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5/03/13 PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD

The Swanton Development Review Board held a Public Hearing on **Wednesday, May 2, 2013** at the Swanton Town Offices, 1 Academy Street, at **7:00 P.M.**

Present:

Joel Clark
Lucie Hill
Jan Hoague
Spencer LaBarge
Yaasha Wheeler, Clerk
Ronald Kilburn, Zoning Administrator

Present:

Susie Fournier (#480-2013)
Steven Salls (#481-2013)
Rene & Patricia Fournier (#481-2013)
Richard Cummings (#482-2013)
David Quick (#482-2013)
Jeff Hardy (#476-2013)

Clark opened the hearing at 7:00 p.m. He introduced the board members, explained the process of the hearing, and asked the board members to make known any conflicts of interest or any ex parte communications; there were none. He read the definition and rights of interested persons and swore in the participants.

- 1. #480-2013 Final Plat Approval Request of Earl and Susan Fournier** to create a two-lot residential subdivision: Lot 2 (212 acres) will remain with the farm; Lot 3 (1.07 acres) is proposed for a 2 bedroom, single-family residence with on-site drilled well and off-site shared wastewater disposal system with access to the residence by way of a common right-of-way from **Campbell Bay Road**. SR Shoreland Recreation District.

Clark stated that a few questions had come up during deliberation about the right-of-way. Fournier clarified that the driveway continued to the Barrette property. He asked if there was a

right-of-way and said that approval might be contingent upon showing that right-of-way. This would be done with the purpose of ensuring the protection of the person who lived at the end of that driveway, even though there was no issue with the use of the driveway now. He asked if a 50-foot right-of-way would impact the neighboring lot, and Fournier said that it would not. Hoague added that the neighbor had his driveway off of Campbell Bay Road, not the Fournier right-of-way, so he would not be impacted. Fournier stated that they were upgrading to a 2-family mound system, all approved by the state.

2. #481-2013 Proposed Lot Line Adjustment Request of Steven Salls to adjust lot lines on two-adjoining parcels on the **South Side of Second Street at #31 York St. and at #10 Second Street (Rene & Patricia Fortin)** for the purpose of conveying a strip of land 16 ft. by 119 ft. which would place the new lot line at approximately five (5) feet from the Salls barn in the R5 Residential District.

Fortin explained that he needed more property to park his equipment for his construction business, and Salls added that he liked the aesthetics of being able to have more land, because he would be able to extend an existing row of trees. Fortin added that they would be able to remove certain other trees that were blocking his view out of driveway. They had originally asked for 2 feet from the Salls barn, but upon being denied by the board, they had modified their request to 5 feet. LaBarge mentioned that the board usually liked to see more space for maintenance issues. The board informed Salls and Fortin that, if the request were approved, the board might ask for the deeds to include a maintenance easement for Fortin. It was noted that the Salls property was for sale. Kilburn reminded the applicants that they would need to present a formal Mylar for the records if the request were approved.

3. #482-2013 Proposed Lot Line Adjustment Request of Richard Cummings Revocable Trust to adjust the lot lines on Lots #1, #6 and #7 in the Jerrymill Lane Subdivision off the Bushy Rd. R1 Agricultural/Residential District.

Cummings came forward, with David Quick (his neighbor). Clark summed up that the request involved a pre-approved subdivision, and that the sizing of some of the lots was being changed. Cummings explained that the corner of a lot was clipped by the brook and that, in order to access the lot without crossing the brook, the line was pulled in. The potential buyer for the property also wanted a little more footage anyway. Clark noted that minimum lot size was still being met with the new plan, and Cummings added that they were trying to keep the driveway on the high ground. The rear line would stay the same. Clark noticed that the minimum road frontage in the area of 200 feet, but none of the lots in the subdivision met the road frontage, which suggested to him that the request involved a pre-approved PUD. Kilburn found a record in the minutes from September 23, 2010, which involved only a lot line adjustment between Lots 1 and 2. No PUD was mentioned. Quick stated that he was fine with the project as proposed.

4. Public Comment. – None.

5. Any other necessary business.

Jeff Hardy from TDH Surveying came forward on behalf of Gerald Belisle. He explained that the DRB, in the February 28, 2013 hearing, had approved the sketch plan and possible final plat to create a 2-lot subdivision by dividing an existing 5 acre lot. The request had been approved with the conditions that Lot 1A must reflect sufficient access and Lot 1B should reflect a 50-foot right-of-way. He presented the new plan. He pointed out that one of Lavoie's conditions in the motion was basically meant to ask the applicant to fix the plan to reflect the actual location of the driveway to Lot 1A. He had left the right-of-way at 25 feet, because he was unsure what the board had wanted to accomplish by requesting a 50-foot right-of-way. Hill replied that 25 feet should be sufficient, since the driveway only served one dwelling. Hardy explained that the two lots were on very different levels of land, with one on a plateau (3.1 acres) and the other occupying lower land after a sheer drop-off (2.5 acres). The lower lot was not proposed for building currently.

The board discussed whether or not they should warn a hearing or make a quasi-judicial judgment. Hill noted that the changes were all reflected and that there could be a 50-foot right-of-way without a 50-foot driveway. They noted that the motion language stated "possible final plat approval," not "final plat approval," and recalled that no interested persons had attended the hearing for that item. The board decided to discuss the item in deliberative session and vote on it.

LaBarge made a motion, seconded by Hill, to enter deliberative session at 7:54 p.m. Motion carried.

LaBarge made a motion, seconded by Hill, to exit deliberative session at 8:16 p.m.

LaBarge made a motion to APPROVE #480-2013 Final Plat Approval Request of Earl and Susan Fournier to create a two-lot residential subdivision: Lot 2 (212 acres) will remain with the farm; Lot 3 (1.07 acres) is proposed for a 2 bedroom, single-family residence with on-site drilled well and off-site shared wastewater disposal system with access to the residence by way of a common right-of-way from Campbell Bay Road. SR Shoreland Recreation District. Approval was contingent upon the CONDITION that the applicant's Mylar shall reflect a 20 foot right-of-way to the Barrette residence. Hill seconded. Motion carried.

Hill made a motion to APPROVE #481-2013 Proposed Lot Line Adjustment Request of Steven Salls to adjust lot lines on two-adjointing parcels on the South Side of Second Street at #31 York St. and at #10 Second Street (Rene & Patricia Fortin) for the purpose of conveying a strip of land 16 ft. by 119 ft. which would place the new lot line at approximately five (5) feet from the Salls barn in the R5 Residential District. Approval was contingent upon the CONDITION that the formal Mylar shall reflect a 5-foot maintenance easement for the existing barn. LaBarge seconded. Motion carried.

LaBarge made a motion to APPROVE #482-2013 Proposed Lot Line Adjustment Request of Richard Cummings Revocable Trust to adjust the lot lines on Lots #1, #6 and #7 in the Jerrymill Lane Subdivision off the Bushy Rd. R1 Agricultural/Residential District. Approval was contingent on the CONDITION that the applicant shall provide a final Mylar. Hoague seconded. Motion carried.

Hill made a motion to APPROVE, as submitted, #476-2013 Final Plat Approval Request of Gerald Belisle to create a two (2) lot subdivision by subdividing an existing 5.99 acre lot at 5 Rocky Ridge to create one single family dwelling lot of 3.54 acres and one lot of 2.44 acres. R1 Agricultural/Residential District. LaBarge seconded. Motion carried.

Hill made a motion to approve the Development Review Board minutes of April 3, 2013. LaBarge seconded. Motion carried.

Hill made a motion to adjourn at 8:24 p.m. LaBarge seconded. Motion carried.

Respectfully submitted,

Yaasha Wheeler
Development Review Board Secretary

Joel Clark

Lucie Hill

Spencer LaBarge

Janette Hoague