

SUBJECT TO DRB APPROVAL

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, December 15th, 2016
6:30 p.m.**

On Thursday, December 15th, 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, and Zoning Administrator, Becky Perron

Absent: Tom Stanhope

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

New Business:

Application of Harbor View St. A LLC requesting Site Plan Amendment for footprint lots in accordance with Sections 402, 403, 803 and 804 of the St. Albans Town Unified Development Bylaws. The PUD is located off South Main Street in the Residential and Rural Districts and owned by the Applicant.

Developer Bill Fitzgerald and Engineer Karl Marchessault of O'Leary-Burke represented the application. The applicants were sworn in by Clerk, B. Thompson.

K. Marchessault stated the applicant was requesting previously approved units 1-46 be reviewed as footprint lots. The applicant intends to keep 25 feet between all features of the duplexes and will maintain the 30' front yard setback for Units 1A & 1B through 27A and 27 B, and the front yard setback of 40 foot to the centerline of the road for Units 28A & 28B through 46A & 46B.

The applicant is also proposing the Zoning Administrator have the ability to grant permits for the proposed duplex townhouses regardless of design, providing the previously approved setbacks are met. Each duplex unit shall have up to 2' of land around building features. No additional changes are proposed.

B. Fitzgerald explained footprint lots are easier to obtain financing for through Freddy Mac and Fanny Mae as opposed to condo loans. The VA loan is a huge undertaking unless the unit is on a footprint lot, he stated.

B. Brigham wondered if lots 28 and 29 were always large? K. Marchessault reiterated the only change was to make footprint lots, there were no additional changes.

B. Brigham asked if documents for the common land were in place. B. Fitzgerald confirmed that they were.

K. Marchessault explained as units sold a mylar would probably need to be filed.

J. Jewett wondered if the proposed changes would affect any units. B. Fitzgerald stated there were two units being built which shouldn't be affected.

B. Brigham asked about the proposed duplex townhouse designs. B. Fitzgerald explained there were three different designs.

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Chair, B. Brigham called upon STORE Capital and BBHS, Inc. to hear their application. The applicant was not yet present. The Board agreed to hear the continued application of St. Albans Bay Lake Homes LLC next.

Continued Business:

Continued application of St. Albans Bay Lake Homes LLC requesting Conditional Use and Site Plan Approval for a Marina use in accordance with Sections 403, 407, 409, 802 and 803 of the St. Albans Town Unified Development Bylaws. The properties are located at 90 Georgia Shore Road and Chubb Street 192 Next To in the Residential District within a Flood Hazard Overlay and St. Albans Bay Overlay Districts and owned by the Applicants.

The application was represented by property owner, Chuck Lowe, engineer Mike Burke, and attorney for the applicant, Anthony Iarrapino.

F. Taft and B. Fairbanks received Interested Party Status at a previous meeting and returned to hear updated plans.

M. Burke stated that at a previous meeting the Board had requested the applicants provide more information and meet certain stipulations. He shared parking plans which included the addition of 4 proposed "No Parking" signs along the frontage of the parking lot on both sides of the road. He stated if the Board requested more it would not be a problem.

Plans showing the proposed 4' sidewalk alignment were shared but M. Burke explained details would still need to be worked out with the Town regarding maintenance and liabilities.

B. Brigham asked if the last portion of the sidewalk by the boulders would be in the State Right of Way (ROW). M. Burke stated he had not contacted the State yet but did not think they were proposing the sidewalk within the State Right of Way. He indicated it would be in the applicant's best interest to stay out of the State ROW and the sidewalk could be moved if necessary.

B. Brigham asked to what standard the sidewalk would be built since the Town had not developed a standard at this time. B. Perron stated since the sidewalk was in the Town ROW the Director of Public Works would probably be responsible for implementing a standard for this project. M. Burke assumed the Town would be okay with a paved surface but was unsure if asphalt or concrete would be preferred. He added that asphalt has a lower life cycle cost than concrete.

M. Burke shared a plan showing the relationship of the Marina vs the Bay. The plan showed the existing Town dock as well as the fuel off load dolphin. The dolphin structure is roughly 6'x8', appears to be filled with rock, and sits about 80' in front of the southeastern side of the docks.

B. Brigham wondered if the applicant had pursued further discussions about the feasibility of removing the dolphin. M. Burke stated there was an ongoing discussion with the Army Corp of Engineers; if it could not be removed safely it would need to be buoyed as per the Fire Chief, B. Cross. M. Burke shared his opinion that the dock system would act as a marker to the dolphin as opposed to it being in the open. A. Iarrapino added the minimal commitment to Chief Cross is to buoy the structure but the applicant still intends to pursue removal; there may be environmental concerns with removing the structure.

M. Burke pointed out the dimensions added to the proposed dockage. He shared the 733' to 95.5' contour and added the dock was 241' at the breakwater. There is a series of bays which add up to about 154 berths.

The landscape plan and trash and recycling areas were reviewed. The dumpster will be in an existing shed and will be managed by marina personnel. Two dedicated emergency service spaces with signage at 90 Georgia Shore were shown.

A revised plan showed the zoning district correctly labeled as "Residential" instead of "Lakeshore", as it had been labeled on a previous plan. A previous plan also showed 2 lights in the parking area; the new plan was corrected to show 4 lights. The original number of trees proposed has now doubled from 18 to 36 along a neighboring boundary line. A floor plan of the ship store was shared.

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Copies of plans were shared with Rebecca Pfeiffer, Floodplain Manager. R. Pfeiffer wondered how the fuel tanks would be anchored and protected in the event of high floods, winds, or a storm surge. The 2000 gallon tank on an existing patio pad, which will be replaced by a concrete pad, and 1000 gallon tank on a slab will be installed at the 90 Georgia Shore Road property. M. Burke explained he and his team are not fuel system designers but the system will be inspected by the State and follow all EPA guidelines. The tanks will be double wall, above ground, fire resistant and leak protectant. The top of the 12" concrete slab sits at 102'. The bottom of the tank will sit at 104.2' elevation; above the highest flood level the Town has seen recently. The tank will be bolted to the slab. Any debris washed in by waves will be disrupted by a barrier made up of 8x8 posts 4' high, and 3 inch planks with a screening fence.

R. Pfeiffer also shared concern about the fuel lines. A specially constructed utility chase will lead to the dock systems which will protect the lines. The electric lines, fuel lines, and wastewater lines can all be accessed and disconnected from a structure on the land.

B. Thompson wondered what the screening around the fuel tanks would be made of. M. Burke explained trees, a wooden fence, and a debris barrier would be used. He admitted it wouldn't be pretty, but stated it would be effective.

B. Thompson asked how far into the property the flood plain extended. M. Burke stated the flood plain ended roughly 3/10 of a foot before the building, based on the datum used.

J. Jewett inquired what the actual floor measurement was at the lowest point. M. Burke explained with the datum used the floor measured at 102 feet, the flood plain ended at 101.6 feet.

M. Burke also stated R. Pfeiffer had questions about the wastewater holding tank. She was concerned it might float or leak in the event of a flood or storm surge. The wastewater tank is adjacent to the fuel tank and will be a 4,000 pound heavy duty septic tank. The tank will be held down by 8,000 counter weights on each end and will have a total downward force of around 80,000 pounds. The top of the tank sits at 103.5 feet and has cast iron man holes with seals.

A. Omartian asked if the tank will be pumped out. M. Burke confirmed. A. Omartian inquired if the tank would be pumped out if there was a potential flood scenario. M. Burke stated the tank could be pumped out for a flood, but typically the tanks are filled to weigh them down.

B. Brigham wondered if an alarm would alert staff that the holding tank was full. M. Burke confirmed there would be an alarm and added the tank would be ventilated with charcoal filled vents.

M. Burke specified a shelter would be constructed over the wastewater pump off equipment and fueling equipment on the dock system. The shelter will give some protection against wind and rain, but is not a structure intended to be occupied.

M. Burke noted the cost opinion on the work, based on the items added, had gone up about \$51,000. The total amount of the project is now projected to be around \$250,000.

A. Iarrapino added that R. Pfeiffer had commented about the marina office and ship store and her concerns about the flood elevation, but he stated a Flood Hazard review would not be necessary due to the fact the building is above the flood plain and is an existing building without substantial interior renovations being done. B. Perron stated she would still require an estimate of the interior work being done for her records.

J. Jewett wondered how the dock system works if the lake levels can vary by 10' or more. M. Burke explained the docking system is adjustable and chains and rope-like elastic bands can be tightened or loosened depending on the lake level.

R. Fairbanks, Interested Party, had provided a letter to the Board outlining his concerns with the proposed marina. B. Brigham wondered if R. Fairbanks had anything additional to add. R. Fairbanks shared concerns of the breakwater, he did not remember it being a part of the application. The Board confirmed it was previously applied for and was not a new detail. R. Fairbanks reiterated the Town had asked the voters in the past if they wanted to see a marina in the Bay and they had voted it down. B. Brigham reminded R. Fairbanks the taxpayers had voted down the Town using money for a marina, this was a private application and a private source of money and therefore would not be put up for a vote. R.

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Fairbanks shared concerns the Bay can be fierce with large waves, a lot of wind, and huge ice chunks. He was not confident the docks would be able to withstand the various weather. While he appreciated the provisions provided for garbage disposal, R. Fairbanks did not think three employees would be capable of performing all the jobs to be done, including garbage clean up. He also added in a couple years food scraps would not be allowed in the trash and an employee would need to dispose of all food scraps separately. He requested a noise limit, adding the local residents did not want to see and hear the dock system become a party spot. Lastly, R. Fairbanks was worried about a potential fire or fuel spill, adding one employee would not be capable of containing any potential hazards.

F. Taft agreed with R. Fairbanks assessment that the docks would not be able to withstand the variety of weather conditions in the Bay. He was also worried the boats docked at the marina would be a potential pollution problem. He was concerned about oil and fuel in the Bay, as well as runoff from the marina parking lot. He added the fuel dolphin was a part of St. Albans Bay history and should not be removed. He stated he had helped a previous owner remove water from the garage and mud from the basement in flood conditions.

B. Brigham wondered if there had been any further discussion with the Fire Chief. M. Burke stated the applicants had not met with him recently.

B. Brigham inquired if the application were to be approved and move forward, how much enforcement the project would receive from State agencies. A. Iarrapino stated all the agencies have an independent enforcement process. He added the agencies had all been met with early in the process to identify concerns. Based on those conversations, the applicant had scaled back the original plans. The State agencies are compliant driven and there is oversight before, during and after construction. If the applicant does not construct what is permitted there are fines and the applicant may have to stop working on the project.

B. Brigham asked how many agencies the applicant is working with. A. Iarrapino stated the applicant was working with several divisions of the Department of Environmental Conservation, the Army Corp of Engineers, the Department of Public Safety and the Town of Saint Albans. He joked the applicants were aware they did not want to go up against the force of the Federal Government.

C. Lowe stated the project was a huge investment. As an applicant he wanted the project to be the best it could be and did not want to put his name on something that wasn't safe or well built. He added that this would be the newest marina in the area and would have all the latest and greatest equipment.

B. Brigham wondered who was being contracted to do the project. C. Lowe stated Dock Doctors were currently working on the permitting process and would probably be hired for the mooring blocks and design work.

The dock system will be protected by ice eaters which should leave the water open around the docks during winter. M. Burke stated a winterization plan would need to be provided to the Army Corp of Engineers. The area will have to be well marked to alert snowmobilers, skaters and ice fishers of potential hazards.

B. Brigham asked if the breakwater was concrete and foam filled. M. Burke stated there were several designs but it will extend into the water 6 to 8 feet and be very heavy. The objective is when the wave hits, it will allow the wave to go under and be several smaller waves when it comes out. The breakwater cannot be rigid or it would rebound the waves and have the opposite effect.

Application of STORE Capital and BBHS, Inc. requesting Conditional Use and Site Plan Approval for a Social Services use in accordance with Sections 405, 802 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 242 South Main Street in the Commercial District and owned by the St. Albans Knights of Columbus.

The application was represented by Tina Plazek and Adam Johnson of BBHS, Inc. B. Brigham asked if anyone in the audience was interested in the application. Debra Morton, abutting property owner, requested Interested Party Status. The applicants and Interested Party were sworn in by the Clerk.

MOTION: B. Thompson made a motion to grant Interested Party Status to Debra Morton as an abutting property owner. K. Drennen seconded. All in favor, none opposed, motion carried.

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T. Plazek explained they are requesting Conditional Use and Site Plan Approval to operate a social services center that provides medication assisted treatment to those dependent on opiates.

No renovations will be made to the exterior of the building. The inside of the building will be renovated to create counseling offices and medical service space.

B. Brigham stated the proposed number of trips was impressive, especially the projected morning trips. T. Plazek agreed the number was high, but stated a majority of patients will use public transportation. A local transportation company has agreed to add the location to their stops.

B. Brigham inquired how often the public transportation would stop at the location. T. Plazek estimated every hour or so.

B. Brigham wondered how many patients the clinic would see daily. T. Plazek estimated 150-200 patients daily upon opening the clinic. She added that many patients would come in, receive their medication, and leave. Some patients choose to stay for counseling but a majority just receive daily medicine.

K. Drennen wondered what the hours would be. T. Plazek confirmed the building would be open from 5:30 a.m. until 2:00 p.m. during the week. The busiest period will be from 5:30 a.m. until 8:00 a.m. The clinic is open from 5:30 a.m. until 8:00 a.m. on the weekends. If someone comes in late they will not receive their medication.

T. Plazek stated BBHS, Inc. has been in service since the 70's. They pride themselves on doing the work they do without disruptions to the community and surrounding businesses. The St. Johnsbury and Newport clinics see about 400 patients daily, the Berlin clinic sees around 500 patients daily.

K. Drennen asked what security measures would be in place. A. Johnson confirmed a security guard would be in place and would work inside as well as outside; the guard's primary function will be to keep the flow of patients in order and make sure no one is lingering in the parking lot. A. Johnson added the clinic is overseen by the DEA and therefore well thought out security measures will be in place.

A. Omartian wondered if the medicine will be kept in a safe. A. Johnson confirmed, stating the safe weighs over 2,500 pounds and has an alarm system. The alarmed safe system will be contained in an alarmed room as well as additional alarms at the doors to the building. Panic buttons are also proposed to be installed.

B. Brigham asked what would be in the downstairs portion of the building. T. Plazek stated the downstairs would consist of administrative personnel and storage; patients will not be permitted to go downstairs. B. Brigham wondered why floor plans had not been submitted. The applicant intends to forward plans to the Zoning Administrator.

A. Omartian inquired if the Knights of Columbus would be in the building also. The applicant confirmed they would not. K. Drennen asked if the building would be sold or leased. The applicant confirmed the sale of the building if they could obtain the necessary permits.

A. Omartian asked if patients typically weaned off the medication. T. Plazek stated that it depended on the patient and how long they had been using opioids. Some were able to wean off it while others would be dependent on it indefinitely. She compared it to diabetics who require insulin. The primary goal is to help patients function so they can remain productive citizens.

B. Brigham asked if each patient will require daily treatment. T. Plazek confirmed. B. Thompson questioned if the other clinics saw a lot of patients walking to treatment. T. Plazek reiterated GMTA's commitment to making their clinic a stop and thought the bus option would sway patients from walking.

B. Thompson wondered if there were similar clinics in Chittenden County. T. Plazek confirmed, stating a lot of our community members travel to Chittenden County daily to receive their treatment. She added that 40 community members travel to Newport every day to receive medication.

B. Thompson shared concerns that the proposed location has 30 parking spaces and the clinic is proposing 120 trips per day. T. Plazek stated the general time in the building is under 5 minutes with many patients carpooling or using public transportation. She added 2 p.m. is the final call for medication and there are never night meetings at the location.

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B. Brigham asked Erin O'Keefe, Vermont Health Department employee, if she had anything to add. She stated she works with BAART at 7 or 8 of their other locations and monitors establishments by other origins. E. O'Keefe stated BAART has a history of very smooth operating clinics and she was hopeful opening a clinic in this area will help community members who are traveling to other locations as well as those who are not yet receiving help. She explained that the State has a bid process which selects which program will be best for the community and she agreed BAART would be best for Saint Albans.

B. Brigham asked if other areas had clinics close to neighborhoods and small children. T. Plazek confirmed, adding the clinic staff had ongoing conversations with neighbors and addressed all concerns as they pop up. She stressed that the patients value their treatment and typically do not do anything to jeopardize their spot in the program.

J. Jewett wondered if confrontations were typical in other clinics. A. Johnson stated that in 7.5 years he could only think of a handful of incidents that were serious and couldn't be worked out with speaking to the angry party.

A. Omartian wondered if the patients were court ordered into the program or if they were referred. T. Plazek stated some were court ordered but most were referred by doctors, DCF, or other social service agencies.

J. Jewett asked what type of training employees had. The applicant stated RN's and LPN's dispensed medications and the dispensing was overseen by a medical director. The counselors are master level clinicians who are either working toward their licenses or have already obtained them.

B. Brigham inquired how many staff members would be present. T. Plazek stated to begin with 2 counselors, 1 dispensing nurse, full time business staff to check patients in and a full time security guard would be present. A doctor will come in a set amount of hours per week.

B. Brigham wondered if an individual has to check in every time they enter the building. T. Plazek confirmed.

John Billings of NWMC shared that he had worked at the hospital for 27 year and also lives in the community. Based on a survey performed annually the last six years has shown the highest community health need is substance abuse treatment and mental health. During the bidding process the hospital teamed up with the Howard Center and submitted a bid; however they were thrilled to hear BAART was interested. He stated that the Howard Center and Hospital was willing to learn how to perform this type of treatment but BAART has been doing this for a long time and the medical community was very supportive of their mission. He stated this is different from what the Howard Center offers the community; the Howard Center is very good at what they provide but they do not provide this level of care to opioid dependent patients.

B. Brigham asked D. Morton, Interested Party, if she had anything to add. She stated her property is located on the side of the Knights of Columbus building. Her house is secluded with woods alongside the property, fields, and the railroad tracks. When the Knights of Columbus would rent out their hall people would come into her woods and drink and smoke. She was concerned people walking around the area might confuse her driveway as a path to the railroad and end up on her property. She does not currently have a fence. She also had some concerns about traffic adding that some mornings it took 5 minutes to get out of her driveway. T. Plazek responded what helps the BAART program be successful is flow. People coming in, getting their meds, and leaving. That is the security guards main task. She encouraged D. Morton to approach the clinic with any concerns and stated they would do what they could to encourage people to stay off her property.

A. Omartian wondered if the building could eventually be used as a meeting area for things like AA. T. Plazek did not foresee that happening due to the fact that one of their staff members would need to be present but added if there was a real need for it they would consider it.

B. Perron wondered if the business was for profit and how the State was involved. E. O'Keefe stated that the State had to approve all Medicaid providers.

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Deliberative Session

MOTION: K. Drennen made a motion to enter deliberative session at 8:45 p.m. B. Thompson seconded. All in favor, none opposed, motion carried.

Application of Harbor View St. A LLC requesting Site Plan Amendment

MOTION: B. Brigham made a motion to approve the Application of Harbor View St. A LLC requesting Site Plan Amendment for footprint lots in accordance with Sections 402, 403, 803 and 804 of the St. Albans Town Unified Development Bylaws. The PUD is located off South Main Street in the Residential and Rural Districts and owned by the Applicant with the following conditions: 1. The Board approves the creation of footprint lots that will maintain a dimension of two feet beyond the perimeter of all building structures regardless of the configurations of the building and 2. to accept the findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated December 6th, 2016. K. Drennen seconded the motion. All in favor, none opposed, motion carried.

Application of STORE Capital and BBHS, Inc. requesting Conditional Use and Site Plan Approval

MOTION: A. Omartian made a motion to approve the Application of STORE Capital and BBHS, Inc. requesting Conditional Use and Site Plan Approval for a Social Services use in accordance with Sections 405, 802 and 803 of the St. Albans Town Unified Development Bylaws. The property is located at 242 South Main Street in the Commercial District and owned by the St. Albans Knights of Columbus with the following conditions: 1. The Zoning Administrator shall be provided a floor plan and 2. to accept the findings of fact and conclusions of law listed in the Zoning Administrator's staff report dated December 6th, 2016. J. Jewett seconded the motion. All in favor, none opposed, motion carried.

Continued application of St. Albans Bay Lake Homes LLC requesting Conditional Use and Site Plan Approval

MOTION: B. Thompson made a motion to approve the Continued application of St. Albans Bay Lake Homes LLC requesting Conditional Use and Site Plan Approval for a Marina use in accordance with Sections 403, 407, 409, 802 and 803 of the St. Albans Town Unified Development Bylaws. The properties are located at 90 Georgia Shore Road and Chubb Street 192 Next To in the Residential District within a Flood Hazard Overlay and St. Albans Bay Overlay Districts and owned by the Applicants with the following conditions: 1. Copies of all State and Federal permits and approvals shall be forwarded to the Zoning Administrator, 2. An updated letter of approval from the St. Albans Town Fire Chief shall be provided to the Zoning Administrator, 3. A letter of credit in favor of the Town of St. Albans in the amount of \$15,000.00 for a term of three years shall be provided to the Zoning Administrator at the beginning of the project for infrastructure and landscaping, 4. A copy of the final approved Spill Prevention Control and Countermeasure Plan shall be provided to the Zoning Administrator, 5. A certification letter by a registered engineer stating that all components of the approved plans have been completed as per those plans, as well as certification that all project improvements meet FEMA regulations shall be provided to the Zoning Administrator upon completion of the project, 6. The Applicant shall continue to work with the Town of St. Albans for the design, placement and completion of the sidewalk, 7. All components of the project shall be completed prior to the opening of the Marina, and 8. to accept the findings of fact and conclusions of law listed in the Zoning Administrator's amended staff report dated December 6th, 2016. J. Jewett seconded the motion. All in favor, none opposed, motion carried.

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Minutes

MOTION: K. Drennen made a motion to accept the amended minutes from the DRB meeting dated October 27th, 2016 and the minutes from the DRB meeting dated November 17th, 2016. B. Thompson seconded. All in favor, none opposed, motion carried.

Adjournment

MOTION: K. Drennen made a motion to adjourn the DRB meeting at 9:35 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

Karen Drennen

Mike McKennerney

Arthur Omartian