

MINUTES
ST. ALBANS CITY DEVELOPMENT REVIEW BOARD
REGULAR MEETING
ST. ALBANS CITY HALL, 100 NORTH MAIN STREET
6:30 PM, MONDAY, DECEMBER 2, 2024

Approved 01.06.2025

Members of the Board Present: IN PERSON: Rebecca Pfeiffer, Chair; Tanner McCuin, Vice Chair; Dick Thayer; Rick Coon VIA ZOOM: Jan Appel, Alternate

Members of the Board Absent: Emily Biron; Becky Manahan, Alternate

Members of City Staff Present: IN PERSON: Sara Bennett, Property Services Manager VIA ZOOM: Katie Haseltine, Minute Taker; Chip Sawyer, Director of Planning and Development

Members of the Public Present: IN PERSON: David Sweeney; Margaret Sweeney; Ed Adrian.
VIA ZOOM: Gratia Rowell

A. **BEGIN RECORDING AND OPEN MEETING** - R. Pfeiffer called the meeting to order at 6:31 PM.

1. Pledge of Allegiance - R. Pfeiffer led the pledge of allegiance.
2. Assign Alternates (as necessary)
 1. R. Pfeiffer assigns J. Appel as an alternate for tonight.
3. Consider any additions or deletions to agenda. - None.

B. **DEVELOPMENT REVIEW SEGMENT - PUBLIC HEARINGS**

1. **Case 2024-030 & Case 2024-028 for Conditional Use Review and Site Plan Review / City of St. Albans / 100-120 Federal Street / Parcels 23033112, 22033118, 22033120.** Site Plan Approval for brownfield remediation and temporary storage area. This property is located in the B1 - Central Business Zoning District and the DR2 - Downtown Expansion Review District.
 1. R. Pfeiffer opens the case and asks if any board members have any ex parte communication or conflict of interest, no one does. S. Bennett and C. Sawyer take their oath. R. Pfeiffer had asked for the corrective action plan, and S. Bennett has since provided that to the board.
 2. S. Bennett summarizes her staff report reading off highlighted items. R. Pfeiffer asks for clarification on parking since the conditional use application doesn't note any parking, but the site plan application does indicate parking and is part of why a site plan review is needed. S. Bennett notes that C. Sawyer can further explain that.
 3. C. Sawyer introduced himself and explains the project, noting 100-120 Federal Street previously had 3 houses, then it became a salvage yard with concerns of contamination. The city purchased it to use tax-increment financing (TIF) for redevelopment. There was typical urban soils and heavy metal contaminants A corrective action plan was put in place after testing and obtaining permission from Vermont DEC and EPA to do remediation. A brownfield site is considered remediated when it is capped with clean soil or asphalt. One section is asphalt because there was a timely need to use some funding.
 4. T. McCuin asks what storage plans are. C. Sawyer anticipates snow storage is likely what it will be used for, with a chance of using it for other raw material storage as other projects arise. S. Bennett notes the site would need to be re-evaluated if it were to be used for parking, as it would require another minor site plan and possibly screening.
 5. R. Coon motions to close Case 2024-028 and 2024-030. D. Thayer seconds. Motion passes with all in favor.
2. **Case 2024-029 for ZA Decision Appeal / Margaret & David Sweeney / 20 High Street / Parcel 14040020.** Appeal of a ZA Notice of Violation for installed fence. This property is located in the R95 - Residential 9500 Zoning District.

1. R. Pfeiffer opens the case and asks if any board members have any ex parte communication or conflict of interest, no one does. S. Bennett and D. Sweeney take their oath.
2. S. Bennett notes that the staff report encompasses the memo sent to the DRB and the appeal submitted by the applicant. D. Sweeney requests for the memo to be read in full. S. Bennett reads the memo for the record. R. Pfeiffer questions the date of October 7th being the date of the clarification letter being sent to the applicant. S. Bennett confirms that it should have been November 7th.
3. The fence violation is for the section along the Bishop Street side of the property, which had chain link fence installed. The permit was issued with a Project Description that read "Replace existing fence. 4' and wooden. See sketch."
4. D. Sweeney introduces himself, owner of 20 High Street, and explains that the permit they were issued did not clearly outline the fence material of the entire proposed project. He provides a copy of their full appeal, noting that the sketch included in the permit letter had "chain link fence" wording along the Bishop Street side. D. Sweeney believes the original permit letter was altered after the project was completed, with dates changed to support the claim. Additionally, D. Sweeney questioned the use of "front" vs. "frontage" in the regulations, and their legal definitions. D. Sweeney had contacted the governor's office and legal department who confirmed some of this.
5. R. Pfeiffer asks D. Sweeney if the regulations were given to them. Although D. Sweeney confirms they were, S. Bennett felt they were not receptive to the information.
6. M. Sweeney is concerned that S. Bennett is trying to cover up her mistake. R. Pfeiffer asks M. Sweeney to take her oath if she wants to provide testimony. M. Sweeney takes her oath.
7. E. Adrian asks when the fence was installed. D. Sweeney notes September 9th. E. Adrian asks D. Sweeney to read the Project Summary from the Permit Letter sent to them on August 27th. D. Sweeney reads that, which reads "Replace 4' wooden fence on the High St. and Bishop St. Side. Fence must be wooden and 4' in height. Remove retaining wall." E. Adrian asks if D. Sweeney read that. D. Sweeney admits that he did not, noting the font was too small.
8. M. Sweeney & D. Sweeney note repeatedly that they did not purposefully do the chain link fence. They thought it was approved the way the sketch read and completed the project under that knowledge.
9. D. Sweeney approached Dominic Cloud, City Manager, about the height and material of the fence and what is allowed, noting they used to have a 6' fence before a winter storm took it out, and the new permit was issued for a 4' fence. The City Manager noted that they could have a 6' fence and be grandfathered in because of previous fencing. Additionally, the city manager noted that it would have to be wooden, but could have metal posts.
10. S. Bennett is happy to clarify dates. Date on clarification letter is not correct, that was not intention, that was sent after the NOV was sent. S. Bennett did white-out the chain link language in the clarification letter, that was intentional. Attempted to provide regulations when it started, and that offer was dismissed. The regulations were sent with the clarification letter since the offer had been dismissed in previous conversations.
11. R. Pfeiffer, R. Coon, and S. Bennett discuss specifics around the delivery method of the permit and subsequent notices.
12. T. McCuin acknowledges that D. Sweeney and M. Sweeney did not purposefully do this in violation, and believes it was a misunderstanding. T. McCuin asks S. Bennett for clarification on documentation. S. Bennet explains that she did white-out the "chain link" language on a copy of the sketch for purposes of sending the clarification letter.
13. J. Appell doesn't understand why they didn't seek clarification of fence material and height when they received the permit that included the Project Description, sketch, and Project Summary language.

14. T. McCuin asks for a summarized timeline from S. Bennett to the best of her knowledge. S. Bennett provides that timeline.
15. R. Pfeiffer asks for copies to be made of the materials provided by D. Sweeney and that the original documents be returned to them. This is so their evidence is entered into the record.
16. T. McCuin motions to close the hearing. R. Coon seconds. Motion passes with all in favor.

C. OTHER BUSINESS

1. Planning & Development update - None.
2. Enforcement update - None.
3. Approval of Meeting Minutes - 11/5/2024
 1. R. Coon notes that he was present and the minutes are missing that. D. Thayer motions to approve with the one change noted. R. Coon seconds. Motion passes with all in favor.
4. Confirm next meeting date and time. - Monday, January 6th, 2025.
 1. R. Pfeiffer confirms next meeting.
5. Other.
 1. The 2025 Meeting and Application Schedule has been updated with new dates for June and September since the last meeting. R. Coon motions to adopt the 2025 meeting schedule. D. Thayer seconds. Motion passes with all in favor.

D. PUBLIC COMMENT - None

E. ENTER DELIBERATIVE SESSION

- A. R. Coon motions to enter deliberative session. T. McCuin seconds. Motion passes with all in favor.
- B. R. Pfeiffer adjourns the meeting at 8:03 PM and enters deliberative session.