

MEETING MINUTES
ST. ALBANS CITY PLANNING COMMISSION REGULAR MEETING
ST. ALBANS CITY HALL, 100 NO. MAIN ST.
6:00 PM MONDAY, SEPTEMBER 18, 2017

Approved October 16, 2017

Board Members Present:

Chair David Barber, Michael Gawne, Amy Paradis and Stan Bradeen

Board Members Absent:

Vice Chair Jackie DesLauriers and Luke Richter (Alt.)

Public Present: See attached sign-in sheet

Staff Present: Chip Sawyer, Director of Planning & Development; Wendy Coy, Minute Taker

AGENDA

1. Open Meeting – called to order at 6:00 p.m.

- a. Discuss additions or deletions to agenda – Chair Barber added a discussion about 99 High Street.

2. Approval of Minutes July 17, 2017 & August 21, 2017 - There was one correction to the July 17, 2017 meeting minutes.

Member Bradeen made a motion to approve the July 17, 2017 meeting minutes as corrected. It was seconded by Member Gawne. It passed unanimously with one abstention.

Member Paradis made a motion to pass the August 21, 2017 meeting minutes. Member Gawne seconded. It passed unanimously with one abstention

3. Proposed bylaw amendments to protect stream corridors

- a. **Public Hearing – Chair David Barber Opened the Hearing.**

C. Sawyer presented the amendments to the Land Development Regulations Concerning Stream Corridors. *Section 2 Article 2, Section 202 Defined terms* had multiple definitions amended including: Development, Impervious Area, Intermittent Stream, Perennial Stream, Riparian Buffer Area, Stream Alteration and Bank Maintenance and the Stream Corridor Area. *Section 3. Article 5 Section 521 Accessory Structures and Uses* had one change. *Section 4. Article 5* added the two new Sections – *523 Development and Other Activities in Stream Corridor Areas* and *Section 524 Stream Alteration and Bank Maintenance*. C. Sawyer reviewed both new sections clarifying some of the individual points. *Section 6 Article 3 Section 306 Dimensional Requirements, Section 7 Article 3, Section 307 Additional Provisions,*

Section 8 Article 4, Section 412.1 General Provisions and Section 412.2 were amended to add sections 523 and 524. C. Sawyer reviewed the timeline for adopting the by-laws. Per the State of Vermont, the City needs to adopt by-laws by the end of the year. Member Gawne commented that interim rules can be adopted if the Commission cannot make the timetable set by the State. Chair Barber opened the meeting for public comment.

Jeff Bean - 88 Pearl Street – Mr. Bean came to represent his father. He has concerns with how this is going to affect the property owners that border the streams. He finds the definition of the top of bank as vague with too much interpretation left with the property owner to judge what ten feet from top of bank / high water line would look like. C. Sawyer commented that the starting point could be from the center of the stream instead of the top of bank. The measurement starting point varies between the State and towns and even from town to town with the definition of the top of bank. Mr. Bean also has concerns with putting specific legal dimensions of 10, 20, 30 ft in the by-laws. He believes that these legal dimensions are going to cause a lot of issues with different property owners. With these definitions, his father will lose 35% of his property. He figured that about 40 acres inside the City of St. Albans will be lost to property owners. Per these amendments, no one can stack tires, debris or other things within ten feet of the streams. He questions as to who will enforce these rules. Chair Barber acknowledges that there are things that used to be done but cannot continue because these practices will have on the water quality of various lakes and streams. Member Bradeen stated that trying to create specificity is going to create issues with various property owners and he appreciates the comments but need the Commission needs suggestions. Stream Corridor area needs to be looked at and the property owners need to be worked with as to how their property can be used. C. Sawyer stated that the items that the Planning Commission are proposing are not out of line with other towns and the State. The City needs to reestablish the stream corridor. Bradeen suggested, to avoid a lot of back and forth, mapping out the property boundary in advance so that the owners would know what restrictions they would have to abide by. The City needs to work with the property owner. Mr. Bean pointed out that this is a legal instrument and the City is putting in dimensions. C. Sawyer stated that the City can move the measurement to center of stream but the property owner would still lose some area. Mr. Bean stated that the top of bank should be where the bank has potential of eroding. He feels the Riparian Buffer Area should be minimized as this is an urban setting not a farming community. The urban impact will be a real impact to the property owner.

Cynthia Brown – 27 Lower Gilman Street – Ms. Brown has no problem with planting plants to save the bank but 10 feet would be losing a lot of area in her yard. The 10-foot line will put the Riparian Buffer Zone in the middle of the play area she has for her grandkids. She is not comfortable with long grass due to ticks and mosquitos. Chair Barber stated that she could also plant trees and shrubs. Ms. Brown stated that she did plant trees and shrubs but two years ago the rain washed away a lot of it and now the stream has trees with root balls hanging over it. Property owners need help; not all property owners can afford to make all the revisions that the City is asking for when they don't get any support from the City in return. She has had an eroding stream bank and the City won't put in boulders to fix it.

Member Bradeen stated that they no longer use boulders to strengthen stream banks. If someone makes a change to their property, it can change the streams flow and other parts can start eroding. The City is trying to avoid practices that will create issues 5 to 10 fifteen years from now. This is not about spot zoning but about getting the City to have good practices for the brooks and stream corridors. The question is how is this done effectively?

Mr. Bean stated that the burden is on more property owners than others. There has been no recognition or support from the City over the last sixty years for all the work and damage done to the streams.

David Flood – 29 Barlow street – His concerns are whippets (small growths of trees that randomly show up). He feels that there needs to be some flexibility for the top of bank measurement. C. Sawyer stated that all the property owner needs to do is fulfill the intent of the rule. The City is not going to go out and survey every property every year. Member Gawne stated that the plan will be revisited every couple of years so the definitions may change due to the changing of the brooks. He feels that we need a provision about an erosion zone. Chair Barber stated that the public hearing would be recessed until next meeting. He feels that the Commission is not ready to approve the by-laws tonight. Member Bradeen made a motion to formally recess the public hearing. Member Paradis seconded the motion. It passed unanimously.

Chair David Barber Recessed the Public Hearing to be Resumed at the Next Planning Commission Meeting.

- b. **Consider revisions** – The Commission asked that all the changes that the property owners would like to see be made in writing so that each point can be clarified and discussed. The members of the Commission will also submit their thoughts in writing for the next meeting.
- c. **Consider approval and submission to City Council** – The Commission was unanimous in the decision that they were not ready to approve or submit the bylaws to the City Council.

4. Other Business

- a. **Expiring commission terms** - None
- b. **City Plan Update** – City Council approved as submitted. NRC hearing did not have a quorum to make any submissions or any changes.
- c. **Planning and Development Update** – There were no questions or comments on the previously emailed update.
- d. **Other – 99 High Street** – Chair Barber was concerned with the trend of demolishing historic buildings. He feels that the Commission needs to go back to the City Ordinances and tighten up the demolition ordinances. There are certain structures that should not be considered for demolition. C. Sawyer informed the Commission that this building is going through the permitting process for demolitions. It has not been approved yet. Chair Barber would like to see additional protections in our city ordinances. Member Gawne stated that the Commission needed to look at the things that have happened in the City. The person who

owns the property neglects the property so it cannot be salvaged and then it is demolished. C. Sawyer pointed out that if the building can't be salvaged, regardless of why it can't be saved, it has become a blight and can't be left as a blight on the City landscape. The City is now doing code enforcement and inspection on rental and commercial properties. He does not believe that High street unsalvageable. The new enforcements of the codes discovered the problem before it became irreparable. Member Paradis commented the Commission cannot overcompensate due to the reaction over one building.

5. Public Comment - None

Member Gawne made a motion to adjourn the meeting at 7:57 p.m. The motion was seconded by Member Paradis. The motion unanimously passed.

PC 9/18/17

THANK YOU FOR COMING. PLEASE SIGN IN.

NAME

EMAIL

PHONE

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~~etc~~

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