

**ST. ALBANS CITY DEVELOPMENT REVIEW BOARD
REGULAR MEETING
6:30 PM MONDAY DECEMBER 03, 2018
ST. ALBANS CITY HALL, 100 NO. MAIN STREET**

MEETING MINUTES

Board Members Present: Rebecca Pfeiffer, Vice-Chair; Dick Thayer; Judith Leonard (alternate); Denis LaPointe (alternate)

Board Members Absent: Megan Manahan Bliss, Chair; Owen Manahan; Jackie DesLauriers

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

Public Present:
See Sign-in Sheet

1. **Call to Order** – Meeting called to order at 6:30 pm
 - a. **Pledge of Allegiance**
 - b. **Consider any additions or deletions to the agenda –**
 - c. **Assign Alternates (as necessary)** – Denis LaPointe and Judith Leonard were assigned as the alternates.

2. **Development Review Segment– Public Hearings:**
 - a. **Case 2018-023 / 6-19 No. Main Street / Parcel # 23063006 Request for a Site Plan Approval** - No Board member has any conflict with this case. Mr. Southwick reviewed the case including the staff comments and relevant previous approvals and Zoning changes. The case has been publicly warned with certified letters to the abutters. Grant Butterfield was present to represent the applicant BNY, Inc. He is requesting new striping in the back parking lot of the event space. BNY was notified by an adjacent owner that they were parking on his land and that they needed to stop. Mr. Butterfield stated that they worked with the adjacent owners but could not come to an agreement as to how to fit all parking requests in that space. BNY has allocated 4 spots to TD Bank, 4 spots for the unknown commercial tenant and 1 handicap spot. Member LaPointe asked about the location of the transformer as it didn't seem to be on the site plan. Mr. Butterfield stated that the transformer was recently moved by Green Mountain Power. Vice-Chair Pfeiffer reviewed an email that the Board received from Tyler Mumley who now owns the Ruggiano property. Mr. Butterfield stated that it has been a point of contention with Mr. Mumley about the number of parking spots that Mr. Mumley was entitled to. The issue is to keep the right of way area clear. The other landowners are parking in the right of way which will block in other spots. Vice-Chair Pfeiffer asked if the request of Mr. Mumley to have the garbage enclosure moved back. Mr. Butterfield stated that it wouldn't be a problem. Vice-Chair Pfeiffer asked if Mr. Butterfield would

be willing to stripe the right of way. Mr. Butterfield stated that he would be willing to stripe the right of way.

Chip Sawyer, Director of Planning and Development - Mr. Sawyer stated that he has seen plans done by BNY that gave parking to other land owners and it looks like it was rejected. Mr. Sawyer recommended that the Board not require striping from the applicant as it would be required to maintain the striping in perpetuity. Mr. Butterfield stated that the work wouldn't be done until the spring.

- b. **Case 2018-025 / 42 Federal Street / Parcel# 11033042** – No Board member has any conflict with this case. Mr. Southwick reviewed the case including the staff comments and relevant previous approvals and Zoning changes. The case has been publicly warned with certified letters to the abutters. Mr. Keith Taruski was present as the applicant. Jonathan Collin, architect of the project, was also present. Vice-Chair Pfeiffer asked if the northern side of building was going to be removed. Mr. Taruski stated that the roof would be raised and kept. He is putting in a staircase as is required by the State for a safe egress. It will remain commercial on the first floor. Vice-Chair Pfeiffer asked if there was a parking area for the residents. Mr. Taruski stated that there would be no parking available for the residents. The commercial side would be separate from the residential side for safety reasons. The commercial would enter on the north side and the residents would enter on the south side. Vice-Chair Pfeiffer asked if there was a lighting plan. Mr. Taruski stated that a light was added to the south side of the building at the request of the DAB. The light will cover both entrance doors on the south side. Vice-Chair Pfeiffer asked if there was a tenant currently in the building. Mr. Taruski stated that there was no tenant currently in the building as there will be structural repairs needed to the building. Vice-Chair Pfeiffer asked if there would be any windows added to the west side. Mr. Collins stated that the west side of the building was three feet from the train tracks so no windows would be added.
- c. **Case 2018-025 / 10 Edward Street / Parcel# 23029010** – No Board member has any conflict with this case. Mr. Southwick reviewed the case including the staff comments and relevant previous approvals and Zoning changes. The case has been publicly warned with certified letters to the abutters. The applicant was 10 Edward Street, LLC. Mr. James Mitiguy and Mr. John Mitiguy were present to represent the applicant. Member LaPointe asked about the building being condemned by the City. Mr. Southwick stated that it was done before the current owners purchased the building. It was purchased in 2017 with the intention of renovating to an upscale rental property. Progress has been made on the property. The property has been secured. Since the applicant's ownership, no complaints have been made to the police department. Vice-Chair Pfeiffer asked about the letter that the applicant received stating that progress needed to be made to keep the permit. Mr. James Mitiguy stated that he did not realize that they would lose their permitting if visible progress wasn't made. Mr. John Mitiguy stated that they lost their original window of doing improvements due to the permitting with the City and the State. Mr. James Mitiguy showed the Board pictures of the property when it was acquired and pictures of the improvements that have been made on the interior. The entire first floor needed to be re-supported. The second floor has

been completely gutted with support added where it needed to be added. Mr. Mitiguy stated that they had no intention to make this a slum property.

Robert Helferty – Mr. Helferty stated that there is still drug use on the street. The tenants next door to this property are part of the problem. He feels that the neighborhood has given sufficient time to the owners to make improvements. He doesn't understand why the siding was removed as it made the house look worse. He has put up cameras everywhere due to the problems with the property.

Chip Sawyer, Director of Planning and Development – Mr. Sawyer stated that the regulations needed to be followed. It is hard to have a property with a grandfathered use as they do not have the easements that regular use has. You have to follow the standards of legal nonconformities. The City concluded that active construction was a way of holding the property owners responsible for keeping the improvements moving. Once the property owner takes ownership, the clock starts ticking on the use. Mr. Sawyer sent the applicant a letter stating that the owners had a time limit to start construction or they would lose their permit as a multi-unit use. The letter had some tough standards spelled out. One of them being that the owner of the property had to be actively renovating each apartment for the purposes of renting it out. The City allows for active construction which some places do not do. It also states that intent to continue does not constitute continuance. Vice-Chair asked if it had been rented at all since the purchase in March of 2017. Mr. James Mitiguy stated that it hadn't been as it was deemed uninhabitable. Mr. Sawyer asked that if the Board finds in favor of the applicant that a clear timeline and expectations be laid out. Mr. James Mitiguy requested that they also get a detailed timeline if the Board finds in favor of the applicant.

Marty Manahan, Director of Operations – Several years ago the City ramped up the PHSO program (Public Housing Safety Organization). The City responded to complaints of the neighbors and condemned the structure. There has been no water consumption since June 2016. It has been unoccupied for 30 months. He believes that the neighborhood has been waiting for improvements on this property for long enough. He hopes that the Board would support the administrator's decision.

3. Other Business -

- a. **Planning and Development Updates** – Vice Chair asked Mr. Sawyer if there were any updates about the changing in zoning rules. Mr. Sawyer stated that he will get the Board the information on the new zone that the Planning Commission is considering.
- b. **Enforcement Updates** – Mr. Southwick stated that the only enforcement issue they are still having issues with was 211 Lake Street, The Beverage Mart. They are still in violation of snow removable. The owner is looking at repealing the zoning and submitting a revised snow removal plan. The owner has asked to be on the January DRB agenda though no application has been submitted yet.
- c. **Approval of October 15, 2018 Meeting Minutes** – Vice-Chair Pfeiffer stated that she thought that a discussion of the bump out on Main Street was missing. She requested that the audio of the minutes be reviewed before the minutes were approved. The approval of the minutes will be moved to next month.

- d. **Approval of November 5, 2018 Meeting Minutes** – Member Thayer made a motion to accept the minutes as presented. Member LaPointe seconded the motion. It passed with Vice-Chair Pfeiffer abstaining.
- e. Confirm next meeting date: **Monday January 7, 2019 6:30 p.m.**
- f. **Other**

4. Public Comment – None

- 5. Enter Deliberative Session** – Member LaPointe made a motion to enter executive session. Member Leonard seconded the motion. It passed unanimously at 7:58.

March 3, 2019

Motion to approved minutes as presented was made by Member LaPointe, seconded by Member Thayer. Motion passed three (3) in favor, zero (0) against, and two (2) abstained.

APPROVED

St Albans Development Review Board - Regular Meeting
3-Dec-18

Thank you for attending. Please sign in

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