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9/27/13 PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD

Present:

Joel Clark
Lucie Hill
Gabriel Liegey
Janette Hoague
Yaasha Wheeler, Secretary
Ron Kilburn, Zoning Administrator

Present:

Michel Gingras
Kevin Brzys and Andy Hoak, Ruggiano Engineering
Thomas Langlois
Michael LaFarr
Jami & Robyn LaPan
Kevin LaPan
Allen Pigeon

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

- 1. #486-2013 Final Plan Approval Request of Jeremy Allard & Aaron O'Grady** to create a new 9-lot PUD consisting of (7) new single-family homes, (1) new two-family home and (1) existing single-family home on an existing 22 +/- acre parcel at **42 Penell Rd.** R1 Agricultural/Residential District.

Mr. Clark stated that the Zoning Administrator had received an e-mail from the applicants asking for this item to be moved to the October meeting.

2. **#493-2013 Continuation of Sketch Plan Approval Request of Michel Gingras** to create a Major, Four (4) lot subdivision by subdividing a 10.0 acre parcel in order to create two (2) lots for single family homes, Lot # 3 (2.34 acres), Lot #4 (1.02 acres); together with Lot #1 (2.83 acres) for an existing wastewater disposal system, and Lot #2 (3.76 acres) with existing building which would remain with **Hog Island Wholesale Bait**, all on the East side of Lakewood Drive, located at **172, 173 and 176 Lakewood Drive**. SR Shoreland Recreation District and RC Recreation/Conservation District.

Michel Gingras, Andy Hoak, and Kevin Brzys came forward to present their request. Mr. Brzys stated that some of the acreage and lot lines have been revised (the numbers from the agenda were the old numbers). An existing wastewater disposal system served Hog Island Wholesale & Bait, as well as the properties on the other side of road, with an existing easement. Lot 1 was 2.14 acres with 291 ft. of frontage along Lakewood Drive. Lot 2 was 4.13 acres and contained the existing wholesale & bait facility. As part of project, Mr. Gingras wanted to add a 4000 sq. ft. addition to the facility for storage space and loading docks. Lot 3 would be 2.60 acre lot with a proposed single-family residence on it, with 200 ft. of road frontage along the shared driveway and a lot depth of 220 ft. Lot 4 would be 1.04 acres with a single-family residence. Both houses will have drilled bedrock wells. The existing access easement would run across lots 4, 3, and a section of lot 2, for shared driveway access to all 3 lots. The wastewater easement would run on the back of lot 3 to the shared performance mound system to facilitate lots 3 and 4. The plan showed setback requirements of 75 ft. for the front yard and 50 ft. for the side yards. The request had been previously denied because the plan had failed to meet the minimum lot depth of 200 ft., so the new plan had been adjusted to have 200 to 220 feet for depth.

Mrs. Hoague was concerned that the position of the driveway limited the amount of usable land. Mr. Brzys explained that the driveway was there so that trucks could access the back lot to serve the facility. Mr Clark asked about the traffic and Mr. Gingras estimated that there was about one trailer per week, with panel trucks delivering Wednesday through Friday, and about 12 vehicles that would access the property about once daily.

Mr. Clark was concerned about jogging the line in order to keep the lot depth and Mr. Brzys explained that the setbacks interfered with one another otherwise. Mr. Clark asked if the project would be "killed" if only one home was allowed, rather than two. Mr. Hoak stated that he felt the reduction of the number of residences would be a problem, and proposed a compromise of combining lots 3 and 4 for a duplex on a single lot. Mrs. Hill noted that duplexes for the district were allowed under Conditional Use. Mr. Clark added that a variance might need to be requested, although if the dimensions were within 70% of the required setbacks, the request could be Conditional Use instead. Mr. Hoak suggested creating a separate driveway to serve the residences, but Mr. Clark responded that he was less concerned about the traffic than about the set-up of the residences. There was discussion about moving the driveway a little to the north, as long as it met the setbacks to the mound system. It was noted that Mr. Gingras had hoped to begin construction earlier, but now would have to wait until spring. The DRB considered doing a site visit.

Mr. Thomas Langlois, a neighbor to the property in question, said that he did not have a problem with the construction as proposed, but had concerns about the state's letter to him regarding the isolation area that extended onto his property. Mr. Hoak explained that a new state rule required abutting landowners to be notified when isolation zones for both well and septic systems extended onto neighboring properties. The notification letter indicated the resulting limitations, but if a system failed on Mr. Langlois's property, he was allowed a "best fix," and the state would likely allow a disposal system within the isolation area. However, a new supply well could not be installed within the isolation zone. Mr. Clark asked if there would be an issue with replacing an existing well within the isolation zone, and Mr. Hoak replied that the state might take a closer look at the area and ask for additional casing. Since the issue concerned existing systems, he expected no change. Mr. Clark added that the existing flow would not change with the addition of a duplex, since the home would have its own separate mound system to the east.

Mike LaFarr mentioned that Mr. Gingras had an issue with the state regarding water going directly into the lake. Mr. Hoak explained that, at the last meeting, it had been noted that various state permits were still needed, including permits for wastewater disposal, operational stormwater control, constructional stormwater control, and act 250. The pond next to the Wholesale & Bait served as a discharge for the mineral tanks into a swale that ran just north of the road. The state had called this "direct discharge to waters of the state" and a proposed solution was to apply for a secondary pond which would serve as a settling and wetland area, so that the discharge from the mineral tanks would evaporate. Mr. Clark said that the DRB's only purview was the subdivision and that it sounded like the pond was an existing issue, not part of the change regarding the subdivision and proposed homes. The applicants, engineers, and board members discussed potential times for a site visit.

3. CU#493-2013 Conditional Use Approval Request of Jami Lapan DBA Jami's Automotive, LLC to engage in the business of automobile Sales & Tractors, ATV's, boats, motorcycles & personal water craft at 155 North River Street NC Neighborhood Commercial District.

Mr. Clark said that he assumed this was an amendment to the existing Conditional Use permit. Mr. LaPan explained that he would like to sell a few cars, lawn tractors (not farm tractors), and other motor vehicles, plus boats and personal watercraft. He mentioned an old overgrown driveway that had extended around to the back of the garage, which he would like to use to display the vehicles. Mr. Kilburn expressed a concern with the inclusion of boats and watercraft in the application, adding that the definition for recreational vehicles specifically excluded boats and other watercraft, and that a motor vehicle was defined in the American Heritage dictionary as self-propelled wheeled conveyance such as a car or truck. Robyn LaPan mentioned that a boat dealer operated three properties down from the garage. Mrs. Hill asked if there were any changes as far as the existing auto repair business and Mr. LaPan said there were no changes.

4. Public Comment

Mr. Pigeon asked how he should proceed with a potential lot line/boundary adjustment by the lake, between himself and someone who owned a camp along the shore. The other owners would likely be unavailable for the next meeting. Mr. Clark said that Mr. Pigeon could represent the case for both landowners and that the adjustment would be put on the next agenda.

5. Any Other Necessary Business

Mr. Kilburn presented two Mylars for approval. The first Mylar, for Steve Salls and Rene Fortin, did not show the 5 foot maintenance easement as requested. The DRB decided not to sign the Mylar until Mr. Salls and Mr. Fortin could be contacted to resolve the issue, and a new Mylar prepared. The chair signed the Mylar for David and Peggy Howrigan's subdivision on Sheldon Road, from the June 15, 2013 meeting.

MOTION: Mrs. Hill made a motion, seconded by Mr. Liegey, to enter deliberative session at 8:00 p.m. Motion carried.

MOTION: Mr. Liegey made a motion, seconded by Mrs. Hoague, to exit deliberative session at 8:35 p.m. Motion carried.

MOTION: Mr. Liegey made a motion, seconded by Mrs. Hill, to CONTINUE #493-2013 Continuation of Sketch Plan Approval Request of Michel Gingras to create a Major, Four (4) lot subdivision by subdividing a 10.0 acre parcel in order to create two (2) lots for single family homes, Lot # 3 (2.34 acres), Lot #4 (1.02 acres); together with Lot #1 (2.83 acres) for an existing wastewater disposal system, and Lot #2 (3.76 acres) with existing building which would remain with Hog Island Wholesale Bait, all on the East side of Lakewood Drive, located at 172, 173 and 176 Lakewood Drive. SR Shoreland Recreation District and RC Recreation/Conservation District. This item is continued for a site visit on October 24, 2013. Motion carried.

MOTION: Mrs. Hoague made a motion, seconded by Mr. Liegey, to APPROVE CU#493-2013 Conditional Use Approval Request of Jami Lapan DBA Jami's Automotive, LLC to engage in the business of automobile sales & lawn tractors, ATVs, and motorcycles at 155 North River Street NC Neighborhood Commercial District. Approval excluded boats and personal watercraft. The applicant must abide by section 4.5(A) regarding setbacks for parking vehicles. The hours of operation would remain as defined in the permit application. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mr. Liegey, to approve the minutes of 8/29/13 as written. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mr. Liegey, to adjourn the meeting at 8:40 p.m. Motion carried.

Respectfully submitted,

Yaasha Wheeler
Development Review Board Clerk

Joel Clark

Gabriel M. Liegey, Jr.

Janette Hoague

Lucie Hill