

Minutes
Town of St. Johnsbury
Board of Selectmen
Public Hearing
Zoning By-Law Amendments
Thursday, June 12, 2003

The Town of St. Johnsbury Board of Selectmen held a Public Hearing on Thursday, July 12, 2003 beginning at 7:00p.m. in the Board Room of the Municipal Building. The purpose of this hearing was to solicit public comment regarding proposed amendments to the Town's Zoning By-Law.

Selectboard Members Present – Chairperson Gabriel Handy, Reginald Wakeham, Elwin Cross, and Bryon Quatrini.

Selectboard Members Absent/Excused – Dale Urie

Others Present: Larry Donna, Stan Wilkins (Planning Commission), Barbara Morrow (St. Jay WORKS), James L. Rust (Zoning Board of Adjustment), George Kellogg, Mark Desroches, Bill Merrow (Planning Commission, Chairperson), Dorothy Weinstein, Edward Zuccaro (Town Attorney), Kim Achilles (Caledonian Record), David Redmond (Design Review Board), Fred Laferriere (Zoning Board of Adjustment), Louis Lacroix, Brenda Lacroix, Pam Laferriere, Joel Schwartz (Director Economic Development), Lenny Gerardi, Lauren Jarvi, Maurice Chaloux, Robert Desroches, Bruce Ralston (Design Review Board), Priscilla Messier (Planning & Zoning Officer), and Mike Welch (Town Manager).

Chairperson Gabriel Handy called the meeting to order at approximately 7:00p.m. Chairperson Handy outlined the procedures for the hearing. Chairperson Handy asked that each person wanting to speak identify themselves for the record. Gib said he would start with a brief overview of all of the proposed by-law amendments. He would allow opportunity for questions, then he would ask for any statements.

Overview of Proposed Zoning By-Law Amendments – Priscilla Messier informed members of the Board, and the Public, that the Zoning By-Law Amendments as proposed are the result of work done by members of the Planning Commission, Zoning provided those in attendance with a packet of information that included an outline of all of the proposed By-Law Amendments; proposed language for the Design Control District, and for the Riverfront Set-Back; copies of letters that have been received to date. Priscilla reviewed each individual section of the Zoning By-Law where amendments are proposed. (A copy of the Notice of Public Hearing is included with these Minutes detailing the section of the By-Law where amendments are proposed.)

Following the overview – Chairperson Handy asked if individuals had specific questions regarding the areas where amendments are proposed. There were no questions.

Riverfront Set-Back – Chairperson Handy reviewed the proposed language for the 50’ Riverfront Set-back. Chairperson Handy asked for questions or comments on the proposed Riverfront Set-Back of 50’.

George Kellogg – Said he did not understand how the Town could acquire rights to his property without some type of condemnation proceeding. Mr. Kellogg spoke about allowing Bike Paths or Trails within the 50’ set-back but nothing else. The Town Manager stated that the language relating to allowing bike paths or trails within the 50’ setback has been removed.

Dottie Weinstein – Said that she is a member of the Passumpsic Valley land Trust and she is delighted to see the Planning Commission’s proposal. She spoke in favor of the proposal indicating that she felt this type of buffer will provide an adequate buffer and will help promote the health of the river.

Larry Donna –Spoke in opposition to the proposal. Representing Gilmour Ford on Memorial Drive said that if the intent of the By-Law amendment is to provide a buffer for landscaping and riverfront protections – the existing 20’ setback already does that. Mr. Donna suggested that more education is required to help landowners understand how to help protect the riverfront – but not additional set-back language.

Len Gerardi – Spoke in favor of the proposal. Mr. Gerardi said he is the owner of 1,000 ft of frontage along Houghton Brook. Mr. Gerardi said he applauds the efforts made by the Planning Commission, Zoning Board, and SelectBoard in considering this initiative. Mr. Gerardi said that this proposal will help with flood protection; it has environmental benefits, and will work to protect existing property owners. This amendment will help protect a fragile zone of the river. This does not have just a localized impact. This proposal will help protect property downstream. I am an effective property owner. I will see no direct benefit from this proposal – but maybe you will set some examples for other communities. There is a benefit to sound land use planning. I encourage you to adopt this proposal.

Bruce Raltson – Spoke in opposition to the proposal. Mr. Ralston said that this proposal will impact about 150 acres in the community. There is regulation in place now to help protect the riverfront areas. He said the Riverfront areas have protection through current permitting requirements. Mr. Raltson suggested that the Planning Commission could add more to the site plan review criteria – such as using natural vegetation. Mr. Ralston said that this proposal will have an adverse impact on property all along the river.

Robert Desroches – Spoke in opposition to the proposal. He said that this is an illegal taking of his property. Particularly for a bike path. Mr. Desroches said he believes that the language is poorly written. “Natural banks” is not the correct term. “Bouroughs Brook”. He said that many projects are already built out. The proposed Bike Path would take up 20 miles of river frontage – but that would be OK. He spoke about riparian law and whether the water were navigable or not. Mr. Desroches said that there is already

plenty of regulations in place to protect the river. This is just one more reason for business to go to New Hampshire. Mr. Desroches said that if the Town is interested in the riverfront property – then they should offer to buy it, or approach property owners for easement s- but not just take the property through additional regulations.

Len Gerardi – Said that current law does not mandate a tree corridor. Mr. Gerardi said that the current 20’ setback is not sufficient to protect the river. He said 50’ was more productive and protective for the riverbank. Mr. Gerardi said that there is no law/rule that spells out setbacks.

Town Attorney Ed Zuccaro pointed out that the proposal as drafted does allow the Zoning Board to consider variances to the setback – that generally provides adequate protection.

Larry Donna – Said that the 20’ setback is enough – that should be sufficient.

Robert Desroches – Said that under the current proposal – you can still cut down the trees, you can still graze cows up to the waters edge – there is nothing in the current language that really does anything to protect the riverfront.

Dottie Weinstein said that New Hampshire does have state mandated shoreland protection – limiting what can be done along the riverfront. She said in Vermont this falls on the individual communities. This proposal is not perfect, but it is a good beginning.

Design Review – Expansion of Existing District – The Town Manager reviewed the requirements for a “planning commitment” under the State of Vermont Downtown Program. St. Johnsbury is one of 14 designated downtowns. Priscilla Messier provided an update to the Board including the current proposal that includes Railroad Street from Federal to Maple, and Eastern Avenue from Main to the RR ROW. Priscilla Messier also provided members of the Board of Selectmen with copies of several letters that have been received from property owners regarding the proposed expansion of the Design Control District.

Chairperson Handy asked for questions and comments.

Mark Desroches read a letter from Francis Collins detailing the experience that Mr. Collins had with preserving a portion of a historical Main Street building. Mr. Collins letter supported the expansion of the Design Control District.

Barbara Morrow – Director of St. Johnsbury Works – said that designation is very important for the community. She encouraged Board members to review all of the letters that they have received that support the expansion of the Design Control District. Barbara said that Design Review helps to provide a chance to preserve the architectural characteristics in St. Johnsbury that are attractive to visitors. Barbara said that many incoming businesses interests will look favorably on design review – because it helps

protect their investment in the community. Barbara Morrow encouraged the Board to act favorably on the proposal.

Len Gerardi- Said that he found some typographical errors that he had passed along to Priscilla Messier.

Having no further comments or questions – Chairperson Handy informed those in attendance that the Public Hearing would be continued until the next Board of Selectmen’s Meeting scheduled for Monday, June 23rd at 7:00p.m. Chairperson Handy encouraged anyone interested to submit comments in writing to the Town Manager and these will be forwarded to the Board of Selectmen.

Having no further comment, the Public Hearing was recessed by Chairperson Handy at approximately 7:45p.m. The Public hearing on this matter will reconvene on Monday, June 23, 2003 beginning at 7:00p.m. in the Board Room of the Municipal Building.

Respectfully submitted,

Michael A. Welch
Town Manager