

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, March 23rd, 2023
6:30 p.m.**

On Thursday March 23rd, 2023 at 6:30 p.m., the Town of St. Albans Development Review Board met at Town Hall for the following hearing.

Present: Chair, Brent Brigham, Vice Chair Arthur Omartian, Clerk Mike McKennerney, Allison Hickey, Tom Stanhope, Zoning Administrator, AJ Johnson, Director of Community Development, Megan Sherlund

Absent: Ellen Baker & Christina Boissoneault

Chair, B. Brigham, called the Development Review Board hearing to order at 6:30 p.m.

New Business

Application of Robert Langevin Sr. requesting a Variance to allow for a non-conforming use of a Single-Family Home within a Commercial District in accordance with Sections 4.7, 7.1, 7.1.1, 7.4 and 8.6 of the St. Albans Town Unified Development Bylaws. The property is located at 230 South Main Street, located within the Commercial District and is owned by the Applicant.

The Application was represented by Robert Langevin Sr. owner of the property. Jeff Blouin abutting land owner, requested Interested Party Status.

MOTION: M. McKennerney made a motion to grant Interested Party Status to Jeff Blouin. T. Stanhope seconded. All in favor, none opposed, motion carried.

The Applicant and Interested Party was sworn in by M. McKennerney.

R. Langevin explained the history of the land He explained that he removed the 2-bedroom house that existed prior to zoning and thought he could build another 2-bedroom house on the same footprint. He started construction and it is 2/3 completed. R. Langevin explained that the driveway from South Main Street serves his property and the other single-family home but, it is not clear who owns the land encompassing the ROW.

R. Langevin stated that when he purchased the property it had the single-family home (since been removed), 2 garages and small shack near the railroad which are still there. He stated that he talked with J. Blouin, neighboring property owner, who had no concerns with the reduced front yard setback. R. Langevin stated that he started construction because he thought he was within his rights to build on the old foundation. When he went to get a permit, A. Johnson informed him the single-family home use was no longer grandfathered in because it had been removed more than 18 months ago.

B. Brigham asked J. Blouin his address. J. Blouin explained that he lives at 240 S. Main St. but, he does not use the shared driveway for access to that property. He also co-owns the vacant land across the ROW from this property.

B. Brigham mentioned the history of the property was for access to the Industrial Park property prior to development of the current access road. R. Langevin stated that he owns left side of driveway and Jeff owns the right side.

B. Brigham asked what the piles of stuff were in the aerial photo that was given in their packets. R. Langevin informed the board these are piles dirt and rocks from his excavation business. He said that if he has extra materials, he brings it to this property. B. Brigham asked if he would ever bring storage containers? R. Langevin said no just piles. B. Brigham asked if he was going to leave them there? R. Langevin said no, he wants to build the house and clean up the whole area.

B. Brigham confirmed the property was within the Commercial District. R. Langevin stated that he was told it was Mixed Commercial Residential when he bought it A. Johnson stated it is zoned commercial with a residential use. B. Brigham asked to see the zoning map.

The Board reviewed the zoning map and identified where the district boundaries are located compared to the location of R. Langevin's property. R. Langevin explained how the property is landlocked.

J. Blouin explained that the road is a right-of-way, and 6 properties have deeded access. He stated that R. Langevin has already built the replacement structure and there is a 30' setback from his property line. He spoke with his co-owner and they agreed that as long as the house stays where it is they have no concerns.

J. Blouin mentioned that he may eventually develop his side of the ROW. J. Blouin asked that the ROW stay clear for emergency vehicles as a condition of the decision.

A. Hickey asked who maintains the ROW. J. Blouin said mostly R. Langevin, but his dad paved the front portion years ago and R. Langevin plows the driveway down by the houses. R. Langevin also mentioned that he has cleared the road from a majority of the brush.

A. Johnson asked to address the Board. She stated that the survey shows the existing foundation is 30' from the property line, but she cannot grant a building permit for the existing partially constructed building because there is a 15' over hang beyond the foundation and that would require a front yard setback variance. R. Langevin stated that the foundation meets setback but there was a porch that came off the foundation all the way up to the driveway. A. Johnson stated that aerials might prove that as accurate but it has been more than 18 months since it was torn down therefore, he has lost the ability to use the same footprint.

B. Brigham asked if there were any other questions.

R. Langevin asked the board what else could that property be used for with the issue of access. B. Brigham said not much with no frontage and only a 30' wide ROW. A. Johnson stated the only thing permissible use is a triplex with a frontage waiver. B. Brigham stated that it's too bad you got started before coming to us. J. Blouin stated that he would rather have a single-family home than a triplex. A. Johnson explained the rules of frontage waivers.

A. Omartian asked R. Langevin if he was concerned about the stability of the bridge? R. Langevin said not for passenger vehicles but commercial trucks it would not be ok, the bridge is only 12' wide.

Deliberative Session

MOTION: A. Omartian made a motion to enter deliberative session at 6:56 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.

MOTION: A Omartian made a motion to come out of deliberative session at 7:40 p.m. T. Stanhope seconded. All in favor, none opposed, motion carried.

Application of Robert Langevin Sr. requesting a Use Variance.

MOTION A. Omartian made a motion to approve the Application of Robert Langevin Sr. requesting a Variance to allow for a non-conforming use of a Single-Family Home within a Commercial District in accordance with Sections 4.7, 7.1, 7.1.1, 7.4 and 8.6 of the St. Albans Town Unified Development Bylaws. The property is located at 230 South Main Street, located within the Commercial District and is owned by the Applicant, with the following conditions: 1. Applicant shall apply for a building permit; 2. The shared ROW must remain clear at all times; 3. the Board accepts the amended findings of facts and conclusions of law as provided in the Zoning Administrators staff report dated March 20th, 2023; 4. All State and Federal Permits are the Applicants responsibility; 5. The Applicant shall agree to and comply with all findings of fact and conclusions of law listed in this decision as well as all conditions of approval. Seconded by T. Stanhope. All in favor, none opposed motion carried.

Minutes

MOTION: A. Omartian made a motion to approve the minutes from the meeting of November 30th, 2022. T. Stanhope seconded. All in favor, none opposed, motion carried.

Adjournment

MOTION: M. McKennerney made a motion to adjourn the DRB meeting at 7:45 p.m. A. Omartian seconded. All in favor, none opposed, motion carried.

**Respectfully Submitted,
Megan Sherlund, Director of Community Development**