

**ST. ALBANS CITY DEVELOPMENT REVIEW BOARD
REGULAR MEETING
VIA REMOTE CONFERENCE
6:30 PM MONDAY, NOVEMBER 2, 2020**

APPROVED

Board Members Present: Denis LaPointe; Owen Manahan, vice-chair; Rebecca Pfeiffer, Chair; Dick Thayer, Matt Preedom

Board Member Absent: Tanner McCuin

Public Present: Mark Williams, Mark Redmond, Marty Manahan, Bob Farrar, Grant Butterfield

- A. OPEN MEETING- R.Pfeiffer opened the meeting at 6:32 PM
 - 1. Pledge of Allegiance- pledge was recited
 - 2. Consider any additions or deletions to agenda- None

B. DEVELOPMENT REVIEW SEGMENT- PUBLIC HEARINGS

- 1. **Case #2020-015 / Blue Bear, LLC - Mark Williams / 92 Fairfield Street / Parcel #14031090** Applicant seeks approval for changes of the Conditions in DRB Case 2020-004. This property is located in the High Density Residential (HDR) Zoning District.

R.Pfeiffer stated that M.Preedom would be the alternate board member for this case.

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

Southwick introduced the application and submitted the staff report for the record. He also read the submitted letter from Robert Farrar and the submitted memo from Chip Sawyer.

The applicant, Mark Williams, started by apologizing for not completing the site plan. He completely overlooked it with everything going on. He apologized to all his neighbors and specifically to Robert Farrar. He then summarized his change requests. He would like to make changes to the hedge along Ferris Street. He wants to please Mr. Farrar. He understands that Mr. Farrar is concerned with the view from his property. The change he is proposing is a large flowerbed with large shrubs to shield Mr. Farrar's bay view window from the subject property. It will be about 25 feet in diameter and be situated right in front of Mr. Farrar's window. The hedge and lattices and extension of the flower bed all the way across Ferris Street were requested by Mr. Manahan to prevent people from driving across the lawn to get to Ferris Street. The applicant stated that people have not driven across the lawn to his knowledge, so he does not see the need for the lattices, hedge, and split rail fence along Mr. Manahan's driveway. M.Williams spoke to Mrs. Swan of 94 Fairfield Street and she decided that she liked how the applicant was repainting the house and she no longer requests the hedge at this time. According to the applicant, she asked if they could have another conversation if the hedge is needed

in the future. The fencing for the children's play area is currently not needed. There are only two small children currently living in the apartments and they are only staying two weeks a month. There are no toys in the yard as of yet. His proposal is to postpone the fencing for a children's play area until older children are present in the house. The trash totes had been moved out front during the painting project, but have been moved back to their designated area in the rear of the building. He has not built a fence around them as yet. He can have that completed within a month. He does want to obey all the rules, and after listening to the memo from C.Sawyer, he understands that he will need to provide the screening for the trash receptacles and complete the site plan.

M.Predom asked if M.Williams wanted to eliminate the play area from the site plan entirely or if he just wanted to not comply with that requirement in the short term. M.Williams stated that he would like it eliminated from the site plan.

M.Predom stated that the applicant had said that no cars had driven across the lawn in the last five years, and asked if the applicant had made that statement during the first hearing. M.Williams stated that he had not made that statement previously.

R.Pfeiffer asked if the applicant would like the condition for the dumpster enclosure to be eliminated as stated in the hearing application. M.Williams stated that after listening to Mr. Southwick read the law, he thought he heard that he would be required to have the enclosure. R.Pfeiffer re-stated the regulation. M.Williams answered that if it is accurate that he is required to have the enclosure, he will comply. If it is not accurate, he would like to have that condition removed. R.Pfeiffer read the regulation to clarify what is required for screening. M.Williams stated that he will be glad to put up the stockade fence around the three sides of the trash totes.

Public Comment was opened. Bob Farrar thanked D.Southwick for reading his letter into the record and stated that the letter is his basic position on the matter. He thinks there should still be screening on the south side of the property. On the original site plan there were four clusters of plantings for screening; he feels the applicant should comply with this condition. He would like to see a decent landscaping barrier along with the expectation that the hedge is maintained for years to come. R.Pfeiffer supplied clarification to the original site plan. The Ruggiano site plan was submitted as the original site plan for the property; the sketches were from the discussions that were had at the hearings. The condition was that the sketches would be turned into an official site plan. B.Farrar stated that the flower bed that was introduced by the applicant tonight is not what was originally intended on the sketches and he thinks the original plan is what should be supported as a condition.

B.Farrar stated that he never mentioned cars coming across the lawn to Farrar Street. But with the newly installed curbing he thinks it is highly unlikely that this will be a problem. This may have been an issue for M.Manahan. R.Pfeiffer stated that the issue of people driving across that lawn had been a part of the March hearing. O.Manahan stated that in the March decision letter point number 7, his understanding is that there were going to be four different clusters of plantings and that the intent was for them to be small enough to prevent cars from driving through. D.Southwick showed a slide of the site plan that was presented by the

applicant in October. It is not the site plan that was approved by the city. The applicant submitted a sketch of what was approved and a new sketch of the conditions that he was requesting to have changed.

M.Manahan, representing 67 Ferris Street, stated that this is the first time he has seen the new site sketch. He is unsure if the site plan meets with the conditions approved, namely the way the play area is situated. He is ok with the play area being eliminated until needed. He then addressed the split rail fence. The city has redone the curbing on Ferris Street with a six inch reveal. The cars that had been cutting across to Ferris Street from the subject property had been using M.Manahan's curb cut to access the street. He stated that it has been used by tenants at the Fairfield property several times in the past five years. He would be happy with eliminating the split rail fence. If it does become an issue, especially as new tenants come in, he expects that Mr. Williams would address it.

M.Manahan had two additional questions: what happens to the five unit authorization if M.Williams is only using 3 apartments and what are the applicant's intentions for the remaining piles of brush on the property. R.Pfeiffer stated that the meeting was not warned to eliminate the two units or consider that change in the use. If this is the intention of the applicant, he would need to come back before the board for that request. It can remain under-occupied and remain a 5-unit apartment building. M.Williams addressed the piles of brush. It is already scheduled to have a wood chipper this Wednesday, November 5, to take care of the remaining piles of brush. He hopes to have zero piles of brush present on the property by the end of that day.

M.Manahan asked for a confirmation that if the vehicles entering and exiting through Ferris Street does become an issue that M.Williams could come to an agreement to either install the slit-rail fence or some landscaping rocks. M.Williams affirmed that he would be willing to negotiate something if people do start driving through the property onto Ferris Street using M.Manahan's curb cut. The applicant is grateful that M.Manahan is accommodating his request for no children's area or split rail fence. He would like to be just as accommodating to the neighbors if an issue arises.

M.Williams requested if there can be a compromise of half the plantings along Ferris Street would be acceptable to Mr. Farrar. B.Farrar stated that he believes that it is difficult to negotiate during an open session. At this point in time he would like to maintain his position as he has stated it. If M.Williams would like to talk sometime, he is open to that. For the purposes of this hearing, he is maintaining his position that the original site plan be kept. R.Pfeiffer stated that according to the Ruggiano site plan, the frontage on Ferris Street is 117 feet.

R.Pfeiffer summarized where they are with the requests. The original request was to eliminate the conditions to create barriers so that cars would not drive across the lawn, conditions 3b, 3d, and 3f. The next request was for the elimination of the condition to create a hedge between 92 Fairfield and 94 Fairfield. M.Williams testified that Mrs. Swan was ok with eliminating the hedge, she asked D.Southwick if he had received any additional testimony from Mrs. Swan. D.Southwick stated that he had not received anything from Mrs. Swan. Eliminate conditions 4, 5, and 6: the conditions dealing with the fenced in play area. The last piece is eliminating the dumpster and having the fence around the dumpster. In the present discussions,

it appears that M. Williams is ok with the requirements for screening with the stockade fence. M. Williams asked for clarification that he is not required to have a dumpster because of the 5 units. He was under the impression from a previous meeting that it was required to have a dumpster for over 3 apartment units. R. Pfeiffer does not think there is a city requirement to have a dumpster for the 5 apartment units. D. Southwick also does not think that there is a requirement in our regulations that a dumpster is required. M. Williams thought that the chair of the meeting had stated that a dumpster was required for over three units. R. Pfeiffer did not recall that statement, but stated she would look into it. M. Williams stated that if he is not required to have a dumpster, he will not be coming back to reduce the number of apartments. R. Pfeiffer asked if D. Southwick could research the dumpster requirement in his district. D. Southwick affirmed that he would.

M. Preedom asked the applicant how he will address any issues that are eliminated from the conditions if, in the future, they become a problem. M. Williams responded that he hopes the neighbors will come to him with any issues to be discussed and negotiated. If not, he hopes they will contact the DRB and make the request.

With no further comments, R. Pfeiffer recessed the hearing for continuation until November 9, 2020 at 6:30 PM.

- 2. Case #2020-016 / Spectrum Youth & Family Services / 219-227 Lake Street / Parcel #23049219** Applicant seeks approval for a Conditional Use - Community Center. This property is located in the Business 1 (B1) Zoning District and the Downtown Expansion (DR-2) Design Review District.

R. Pfeiffer stated that M. Preedom would be the alternate board member for this case.

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, Mark Redmond the executive director of Spectrum Youth & Family Services, read his letter into record.

R. Pfeiffer asked if the Burlington location is next to City Market. M. Redmond answered that it is located at 177 Pearl Street next to the 3 Needs Restaurant.

R. Pfeiffer restated that the hours would be from 9:00 am-6:00 pm, Monday-Friday. M. Redmond confirmed. R. Pfeiffer stated that there are no parking requirements in the B-1 for a parcel the size of 219 Lake Street.

M. Preedom asked the applicant if he foresees a large uptick in foot traffic in this area. M. Redmond stated that he is not sure. The location is close to DCF, Martha's Kitchen, and a lot of the people live in that area. With COVID, the number of people allowed in the building will be really restricted. In Burlington, they are currently only allowing 6 kids in at a time. It will be post COVID that they will really see what they are dealing with. M. Preedom asked if they will be taking any measures for pedestrian safety in that area, his concern is the safety of the kids

comes and going from the center. M.Redmond stated that the staff will have to talk to the kids about safety. Grant Butterfield, realtor, added that Spectrum will be leasing a space that is bigger than their needs. They are leasing the entire space so that they can have control over who the other tenant will be. The other possible tenant that the landlord was going to rent to was not the type of tenant that youth service's needs. So, in an attempt to control the property, Spectrum decided to lease the entire space with the possibility of subleasing one of the store fronts in the future. He is mentioning this, just to demonstrate that they will probably not be filling the space and will probably not create a large uptick in pedestrian traffic. R.Pfeiffer pointed out that a B-1 area is meant to be a densely used area. G.Butterfield agreed that it is a busy location and that M.Preedom has a good point that there is a fair amount of traffic. The people who will be attending Spectrum, 14-22 years old, should be at an age where they know the traffic rules.

D.Thayer asked if there are any plans for the second and third floor, or if this is all planned for the first floor. M.Redmond stated that they will only be using the first floor.

R.Pfeiffer asked for public comment. T.DiFranco, as a community member and a resident of the neighborhood, stated that she was in support of Spectrum moving into the neighborhood and excited about the services that they will adding to our community.

D.Southwick stated that he had heard from both of the neighboring properties, the Beverage Mart and Almond Blossoms Day Care. They did not give public statements; they only reached out for information about Spectrum. Neither neighbor had any public comment.

With no further comments, R.Pfeiffer recessed the hearing for continuation until November 9, 2020 at 6:30 PM.

C. OTHER BUSINESS

1. Planning & Development update- None
2. Enforcement updates
 - i. There has been a complaint filed against Northwestern Medical Center about noise, which is a violation of one of their DRB conditions. A Letter of Inquiry has been sent and some follow up. They are waiting for a final letter from the hospital. There has been communication between the hospital and those people that did register the complaint.
 - ii. 89 ½ Pearl Street, Miss Pelican has an accessory apartment. A Letter of Inquiry was sent with the suggestion that she is not living in the portion that she is supposed to be. There are some additional complaints about the tenant that is living there about noise and the possibility that they are running a home occupation that is not registered.
3. Approval of October 5, 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.**

4. Approval of October 7, 2020 Meeting Minutes- D&V
Deferred until the next meeting on November 9, 2020.

5. Confirmed next meeting date and time.

i. Continuation on **Monday, November 9, 2020 6:30 PM**

ii. Regular meeting on **Monday, December 7, 2020 6:30 PM**

D. Public Comment- None

E. No Deliberative Session

Motion to close the meeting made by D.Thayer, second by O.Manahan with all in favor at 8:00 PM.

January 4, 2021, motion by D.LaPointe to approve minutes as presented. Second by D.Thayer and approved unanimously.

APPROVED