

MEETING MINUTES
ST. ALBANS CITY DEVELOPMENT REVIEW BOARD
REGULAR MEETING
ST. ALBANS CITY HALL, 100 NORTH MAIN STREET, ST. ALBANS, VT
6:30 PM MONDAY, OCTOBER 5, 2020

Approved

Board Members: Denis LaPointe; Owen Manahan, Vice-Chair; Rebecca Pfeiffer, Chair; Dick Thayer, Tanner McCuin, Matt Preedom

Staff Members Present: David Southwick, Planning & Permitting Administrator; Tammi DiFranco, Property Services Assistant, taking Minutes, Chip Sawyer, Director of Planning & Development; Marty Manahan, Director of Operations & Business Development / Public Works Director

Public Present: Oscar Thayer, Alan Cunningham, Joann Tabor

- A. OPEN MEETING R.Pfeiffer opened the meeting at 6:30 PM
1. Pledge of Allegiance – The Pledge was recited
 2. Consider any additions or deletions to agenda –
 - i. Welcomed Matt Preedom to the board as the newly appointed alternate.

B. DEVELOPMENT REVIEW SEGMENT – PUBLIC HEARINGS

1. **Case #2020-013 / Nutra Blend, LLC / 79 Walnut Street / Parcel #22088167** Applicant seeks approval for a Site Plan revision. This property is located in the Service - Industrial (S-Ind) Zoning District.

R.Pfeiffer invited the applicants to come forward and swore in those wishing to submit testimony.

D.Southwick introduced the application and submitted the staff report for the record.

The applicant, Oscar Thayer representing Nutra Blend as the general contractor of the project. O.Thayer stated that the project is being completed as a requirement of the City Fire Department and of the state fire safety department. The project is to extend an access lane to the southeast corner of the warehouse. No additional parking.

R.Pfeiffer asked for public comment.

Alan Cunningham, resident of 147 Pearl Street. He is a direct neighbor to the south, right near the new warehouse. Their only issue is that they do have people parking in the southern part of the building now and it is unsettling to have people out there on their breaks looking at them as his family is in the back yard. He is happy to see that the

project is not for parking and just for the access road. His request is to see if some sort of a privacy fence could be installed to cut off the property from industrial to residential.

R.Pfeiffer directed the question about the fence to O.Thayer. O.Thayer stated that he would discuss the request of installing a fence with Nutra Blend.

O.Manahan asked if the new gravel access drive is strictly for fire access. One comment from the public is that people are already parking on the south side. O.Thayer stated that he is unsure if people are parking there. O.Manahan asked if the intention for the access drive is strictly for fire. O.Thayer confirmed.

R.Pfeiffer explained that the hearing would be recessed until October 7. The next hearing would be a good time to address the privacy fence after O.Thayer has time to discuss with Nutra Blend.

With no further comments, O.Manahan motioned to recess the hearing until October 7, 2020 at 6:30 PM. Second by D.Thayer with all in favor.

2. **Case #2020-014 / JoAnne Tabor / 103-105 Fairfield Street / Parcel #14031103**
Applicant seeks approval for a Zoning Administrator Decision Appeal. This property is located in the Low Density Residential (LDR) Zoning District.

R.Pfeiffer invited the applicants to come forward and swore in those wishing to submit testimony.

D.Southwick introduced the application and submitted the staff report for the record.

Questions from the board, R.Pfeiffer clarified that the parking issue was brought up by city staff and not a community member. D.Southwick confirmed. R.Pfeiffer stated that there were two site plans submitted for the boards consideration that show the curb cuts; one from 2013 & one from 2016. They appear to be similar curb cut dimensions. The applicant, Joanne Tabor, stated that she never received these site plans. D.Southwick pulled them up on the screen. C.Sawyer stated that the site plan shows the status of the crosswalk and curb cut in 2013. The cross way was diagonal across the street. There was a partial curb cut in front of 103-105 Fairfield and a full curb cut in front of the Champlain Housing property. The only thing that changed during the Fairfield Street project is that the crosswalk was moved straight, as opposed to the previous diagonal, across the street.

R.Pfeiffer invited the applicant, Joann Tabor, to present her appeal. J.Tabor stated that she has lived at 105 Fairfield Street for 42 years and has always maintained the property. The apartment at 103 Fairfield has always had a separate driveway. The crushed stone does need to be replaced and grass has grown in the driveway over the summer. This spring, she had bollards removed and the land regraded, which resulted in lots of mud. The neighbors know that parking has always been there. She stated that she has always been respectful of not parking in the front setback. The new curbing were put up across the driveway access. J.Tabor stated that at the time of the project, Alan Robtoy and Marty Manahan had stated that it could be corrected, but it never happened and she never received a letter.

R.Pfeiffer stated that the main thing that the board needs to hear about is whether parking had been discontinued for more than a year. J.Tabor answered that there has always been someone in the apartment and someone has always parked there.

R.Pfeiffer asked for questions from the board.

O.Manahan asked if the applicant had a copy of the lease stating that someone is renting. J.Tabor answered that she does not have a current lease since it has been rented by her son for the last few years.

O.Manahan asked if the posts that were removed were right on the edge of the property line and did they come all the way up to the street. J.Tabor stated that they were on the property line, but not all the way up to the street. At one point in the past there was a fence that went down between the driveways. O.Manahan asked if there was parking on the side when the fence was there. J.Tabor stated that it has always been a driveway, even when the fence was there. R.Pfeiffer stated that there is a picture in the packet from 2018 that has the bollards in them. J.Tabor presented a photo from 2013 that included the bollards.

O.Manahan asked if the crosswalk goes right into the driveway. J.Tabor stated that the curb and the crosswalk were installed during the Fairfield Street project in 2018.

R.Pfeiffer stated that what they are considering at this hearing is Dave's position in discontinuing the grandfathered use of parking. They cannot address the curb cut issue or ease of access to the property. J.Tabor stated that these issues were stated in the original letter she received this past spring.

R.Pfeiffer asked for public comment.

C.Sawyer stated that this is a case where the city has found a grandfathered use possibly discontinued, even if there was a plan to use it again in the future. The first letter did state that a new driveway was being created. Then the city had been told that parking had already been there before, so they looked for evidence that it was currently being used. We could not find any evidence that it had been in regular use.

Marty Manahan stated that they had rebuilt Fairfield Street in 2016. They did not eliminate any curb cuts or driveways that were currently being used. If there was a curb cut there, even if it was only used a few times a year, they would have kept it. The old curb cuts were very low and worn down and hard to distinguish in some areas. He stated that they never would have promised to come back later to remove the granite curbs, handicap sidewalk, and cross walk when she wanted to re-establish the driveway. They would have done it right then while working on the project.

J.Tabor stated that it was a driveway then and never discontinued. Alan and Marty said that they would change it, but it never happened and she never received a letter. She asked the board if it would be best if she brought in testimony from neighbors that the driveway has always been used. R.Pfeiffer stated that she should submit witness testimony to Dave or have them present to the board at the continuance on Wednesday,

October 7. The testimonies do not need to be notarized. D.LaPointe asked if two days would be enough time for the applicant to get people to testify. The applicant can come back for a continuance in November. J.Tabor stated that she will try to get testimony in two days, but asked if it could be continued if she does not get the testimonies. R.Pfeiffer stated that they can decide to continue if the applicant cannot get the testimonies on time for October 7th. J.Tabor requested copies of the information she did not receive before the hearing. D.Southwick stated that he will send them to her.

With no further comments, D.LaPointe motioned to recess the hearing until October 7, 2020 at 6:30 PM. Second by T.McCuin with all in favor.

C. OTHER BUSINESS

1. Board Training & Orientation
 - i. Chip Sawyer presented Roles & Responsibilities in Municipal Land Use & Planning Regulations in Vermont.
2. Planning & Development update
 - i. C.Sawyer stated that the Planning Commission has discontinued it's hearing on the bonus program. It should be going to the City Council soon.
 - ii. New NEMRC software state advisory team has started meeting. St Albans City is part of the advisory team.
 - iii. Property Services has received a grant for digitalizing land records.
3. Enforcement update
 - i. 239 North Main- the challenge with the hedge has been resolved.
 - ii. Snow is just around the corner, along with snow storage & removal condition enforcements.
4. Approval of September 8, 2020 Meeting Minutes – D&V

Motion by D.LaPointe to approve the minutes, as edited. Second by O.Manahan and approved with all in favor.

5. Approval of September 10, 2020 Meeting Minutes - D&V

Motion by O.Manahan to approve the minutes, as edited. Second by D.LaPointe and approved with all in favor.

6. Confirm next meeting date and time. **Wednesday, October 7, 2020 at 6:30 PM** and **Monday, November 2, 2020 6:30 PM**
7. Other- None

D. PUBLIC COMMENT-None

E. No Deliberative session

Motion O.Manahan to adjourn the meeting. Second by T.McCuin and approved with all in favor at 8:37 PM.

On November 2, 2020, a motion to accept minutes with changes was made by D.LaPointe, second by Owen Manahan, approve unanimously.

FINAL