

**MEETING MINUTES**  
**ST. ALBANS CITY PLANNING COMMISSION**  
**REGULAR MEETING VIA TELECONFERENCING**  
**6:00 PM MONDAY, SEPTEMBER 21, 2020**

*Approved October 19, 2020*

**Board Members Present:** Stan Bradeen, Chair; Denise Smith, Vice-Chair; Michael Gawne; Luke Richter; Zac Nuse.

**Board Members Absent:** Amy Paradis

**Staff Members Present:** Chip Sawyer, Director of Planning Development; Wendy-Ayn Coy, Minute Taker.

1. **Open Meeting – Chair Bradeen called the meeting to order at 6:05 pm.**
  1. **Introduction of Attendees – None.**
  2. **Public Comment on issues not on the agenda – None**
  3. **Discuss additions or deletions to the agenda – None**
  
2. **Approval of Minutes – Member Gawne made a motion to acknowledge that the meeting minutes of August 17, 2020, reflect the decisions made by the Commission but that the Commission would like the meeting minutes to be more detailed. Member Smith seconded the motion. The motion passed unanimously.**
  
3. **Public Hearing on proposed amendments to Land Development Regulations –**
  1. **Presentation by Staff -** Mr. Sawyer reviewed the proposed amendments to the St. Albans City Land Development regulations concerning a dwelling unit density bonus for the rehabilitation of blighted homes.
  2. **Public Comment –** Mr. Sawyer presented the public comments that the City had received. He started with the comments that the City received from the Development Review Board.
    - The DRB expects that all of the data given to the City by the applicant would be presented to the DRB for review.
    - The City manager review should be titled an analysis not a recommendation.
    - The DRB would like an inventory of the blighted homes.

Member Gawne agreed with the DRB comments but also wanted the program to be expanded to include functionally obsolete homes. If the home has been vacant for a year it should be classified as functionally obsolete and eligible for the program. He also mentioned a concern that there would be complaints from the neighbors that the property next to them would be eligible but not theirs.

**James Levy –** Mr. Levy submitted his comments to Mr. Sawyer who sent them to the Planning Commission. Mr. Sawyer discussed Mr. Levy's comments with him and they agreed to disagree on some issues. Mr. Levy understood what the intent of the program being proposed was but wasn't crazy about allowing more dwelling units in

Low Density Residential (LDR) districts. He stated concerns with the syntax and grammar of amendment as well as the voluminous nature of the program. He wanted to know if there was another way other than a statutory to handle this. Member Richter understood what he was saying but didn't see any other tools besides cumbersome language and bureaucracy. Vice-Chair Smith stated that this program should work if the City can get out ahead of it, implement the policies and maintain the requirements. If this program isn't implemented these homes will continue to fall into disrepair.

**Denis LaPointe** – He voiced his concern that this is an important change that is being made and there needs to be an opportunity for the public to review it. This program is meant to address a large problem. He wanted to know how many blighted houses are in St. Albans and did the City own any of the properties. He stated that the DRB's hands were going to be tied by this amendment. The City would analyze the proposals, vet the applicant and then forward the analysis to the DRB. He was concerned that this program might be a way for a slum landlord to boost units in an otherwise restricted district. He stated that he shared the same concerns as Mr. Levy that the City didn't have the resources to properly implement the program. There would be cases where the applicant will be complaining that they were turned down but the next person was able to get the application through. It opens the City up to liability. He lives on High Street. He discussed that the landlord sat on the property and, after seventeen months, the City had to close the building and the tenants got 12 hours notice to move out. He doesn't want to see that happen to anyone else. LDR is primarily for single family dwellings with exceptions for duplexes and rare cases with triplexes and quadruplexes even rarer. 45 High Street was owned by the bank. It was purchased and converted back to a single family home. The City doesn't need to rush into something like this. He wants to make sure that the City gets proper comments from the people. Zoom is not the right way to do it. This is not an urgent matter that needs to be pushed through in the next six to twelve months. Another concern is that there will be an owner occupied duplex / triplex that will be developed by a well known landlord with good experience. They would live in it for two years then sell it to an irresponsible landlord. He emphasized that speed is not of the essence.

Chair Bradeen emphasized that this amendment takes care to try and be consistent with the neighborhood. He stated that this is certainly not something that is being hurried. The Commission has been considering the problem for a long time. They want to encourage reinvestment in our architectural heritage and blighted properties were clearly a priority.

Mr. Sawyer stated that the City had 17 buildings permitted as vacant. He estimated that at least 5 would be blighted. The City has a better idea due to the enforcement of safety ordinances. He clarified that all of the adjacent land owners get warned and have an opportunity to come to the DRB hearing to express their opinions and reservations on the proposed buildings and number of units. As for the capacity of the city to vet the applicants, he stated that they absolutely have the expertise to do the analysis and, when consulting expertise is needed, they know who to call. The program is designed to

be cumbersome. It is considered a part of the strength of the program. People won't apply to participate unless they can do the project. This amendment would need at least two more City Council meetings. The Council is currently doing a hybrid model so that there could be public comment as well.

Member Gawne told the Commission that he moved to St. Albans in 1976 and was shown 99 High Street. It was not something that he was interested in due to its current format. It needed a lot to make it palatable. He also looked at a house on the top of Congress Street that was so large that, as a single family residence or even a duplex, it would be impossible to take care of or heat. It was torn down and replaced with a beautiful home. It is sad when the City loses part of its history and the Commission has come up with something that will maintain the history. There are buildings that have gone so far downhill that they are not worth preserving but they can be repurposed.

Mr. LaPointe did not disagree that the buildings have historic value to the City. 99 High Street was the first residential building on High Street. Three years ago when Gamache wanted to demolish the building and put in two duplexes the neighbors attended the meeting to protest. He felt that the City doesn't need to rush this. 99 High Street will not fall down in the next two years. Let the market catch up with it.

Vice Chair Smith asked if two public hearings were needed for this amendment. Mr. Sawyer stated that the Planning Commission had to hold at least one hearing. If they couldn't finish their discussion in one hearing, they could recess it and continue at the next meeting. The City Council has to hold at least two meetings. Local TV access records the City Council meetings. There can be a strong in person component in this. The City Council has the ability to make changes before they adopt it. If the changes are major, the Council will send it the amendment back to the Planning Commission for review. Member Nuse thanked Mr. LaPointe for expressing his concerns about the number of units being built in the LDR. Chair Bradeen reiterated that the LDR concern has been there since day one. There has been consistent concern from members of the Commission and the public. The Commission has no interest in less than desirable multi-unit creations that wind up being problems for their neighbor and occupants. The allowed density is a total of two units on the property or a 50 % increase of the maximum allowed whichever is greater. Mr. LaPointe doesn't oppose duplexes. Triplexes and quadruplexes would be heavily opposed. Mr. Sawyer stated that lots with more room could avail themselves of the 50 % bonus. Problematic apartment houses would not be allowed due to the lack of numbers. The lot would have to be sufficiently large even with the density bonus. Things would not be packed in.

Member Gawne stated that point of the program was not to come up with the most economical solution for the developer but a reasonable use of the property. Mr. Sawyer reiterated that the applicant would really need to justify the extra units or it wouldn't be allowed. Chair Bradeen said that he would like to see condominiums to encourage homes that could be affordable.

- 3. Commissioner comments and consideration of edits/revisions** – The Commission started to review each individual part of the proposed amendment. Member Gawne listed his issues with the first part of the amendment.
- Second whereas – There should be a list of various projects in which the City has been involved.
  - Fourth whereas – There should be a list of list of blighted homes.
  - Sixth whereas – There should be a list of successful projects.

Blighted Home – Member Nuse questioned the difference between these two definitions. Mr. Sawyer clarified that

- Item 1 is an easier fix and needs to be vacant for a year. For example, the porch is unsafe, which makes it unsafe to enter; electrical issues make it unsafe but neither of these issues is structural
- Item 2 is a case where the structure itself is having trouble holding itself up. It wouldn't need to be empty for the year.

The Commission discussed the merits of both sections. Member Gawne didn't think that vacant should be a criteria for the definition of blighted. He suggested that the Commission get rid of one and rely on two. The Commission started asking the difference between uninhabitable and unsafe. There should be a statement of how bad the situation is; how much would it cost to fix it; is a second dwelling unit needed to help afford to fix it. There would have to be systemic problems that are extensive enough to prohibit safe occupancy. Mr. Sawyer stated that there is no statutory definition of uninhabitable.

The City is currently tracking seventeen vacant building permits. The idea behind the vacant permit program and inspection program is so that the buildings don't become blighted. He will work with the vacant building inspection program to find out which ones are truly blighted. The Commission should have a list and the allowed amount of units on each lot. Chair Bradeen asked for another whereas at the beginning of the amendment that stated that St. Albans City supports reinvestment in our community / neighborhood and that this is a reinvestment program.

**Member Gawne made a motion to recess the hearing until the next regular meeting.**

**Member Richter seconded the motion. The vote was unanimous.**

- 4. Consideration of motion to refer the amendments and planning commission report to City Council** – No motion was made.

#### **4. Regular Business**

- 1. Planning and Development Update** - None
- 2. Update on State Housing Legislation** – Chair Bradeen stated that the legislation had been gutted but it is far from perfect.
- 3. Update on equity/inclusion training** – The training is now more of a City wide issue.
- 4. Municipal Planning Grant application** – The City Council has also approved the grant application. Mr. Sawyer stated that the City needed to start thinking about allowing

increased housing densities in more areas. The Commission needs to start thinking about allowing different densities throughout the city. If the City doesn't the State will.

5. **Next meeting date and format – Member Gawne made a motion that the next meeting keep the zoom format. Member Richter seconded the motion. The motion passed unanimously.**
  6. **Other - None**
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5. **Adjourn - Member Gawne made a motion to adjourn at 8:03 PM. Member Richter seconded the motion. It passed unanimously.**