

**TOWN OF SWANTON  
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**11/21/13 PUBLIC HEARING  
SWANTON DEVELOPMENT REVIEW BOARD**

The Swanton Development Review Board held a Public Hearing on **Thursday, November 21, 2013** at the Swanton Town Offices, 1 Academy Street, at **7:00 P.M.**

Present:

Joel Clark  
Spencer LaBarge  
Lucie Hill  
Janette Hoague,  
Yaasha Wheeler, Clerk  
Ron Kilburn, Zoning Administrator

Also present:

Michel Gingras (493-2013)  
Andy Hoak & Kevin Brzys, Ruggiano Engineering (493-2013)  
Delores Trahan (494-2013)  
Jill Trahan and Tim Royea (494-2013)  
Ginette Young (494-2013)  
Royal Bushey (494-2013)  
Allen Pigeon (495-2013)  
Sharon Menard (495-2013)  
Sarah Cote (495-2013)  
Wesley Menard (495-2013)  
H.D. Campbell (CU494)  
Dennis Demers (496-2013)  
Art Goodhun

Mr. Clark opened the hearing at 7:02 p.m. He explained the process of the meeting, read the definition of interested persons, and asked the board members to make known any conflicts of interest or ex parte communications. There were none. Mr. Clark 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.

At the written request of the applicant (by e-mail), this item was postponed for a later meeting.

**2. #493-2013 Continuation of Sketch Plan Approval Request of Michel Gingras** to create a Minor, three (3) lot subdivision by subdividing a +/-9.9 acre parcel. Lot #1 (2.32 acres) is for an existing wastewater disposal system. Lot #2 (4.00 acres) contains an existing building which would remain with Hog Island Wholesale Bait. Lot #3 (3.60 acres) will be for a duplex residence (**Requires Conditional Use Approval**). All lots are located 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, Andrew Hoak, and Kevin Brzys came forward. Mr. Brzys responded to each of the 7 questions that the applicant had been asked to answer:

1. List existing uses on lot: Hog Island Wholesale Bait and Tackle; storage of goods associated with retail and bait operations; storage of wood pellets, mulch, and soils for landscaping; sale of Christmas trees; and storage of boats.
2. Will the three large storage containers remain? There are actually four, and Mr. Gingras has a permit for them. They will remain after construction.
3. Update label on pond: The pond is now labeled as a settling pond, not a stormwater pond.
4. Daily traffic count of vehicles on driveway: The highest level of traffic was between April and September, with the busiest days of the week being Wednesday through Friday. Six vehicles were outbound, with one tractor trailer delivering per week, four delivery trucks, and fifteen employee trucks, for a total of 26 vehicles.
5. Road frontage on lot 2: The plan for lot 2 had been revised by moving the property line back 25 feet to have 75 feet of frontage outside the proposed addition the lot line. It would meet the front yard setback requirements on two sides. The access easement off of Lakewood Drive had been updated and would serve to benefit for Lots 1, 2, and 3. The frontage of lot 2 would run along the length of the driveway.
6. Wetlands: The existing wetlands were delineated on the drawing, showing the low-lying wetland areas toward the back of the properties.
7. Excessive debris: The debris was being actively reduced. In response to Mrs. Hoague's questions, Mr. Gingras replied that he was burning old pallets, recycling the tires, and had gotten rid of the old freezer and most of the "oil" barrels.

Mr. Clark asked about state permitting and Mr. Brzys replied that they were hoping to get through the sketch plan phase before they pursued the state permits (stormwater permit, act 250 permit, discharge permit for the settling pond, etc.).

Mr. Clark reviewed the permit history that Mr. Kilburn provided, which noted that permits were on file for storage of ice shanties (which were traded out for the large storage containers) and for the garage (which would be removed). Mr. Clark said he would like to see the locations of the storage containers shown on the plan. Mr. Clark asked about the floor drain in the building where the bait tanks were located, and Mr. Gingras said that water from the bait area drained into the pond, but it was not in the area where the trucks were stored.

The Development Review Board discussed the 18-wheeler traffic and where the trucks offloaded. Lot 3 would have an access easement for the traffic. Mr. Hoak asked whether the road frontage would be an issue, since they wanted to resolve the issue as soon as possible. He felt that it was satisfied by moving the southerly property boundary on Lot 2 to provide 75 feet of frontage off the proposed addition, combined with the existing driveway that met an A76 base width standard. After reviewing access requirements, Mr. Clark said that that answer could not be given at this time until he had reviewed the case more thoroughly. He asked why Lots 1 and 2 were two separate lots; Mr. Hoak replied that they preferred to keep everything as separate entities.

**3. #494-2013 Sketch Plan and Possible Final Plat Approval Request of Delores Trahan, Et. Als** to create a 2 lot subdivision at **225 North River Rd.** by subdividing a 28.5 acre parcel into two parcels, Parcel #1, 2.60 acres with house, garage & barn, and Parcel #2, 25.85 acres. SR Shoreland River District.

Ms. Trahan came forward and explained that she hoped to square out a 2.6 acre property from her 28 acre property. It was determined that the septic did not need an easement and the larger property was accessed by a driveway along the edge; the driveway had an access permit. Ginette Young reviewed the plans. The distance of the barn to the proposed lot line was in question; that would have to be determined.

**4. #495-2013 Lot Line Adjustment request of Allen & Doreen Pigeon at 95 Campbell Bay Rd.** to adjust a lot line on a 3.48 acre parcel, S2 Shoreland Recreation District.

Mr. Pigeon came forward and explained that the Hagerdorns wanted to purchase a lot from the Pigeons in order to have a buffer for their area. The line followed the edge of the road rather than the center of the road. The road frontage was 145 feet, and the Hagerdorns will own a portion of the access. The Pigeons would retain their lake access. Ms. Menard and Sarah Cote came forward. Ms. Cooney asked if a survey would be done and Mr. Pigeon replied that it had all been surveyed.

**5. CU#494 Conditional Use Request (Flood Plain) of Peter Amour** to demolish and rebuild a two bedroom seasonal camp within the same footprint at an elevation of 105 ft. or greater and to convert the use of the property from seasonal to year round use at **6 Sunset Harbor** SR Shoreland Recreation District.

H.D. Campbell came forward and said that the conversion would not happen, and the camp would remain seasonal. The footprint would actually be a little smaller, and the height would go from 102 feet above sea level to 105 feet above sea level. Mr. Kilburn added that Mr. Amour already had a floodplain permit. Mr. Campbell noted that there was already a septic and leach field, and a well would be drilled at some point. The number of bedrooms would not be increased.

Item 3: The Trahans returned and stated that they had measured the distance from their barn to their property line at 32 feet.

**6. #84-2013 Appeal/Variance Request of Matt & Ilze Luneau** to construct a covered bridge for pedestrian use which does not meet the front setback of 75 ft. (3 ft. proposed) at **175 Sweet Hollow Rd.** R1 Agricultural/Recreation District.

The applicant was not present.

**7. #496-2013 Lot Line Adjustment Request of Shelburne Limestone** to adjust two lot lines on a .237 acre parcel to increase the size to .379 acres at **#30 Ferris St.** R5 Residential District.

Mr. Demers came forward. He explained that the lot has a double-wide and garage, which had been vacant for a period of time, so the neighboring landowner and the corporation had decided to “swap properties.” However, the corporation needed the neighbors to include the property with a certain parcel so that the new owners could use an old road as their entrance to the garage area. Moving the line gave the proper setbacks. Mr. Clark explained that since it was a corner lot, the DRB would decide whether a side was considered side or rear; they would still want a minimum of 20 feet for the setback.

**8. CU#495 Conditional Use Request of Ronald Perry** to operate a Restaurant/Pub at property of Wesley Menard located at **73 First St.** adjacent to the Vermont State Liquor Agency. NCL Neighborhood Commercial Light District.

Mr. Perry said that he would like to turn the building into a pub/restaurant, serving more food than alcohol. It would be open 7 days a week and seat 48, with a pool table and video games.

After discussion, Mr. Perry and his partner decided to apply for the hours of 8 a.m. to 2 a.m. There would be no change to the exterior lighting and they would apply for a sign permit.

**9. Public Comment – None.**

**10. Any Other Necessary Business**

Mr. Kilburn presented the Mylar for the Pomerleau application to have a hardware store in the shopping center. The plan included the location of a propane pumping station. Mr. Clark signed the Mylar.

Mr. Kilburn presented the boundary line adjustment of Mr. Salls and Mr. Fortin. They would present a Mylar once the plan was approved. Since the plan showed the location of the maintenance easement, Mr. Clark signed the plan. A Mylar would be submitted.

Mr. Kilburn presented Mr. Edward Hemond's request to do a lot line adjustment to square off the lot. Mr. Hemond had submitted a written request for a waiver, to have the adjustment handled administratively. The DRB was unanimously in favor of having Mr. Hemond present his request at a hearing instead.

Mrs. Hill made a motion, seconded by Mrs. Hoague, to enter deliberative session at 8:35 p.m. Motion carried.

Mr. LaBarge made a motion, seconded by Mrs. Hoague, to exit deliberative session at 9:07 p.m. Motion carried.

No action taken on #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. LaBarge made a motion, seconded by Mrs. Hill, to APPROVE #493-2013 Continuation of Sketch Plan Approval Request of Michel Gingras to create a Minor, three (3) lot subdivision by subdividing a +/-9.9 acre parcel. Lot #1 (2.32 acres) is for an existing wastewater disposal system. Lot #2 (4.00 acres) contains an existing building which would remain with Hog Island Wholesale Bait. Lot #3 (3.60 acres) will be for a duplex residence (Requires Conditional Use Approval). All lots are located on the East side of Lakewood Drive, located at 172,173 and 176 Lakewood Drive. SR Shoreland Recreation District and RC Recreation /Conservation District. Approval was subject to the following CONDITIONS:

- 1) Obtain all appropriate state permits,
- 2) Show the exact locations of the permitted storage units on the Mylar, and

- 3) No construction permit for construction for the multi family dwelling will be provided by the Zoning Administrator until all the state permits were approved for all lots.

Motion carried.

Mrs. Hoague made a motion, seconded by Mr. LaBarge, to APPROVE #494-2013 Sketch Plan and Possible Final Plat Approval Request of Delores Trahan, Et. Als to create a 2 lot subdivision at 225 North River Rd. by subdividing a 28.5 acre parcel into two parcels, Parcel #1, 2.60 acres with house, garage & barn, and Parcel #2, 25.85 acres. SR Shoreland River District. Motion carried.

Mrs. Hill made a motion, seconded by Mr. LaBarge, to APPROVE #495-2013 Lot Line Adjustment request of Allen & Doreen Pigeon at 95 Campbell Bay Rd. to adjust a lot line on a 3.48 acre parcel, S2 Shoreland Recreation District. The application would be approved as shown, with the CONDITION that the road right-of-way/easement will be shown on the final Mylar. Motion carried.

Mr. LaBarge made a motion, seconded by Mrs. Hill, to APPROVE CU#494 Conditional Use Request (Flood Plain) of Peter Amour to demolish and rebuild a two bedroom seasonal camp within the same footprint at an elevation of 105 ft. or greater and to convert the use of the property from seasonal to year round use at 6 Sunset Harbor SR Shoreland Recreation District. Condition: The camp will not be converted to a year-round residence as warned. Amendment: The approval was subject to the CONDITION to include the floodplain permit as part of the application. Motion carried.

No action was taken on #84-2013 Appeal/Variance Request of Matt & Ilze Luneau to construct a covered bridge for pedestrian use which does not meet the front setback of 75 ft. (3 ft. proposed) at 175 Sweet Hollow Rd. R1 Agricultural/Recreation District.

Mrs. Hill made a motion, seconded by Mrs. Hoague, to APPROVE #496-2013 Lot Line Adjustment Request of Shelburne Limestone to adjust two lot lines on a .237 acre parcel to increase the size to .379 acres at #30 Ferris St. R5 Residential District. Approval was given with the CONDITION that the line shall be adjusted to show 20 feet from the garage to the new south lot line.

Mrs. Hoague made a motion, seconded by Mrs. Hill, to APPROVE CU#495 Conditional Use Request of Ronald Perry to operate a Restaurant/Pub at property of Wesley Menard located at 73 First St. adjacent to the Vermont State Liquor Agency. NCL Neighborhood Commercial Light District. Approval was given with the CONDITION that the business hours of operation would be 8 a.m. to 2 a.m. Motion carried.

Mrs. Hill made a motion to approve the minutes of 10/24/13 as written. Mr. LaBarge seconded. Motion carried.

Mr. LaBarge made a motion, seconded by Mrs. Hill, to adjourn at 9:18 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler, DRB Clerk

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Joel Clark

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Spencer LaBarge

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Janette Hoague

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Lucie Hill