

Minutes of the St. Albans City Planning Commission
St. Albans City Hall
100 North Main St. St. Albans, VT
Meeting Date: August 17, 2015

Approved September 21, 2015

Meeting Called To Order At: 6:00 pm by C. Dermody, Chair.

PC Members	Present	Absent
Chris Dermody, Chair	x	
Jackie Deslauriers	x	
David Barber, V. Chair	x	
Michael Gawne	x	
Tom Murphy		x

Staff Present:

Chip Sawyer, Director of Planning & Development
Robin Morrill, Minute Taker

Public Present: See attached sign in sheet

AGENDA

1. Discuss any additions or deletions to agenda. NONE
2. Recess to proceed to site visit location.
3. SITE VISIT: Corner of Congress and Messenger Streets.
 - a. Discuss character of the area and proposal to redistrict portions of lower Congress St.

C. Dermody lead the group to the corner of Congress and Messenger St., defined the boundaries of the proposal for redistricting and identified the properties that would be affected.

4. Recess to return to City Hall -
Meeting returned/called to order at 6:30 pm by C. Dermody where he gave a brief history to the public present on the Planning Commission's creation of the BNT (Business Neighborhood Transition) District. Members of the public questioned how the changes would affect the properties within this new district. C. Sawyer and members of the board described several scenarios for these properties and the effects the proposed BNT district could possibly present.

5. Land Development Regulation proposals, including presentations from staff, discussions of Planning Commission edits and reports, votes on whether to move forward, decisions on

statutory hearing schedule.

C. Sawyer gave a presentation on the proposed changes explaining the reasoning behind removing Clinics & Medical offices from the largest district (LDR) in the City, how the properties affected would remain and be grandfathered as legal non conforming properties and that the proposed district would prohibit new Clinics and Medical offices in the future for this district. Newly proposed definitions for Medical Office and Clinics were created to specifically eliminate dispensaries from these uses which in turn would eliminate the possibility of dispensaries being developed in the LDR District. C. Sawyer also explained that the proposed new (BNT) District would inherit all of the dimensional requirements and uses of the LDR and that the design standards for this district will be the strongest standards of the City's districts. Acceptable uses were outlined for the new district which started a discussion with concerned neighboring residents regarding a Group Home use. C. Dermody explained that State Law prevents Group Homes from being restricted. C. Sawyer confirmed a maximum of 8 residents allowed, should a Group Home take up residence in the district.

Owl Club was discussed. C. Sawyer confirmed that the Owl Club property is in the B-1 District.

M. Gawne discussed Fiddlehead's letter to the Planning Commission and that he had written a formal response to their letter. He requested that his response be made a part of the record and is so attached to these minutes as well as two electronic correspondences from neighboring property owners affected by the proposed BNT District.

- a. Uses and character of lower Congress St. Discussed during site visit and under item #3
- b. Uses and character of Fairfield St. Brief discussion under item #3

Motion by Michael Gawne to approve the changes as suggested by the Director of Planning & Development for the BNT District, to include specifying the location of the Congress St. BNT district as starting at the North side of Congress St. from Dr. North's property, Easterly to the West edge of Messenger St, Bounded on the East by Messenger St. and on the North by a line which would start at the Verderber's North East corner and run westerly to the intersection of the B-1 Zone, second by Jackie Deslauriers with three in favor, and David Barber opposed.

6. Update on status of other proposed amendments
 - a. Definitions of Medical Office/Clinic and Controlled Substance DispensariesDefinitions were discussed with item #5

Motion by Michael Gawne to accept the definitions for Medical Office/Clinic/Controlled Substance Dispensary as amended by replacing the current language of "a facility used by a physician" with "a building or portion of a building used by a physician," second by Jackie Deslauriers with all in favor.

b. Standards for allowing up-lighting. C. Sawyer discussed changes to the proposed up-lighting standards and reviewed the edits. C. Dermody mentioned that LED lighting is not specifically mentioned in the standards. Brief discussion on different types of lighting. Discussion on the definition of “qualified lighting professional”.

Motion by Michael Gawne to approve article 5 as edited by the Director of Planning & Development based on our discussion of the up-lighting standards, second by Jackie Deslauriers with three in favor, and David Barber opposed.

7. Discuss project concept for 2016 Municipal Planning Grant application - D&V

Applications are being accepted for the 2016 Municipal Planning Grant. PC chair must sign off, the two areas discussed were the City Pool and Fluvial Erosion Hazard Zones.

Motion by David Barber to approve the Planning Commission chair’s endorsement of the 2016 Municipal Planning Grant Application to fund a study for assessment for repair or replacement of the City Pool, second by Jackie Deslauriers with all in favor.

8. Update on storm water management rules project.
Brief discussion on a future presentation to the Planning Commission on City ordinances.

9. Other Business
- a. Action item list - no discussion
 - b. Approval of Minutes -

Motion by Jackie Deslauriers to approve the minutes of July 20, 2015 as edited, second by David Barber with all in favor.

- c. Other -
- d. Questions & Clarifications from Commission members on issues presented.

8. Public Comment

None

- a. Questions and clarifications from Commission members on issues presented. NONE

Motion to Adjourn at 8:25pm by Michael Gawne, second by David Barber with all in favor.

Respectfully submitted,
Robin Morrill
Minute Taker

Planning Commission 8/17/15

THANK YOU FOR COMING. PLEASE SIGN IN.

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THANK YOU FOR COMING. PLEASE SIGN IN.

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Chip Sawyer

From: jeanabbranch@comcast.net
Sent: Thursday, August 06, 2015 1:07 PM
To: Chip Sawyer
Subject: Zoning designation

Thank you for taking the time to contact me regarding the proposed zoning changes that will affect my property at 150 Fairfield Street in St. Albans. I had received the flyer and had not had an opportunity to respond and was, frankly, unsure exactly how the changes would affect me.

The location of my home is certainly "medically locked" by the doctor's office building on the west side of my property and the hospital office building on the east. Since I am retired, I have been considering options for my future living situation. When the time comes for me to sell my home, the limited use originally proposed would have been a burden to me.

I strongly support the "Neighborhood Transition" designation now under consideration by the Planning Commission from a fairness stance. No person's property should be held hostage by a zoning change that would greatly affect future use, particularly when said property is surrounded by medical use facilities.

Thank you for the opportunity to express my concerns and voice my support for the recommended changes.

Jean Anne Branch
150 Fairfield St.
St. Albans, VT
527-5177

Chip Sawyer

From: TD <teridonna123@myfairpoint.net>
Sent: Monday, August 17, 2015 12:04 PM
To: Chip Sawyer
Subject: Zoning B3 for tonight

Importance: High

August 17, 2015

To the City of St. Albans Zoning Board:

Regretfully, I am unable to attend the meeting re: Zoning B3. Please consider this letter of my support.

I live adjacent to the office of Fiddlehead Family Dentistry on Messenger Street. I support that there should always be a dental office there. They are great neighbors and it keeps the area nice and quiet. The alternative is having multiple families living there instead. Put yourselves in our shoes; if this was your choice, which would you prefer?

There is also the matter of the many patients that go to that office. When the dentists chose to retire, they need to find someone that will take over the care of these patients and let them stay in an environment that they feel comfortable. It is difficult enough to need to change to another dentist and if the surroundings are familiar, it can make the transition much easier.

The upkeep of the property is exceptional and I feel confident that they would be sure whoever kept this as a dental office, would take as much pride in it to keep it the same.

Sincerely,

Carlo Corbeil, Property Owner
10 Messenger Street

Michael S. Gawne
16 Rugg Street
St. Albans, VT 05478

July 20, 2015

Lynda M. Ulrich, D.M.D.
Chuck J. Verderber, D.M.D.
39 Congress Street
St. Albans, VT 05478

Re: 39 Congress Street

Dear Lynda and Chuck:

Thank you for your letter dated July 9, 2015. While I have not yet made a firm decision on my vote on a change to the St. Albans City Land Development Regulations, I want to share some of my thoughts with you.

First, I assume you know that I agree that you two have been good stewards of the house located at 39 Congress Street. If this were the issue, then I could easily vote to approve a zoning change to make a dental office a conditional use at that location. However, as a member of the Planning Commission, I am charged with the purpose of encouraging the appropriate development of property located within the City of St. Albans in a manner which will promote the public health and welfare, will protect residential areas from undue concentration, overcrowding, traffic congestion, and the loss of peace, quiet and privacy, will facilitate the growth of the City, and will minimize, even eliminate land development problems. As you may surmise, this makes my job much harder.

Second, I believe you fundamentally misunderstand your rights under the current Land Use Development Regulations. Until you understand the import of the Regulations, a conversation about changes to the Regulations is difficult.

You stated, "If the neighborhood (and the city) wants this property . . . to stay nice as it is, there needs to be a professional business" at 39 Congress Street. The implication is that a professional business could not be so located. Section 412.1C of the Regulations states, "No provision of this bylaw shall prevent the normal maintenance associates with non-conforming uses . . . provided that such action does not increase the degree of non-compliance." Section 412.2 states, "Any non-

conforming use of structures or land, may be continued indefinitely” but with certain provisos. Therefore, your use of your property as a Clinic can continue indefinitely unless one of the provisos applies (and I don't believe any apply).

While your letter did not specifically state that you believe your property has been approved as a dental clinic, I remember your statement at a City Council meeting at which you stated that dental clinics may become a thing of the past and that you need to be able to switch the use to some other form of clinic. From that statement, I inferred that you thought your property could only be used as a dental clinic. I believe this is a mistake. If you look at the Regulations, you will not find “Dental Clinic” as any sort of use. Rather you will find “Clinic/Medical Facility,” which is currently defined as “a building used by a group of physicians, dentists or other licensed health care practitioners using shared facilities and having the ability to treat multiple patients for the diagnosis and out-patient treatment of human ailments on an outpatient basis.” You are considered a “Clinic/Medical Facility,” so the building could be used by physicians and other licensed health care practitioners without a permit for a change in use. I do not understand how you conclude “many of the zoning limitations that have been discussed . . . limit the use of this property” as a Clinic.

You also seem to believe that you could reinstate the use of the property as a four-family dwelling. This is incorrect: As a residential structure in the Low Density District, it can only be used as a single-family or two-family dwelling. (There are other uses allowed in the district.)

As you can tell, I am struggling to understand your objections to the continuing use of your property as a Clinic.

What I do understand is that if a Clinic is allowed to remain in a Low Density District, Clinics would be allowable virtually throughout the entire City of St. Albans. This is unacceptable in my opinion.

I also understand that if we could rezone 39 Congress Street (and the other properties west thereof). This is one possibility we are actively investigating. I have to tell you I have reservations about including 39 Congress Street in a new zone. If the purpose of the new zone were limited to your use of the building as it is presently constructed to a Clinic, this might be acceptable. However, in the new zone, presumably you would be allowed to tear down the existing building and replace it with another building similar to that being built at the old Owl Club. You could even build another structure, such as a church. If the purpose is to preserve the residential appearance of the neighborhood, these potential buildings would be counter-productive.

Please don't get me wrong: I am open to changes in the zoning at all times. If the City wanted to designate Congress Street as an area for commercial development, I could envision this as a realistic possibility at some time. But is this the time? I go back to my first point: Our job as members of the Planning Commissions is to encourage appropriate development. Is the use of 39 Congress Street as Medical Office (a new term not yet adopted), a Place of Worship, or an Office/Clerical/Research appropriate at this time?

I look forward to your input, and I hope you look forward to a better understanding of our job as Planning Commissioners.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Michael S. Gawne", with a stylized, cursive script.

Michael S. Gawne