storage for the main plant. Would materials be stored or finished product. J. Jorschick stated finished product would not be stored, only raw materials.

K. Drennen asked what shift the warehouse employees would have. J. Jorschick stated the employees would have eight or ten hour shifts and security would be active at night.

Application of Mill River Holding, LLC requesting Site Plan Amendment in accordance with Sections 405 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 10 Beaugard Drive in the Commercial District and owned by Roger & Nancy Dussault.

The application was represented by David, Joyce and George Fitzgerald. The applicants were sworn in by the Clerk.

G. Fitzgerald explained Mill River Holding, LLC was requesting Site Plan Amendment to meet the requirements of Act 250. In order to obtain approval, the State is requesting the applicants put sidewalks in along Beaugard Drive and Lake Road, within the Town and State right-of-ways respectively.

G. Fitzgerald has had discussions with Town Manager, C. Johnson. C. Johnson wrote a letter to the State stating that the Town supported the installation of the Lake Street sidewalk but preferred Mill River Holding to provide an easement and letter of credit to construct the Beauregard Drive sidewalk at a future date. The Town is working on developing a Sidewalk Master Plan and is trying to avoid the “cookie cutter” approach of putting sidewalks on every road frontage.

B. Brigham asked where the proposed Lake Street sidewalk would run along. G. Fitzgerald replied the sidewalk would run from Beauregard Drive to the Harley D property.

B. Thompson asked if a ditch was in between the properties. G. Fitzgerald confirmed. He added there were also other complications, such as the possible removal of a tree.

A. Omartian asked what the repercussions of not approving the Site Plan would be. G. Fitzgerald stated the application would be delayed. B. Perron explained the Board was not approving the sidewalks in the Right of Way, rather they were approving the removal of the parking space to accommodate the sidewalk and the portion of sidewalk on private property.

K. Drennen asked what the estimated cost of the sidewalk would be. G. Fitzgerald estimated \$15,000, around 20% of the construction cost so far. He added that it had created a hardship for their business and losing a parking space and a tree was disappointing.

Deliberative Session

MOTION: J. Jewett made a motion to enter deliberative session at 7:45 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.

MOTION: M. McKennerney made a motion to come out of deliberative session at 8:00 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.

Application of Andrew & Chandra Walsh requesting Conditional Use Approval

MOTION: B. Thompson made a motion to approve the Application of Andrew & Chandra Walsh requesting Conditional Use approval to construct a seawall in accordance with Sections 400, 407 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 44 Hojaboom Road in the Lakeshore District within the Flood Hazard Overlay District and owned by the Applicants with the following conditions: 1) the applicant provide a confirming elevation certificate upon completion of the seawall and 2) to accept the findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated November 3rd, 2016 . A. Omartian seconded the motion. All in favor, none opposed, motion carried.

Application of MSW Trust requesting Conditional Use Approval

MOTION: B. Thompson made a motion to approve the Application of MSW Trust requesting Conditional Use approval to remove & replace a seawall in accordance with Sections 400, 407 and 802 of the St. Albans Town Unified Development Bylaws. The property is located at 133 North Road in the Lakeshore District within the Flood Hazard Overlay District and owned by the Applicant with the following conditions: 1) 1) the applicant provide a confirming elevation certificate upon completion of the seawall and 2) to accept the findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated November 3rd, 2016 . A. Omartian seconded the motion. All in favor, none opposed, motion carried.

Application of Mylan Technologies, Inc. requesting Site Plan Amendment

MOTION: K. Drennen made a motion to grant Interested Party Status to Eric Ciemniewski, representative of Teknor Apex as an abutting business. J. Jewett seconded. All in favor, none opposed, motion carried.

MOTION: M. McKennerney made a motion to continue to January 26th, 2017 the application of Mylan Technologies, Inc. requesting Site Plan amendment to request the following: 1) Elevation and floor plans of the building, 2) confirmation that the stormwater plans will meet the MS4 permit requirements, and 3) a new Site Plan that shows the 20 parking spaces as required by the Town. K. Drennen seconded the motion. All in favor, none opposed, motion carried.

Application of Mill River Holding, LLC requesting Site Plan Amendment

MOTION: K. Drennen made a motion to approve the Application of Mill River Holding, LLC requesting Site Plan Amendment in accordance with Sections 405 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 10 Beaugard Drive in the Commercial District and owned by Roger & Nancy Dussault with the following conditions: 1) the decision is only relevant should the State of Vermont require the sidewalk be built and 2) to accept the findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated November 3rd, 2016. M. McKennerney 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 October 27th, 2016. J. Jewett seconded. All in favor, none opposed, motion carried.

Adjournment

MOTION: K. Drennen made a motion to adjourn the DRB meeting at 8:51 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, Clerk

Karen Drennen

Mike McKennerney

Arthur Omartian

Tom Stanhope