

MEETING OF THE ST. ALBANS CITY DEVELOPMENT REVIEW BOARD REGULAR MEETING
6:30 PM, MONDAY, MAY 7, 2018
ST. ALBANS CITY HALL, 100 NO. MAIN STREET ST. ALBANS, VT

MINUTES

Board Members present: Chair Megan Manahan Bliss, Vice-Chair Rebecca Pfeiffer, Owen Manahan, Dick Thayer, Denis LaPointe (Alternate), Judith Leonard (Alternate)

Board Members Absent: Jackie DesLauriers

Staff Members Present: Dave Southwick, Planning & Permitting Administrator; Wendy Coy, Minute Taker

Public Present:
See Sign-in Sheet

- A. **Call to Order** - Chair called meeting to order at 6:30.
1. **Pledge of Allegiance**
 2. **Consider any additions or deletions to agenda** – Items # 3 and 4 have been withdrawn. DRB rules of procedure has been removed.
 3. **Assign Alternates (as necessary)** – Denis LaPointe was assigned as the alternate.
- B. **2. Development Review Segment – Public Hearings:**
1. **Case# 2018-007 / 14 South Elm Street / Parcel #26078014 Appealing Certificate of Compliance**
- No Board member has any conflict with this Case. D. Southwick reviewed the case including the staff comments and the relevant previous Zoning Actions. The Case has been publicly warned with certified letters to the abutters. John and Carol Gagne were here representing the applicant Rhoda Gagne. Ms. R. Gagne has put the property up for sale. All long-term tenants moved before the house went on the market. Ms. R. Gagne was told it would be easier to sell the property if it were vacant. One of the long-term tenants had been there over 25 years. She moved out in October 2017 but did not have all of her belongings removed from the apartment until January of 2018. Another had lived there since 2006. They have had short-term tenants in the apartments. Ms. R. Gagne rented the apartment from June to August of 2017. Apartment 3 was rented to John McCarthy who was there for one month. Ronald Sloane was there for one month. There is no evidence that any of these tenants paid rent. Ms. R. Gagne stated that she received rent from all of these tenants to pay the utility bills. Someone is living in the apartments now who moved in April of 2018. Ms. R. Gagne continued to maintain it. Mr. J. and Mrs. C. Gagne presented utility bills showing that Ms. R. Gagne didn't turn off any of the utilities, continued to pay taxes and has had inspections done. Mr. J. & Mrs. C. Gagne stated that this has put a financial and stressful burden on Ms. R. Gagne. Mr. J. and Mrs. C. Gagne have plans to buy the building if it continues to not sell. It would be a hardship to try to return it to a single dwelling home.
Ann Chevalier – 12 Elm Street. She stated that she has been there over 30 years. The property next door has changed hands numerous times. She has seen many issues with the property and

does not feel that it has been an asset to the neighborhood over the years. She would like it held to the same standards that the rest of the neighborhood is held to.

2. **Chip Sawyer – Director of Planning and Development, City of St. Albans** – He went over the situation with Mr. J. Gagne. Mr. J. Gagne stated that the property had been vacant since November of 2016. He confirmed it with Mr. John Gagne. He stated that legal non-conforming use does not have the same legal protections as the legal conforming use. The question here is the issue of continuing use. The rest of the neighborhood has been single family and duplex homes.
3. **Case#2018-009 / 56 Federal Street / Parcel #23033056 Conditional Use Approval** - No Board member has any conflict with this Case. D. Southwick reviewed the case including the staff comments and the relevant previous Zoning Actions. The Case has been publicly warned with certified letters to the abutters. Mr. Keith Taruski was here as the applicant. Americanadian, LLC owns the property. Mr. Taruski stated that he was unclear as to why he needed to appear before the Board. Mr. Taruski bought the properties in September 2013. When he first reviewed the properties, 56 Federal had an electrical union on the bottom floor and three apartments above it. 58 Federal was vacant on the bottom floor but he stated that it looked like an apartment that had been flooded. Mr. Taruski presented a certificate of compliance from 2013 for 56 Federal Street and a transfer of ownership inspection issued by the Fire Inspector for 56 Federal Street. There is no certificate of compliance for 58 Federal St. 58 Federal was rented under Section 8 housing on February 2014 as an apartment. There was an inspection done in December 2015 by State fire Marshall Todd Cosgrove for a construction permit for 56 Federal due to a car driving into the unit. Mr. Taruski presented emails from March 11, 2016 showing a correspondence with zoning administrator Curtis Comfort about changing the bottom floor of 58 Federal from an apartment to a commercial space. Per Mr. Comfort, the change would have required a hearing before the Development Review Board. Mr. Taruski stated that he tries not to bring items before the Development Review Board. He paid the fee for a change of use to go from a commercial use to a residential use. On April or May of 2016, 56 Federal became a residential use. There has been no new construction of any kind since then. He did not get a change of use permit from the State of Vermont. On February 26, 2018, Deputy Fire Marshall Matt Mulheron sent a letter of violations for 56 Federal. Mr. Taruski met with Laz Scangas and Jonathan Collins about getting a second egress for that unit. Mr. Taruski then received letter from Chip Sawyer in April of 2018 to apply for a conditional use approval to have apartments on the bottom floors of 56 and 58 Federal Street. Chair Manahan Bliss asked for a point of clarification. Mr. Taruski was talking about 56 Federal. She asked if there was a 58 Federal. Mr. Southwick stated that there isn't a separate lot for 58 Federal. Per Mr. Taruski, the deed lists 56 and 58 Federal. Vice-Chair Pfeiffer asked if there was there a change of use filed in 2016. Mr. Taruski stated that he does not have the receipt for that change of use. Mr. Southwick stated that there are no other zoning issues filed other than the ones he listed at the beginning of the hearing. Mr. Taruski would like the property to stay as is until he submits plans to redevelopment.

Matt Mulheron – Deputy Fire Chief City of St. Albans – The former Deputy Fire Chief Josh inspected the building but could not issue a certificate of compliance for the commercial portion of the building as they were not allowed to do so at that time. Certificate of Habitability would have been issued by the State. The Letter of Inspection from 2014 that Mr. Taruski has can only

be for the top three apartments. As of April 3, 2018 the two bottom units were not dwellings. They are commercial properties. 56 Federal has three bedrooms with no second means of egress. This case has defaulted back to the State of Vermont and they are taking over the case. The top three apartments are fine for the fire code. The bottom apartment is not. Vice-Chair Pfeiffer asked about the inspection done in September 2013. Mr. Taruski submitted the letter of inspection to the Board for review.

John DeMarinis – 46 Federal Street Boston Tailoring and Cleaners – He does not approve of the number of people in the apartments on the ground floor. He believes that the ground floor should be for businesses as this is a business district. People from the upstairs are hanging out on the sidewalk. He stated that this area should stay a business district. He questioned whether the train station was now going to have apartments in it. He also asked why 48 Federal could not be residential, as it has been grandfathered in.

Gary Taylor – Police Chief / Fire Chief City of St. Albans– The property has been a problem for a long time now. He was unaware that there were people living there on the bottom floor. There have been 96 visits by the police department in the past year. The police were at 58 Federal three times over the past weekend doing NARCAN revivals. The police went to a fight there a week ago and sent five cars.

Chip Sawyer Director of Planning and Administration City of St. Albans – He clarified that Mr. Taruski was issued the letter due to the ward rule changes. Any application that comes before the DRB will be subject to the new rules, which is why Mr. Taruski now needs a conditional use permit to have residential units on the ground floor of the buildings. Permitting places the burden on the property owner. He states that permitting shows one parcel. Three apartments and two commercial units. The apartments existed in violation. When an applicant applies for a permit and receives it, the permit is scanned, filed and copy goes to applicant. There is no permit showing that the units at 56 and/or 58 Federal has been permitted residential. He states that that the characteristics of the neighborhood should also be taken into consideration.

Paul Martin – Owner of Dirty Nelly’s – He stated that he has upstairs tenants that do not loiter downstairs. He has had many problems with the people who reside at 56/58 Federal Street. He has been sexually harassed, threatened and has had chairs thrown into the road. Many of the tenants hang out by the side of the road and in the middle of the road. He sees this as a dangerous situation. He does not think that there should be people living on the ground floor of that building.

Lieutenant Ben Hunter – St. Albans City Police Department – He provided a list of calls that the Police Department has received for 56 and 58 Federal Street over the past six months.

Mr. Taruski told the Board that if the first floor tenants were gone, there will still be the second floor apartment tenants and many of these problems would not be solved by simply removing the first floor tenants. He stated that he has had trouble keeping commercial rentals on the ground floor due to the tenants loitering outside the entrance to the building. He stated that the City needs to have more rules governing loitering so that the Police department could do something about the problem.

4. **Case #2018-010 / 233 Lake Street / Parcel #23049235 WITHDRAWN Site Plan Approval**
5. **Case #2018-011 / 219-229 Lake Street / Parcel #23049219 WITHDRAWN Conditional Use**

C. Other Business

1. **Planning & Development Updates** – Mr. Southwick has met with the parties involved with the properties across the street. It looks like there will not be any plans to be presented until July 2018.
2. **Enforcement Updates** – Mr. Southwick has met with the owners of the Beverage Mart about the problem of snow removal. Even though there is no snow now, they are discussing the development of snow storage spot. Mr. Southwick went to 172 Federal and the tires are being removed. They are moving forward with site plan changes.
3. **Approval of April 2, 2018** – Member Manahan made a motion to approve the minutes. Member LaPointe seconded. The motion passed unanimously.
4. Confirm next meeting date and time **Monday June 4, 2018 6:30 p.m.**
5. **Other** – none

D. Public Comment - None

- E. Enter Deliberative Session** – Vice-Chair Pfeiffer made a motion to enter deliberative session. Member Thayer seconded the motion. The motion passed unanimously.