

**TOWN OF SWANTON  
ZONING OFFICE  
One Academy St., P.O. Box 711  
Swanton, VT 05488-0711  
Tel. (802) 868-3325  
Fax. (802) 868-4957  
Email: [swanza@swantonvermont.org](mailto:swanza@swantonvermont.org)**

**1/23/14 PUBLIC HEARING  
SWANTON DEVELOPMENT REVIEW BOARD**

The Swanton Development Review Board held a Public Hearing on **Thursday, January 23, 2014** at the Swanton Town Offices, 1 Academy Street, at **7:00 P.M.**

Present:

Joel Clark  
Spencer LaBarge  
Lucie Hill  
Gabriel Liegey  
Janette Hoague  
Ronald Kilburn, Zoning Administrator  
Yaasha Wheeler, Clerk

Also present:

Ryan & Aaron O'Grady  
Jeremy Allard  
Luke Willey  
Tim Girard  
Wynn & Pauline Paradee  
Brad Ruderman  
Troy Staples  
Chad Metayer

Mr. Clark opened the hearing at 7:00 p.m. He asked the board members to make known any conflicts of interest or ex parte communications. Mr. LaBarge stated that he had had a conversation with Chad Metayer about the possible purchase of a building and reviewed the bylaws with him. Mr. Clark read the definition of interested persons and 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 (**Requires Conditional Use Approval**) and (1) existing single-family home on an existing 22 +/- acre parcel at **42 Penell Rd.** R1 Agricultural/Residential District.

Jeremy Allard, Aaron O’Grady, and Luke Willey (Ruggiano Engineering) came forward. Mr. Willey thanked the board and Mr. Kilburn for their patience. He presented the final survey plat, depicting a 22-acre parcel off of Penell Road with the proposed 9-lot PUD, including one existing single-family home and 8 new additional single-family homes. The revision replaced a 2-family dwelling on Lot 7 with a single-family home, thus eliminating the requirement for Conditional Use review. Mr. Liegey asked to know the location of Lot 1, and Mr. Willey replied that Lot 1 was the entire parcel, including the 17 acres of remaining land and the existing home. There would be a community wastewater system, individual wells, with two shared wells (Lots 5 and 6, and lots 8 and 9) because of isolation distances due to wastewater shields, and an access road with a cul-de-sac.

Mr. Clark asked who would build the homes, and Mr. Allard replied that they (the developers) would be building the homes, not the buyers. It was determined that all setbacks and perimeter distances were met. The proposed open space (10 acres of the total 27 acres) would be part of Lot 1, and there would be a homeowner’s association and covenant, for the open space, the maintenance of the shared wastewater system, and maintenance of the road. Mr. LaBarge mentioned the bylaw suggestion to screen, but the DRB determined that screening was unnecessary, because the PUD would be within the aesthetics of the neighborhood.

Fire Chief Tim Girard was present, and stated that he had spoken with them about the roadway, and felt it was sufficient, so long as it continued to meet town standards. The road, as proposed, had a 50 foot radius with a cul-de-sac.

**2. #93-2013 Sign Variance Request of ADD-A-SIGN LLC, on behalf of Aubuchon Hardware** to erect a wall sign on a building owned by **Pomerleau Family LLC** which exceeds the maximum allowable sign area at **139 First Street** TSA Travel Service Area District.

Mr. Clark swore in Troy Staples. Mr. Staples explained that the new proposed sign would be 123.6 square feet, at 28 feet long and 4.5 feet high. The larger sign was desired because of the spacious storefront. The LED sign would be about the same size as the neighboring Hannaford sign. The DRB reviewed the sign standards, which stated that the allowed size would include 1 square foot per foot of building length (the building length was about 80+ feet). Special permission from the DRB was needed if the sign exceeded 100 square feet in total.

**3. #499-2013 Sketch Plan and possible Final Plat Approval Request of Wynn & Pauline Paradee to create a three (3) lot residential subdivision:** Lot #1 (65 acres) will remain with the farm and existing dwelling: Lot #2 (1.83 acres) is proposed for a single-family dwelling: and, Lot #3 (23.2 acres) is proposed for a single-family dwelling. Lots # 2 and #3 will be accessed via shared private driveway within a 30-ft.

easement from VT Route 105. **at 2286 Sheldon Road** R1 Agricultural/Residential District.

Mr. LaBarge asked Mr. Paradee if he was comfortable with Mr. LaBarge considering his request, since he and Mr. LaBarge were good friends. Mr. Paradee said he was comfortable. Mr. Ruderman explained the project: Paradee proposed a 3-lot subdivision of a 90-acre parcel on the east side of Route 105. The parcel currently had an existing single-family dwelling, plus a farm. In the subdivision, 65 acres would stay with the existing home and farm, creating Lots 2 and 3. Lot 2 would be a 1.83-acre single-family residential lot, while Lot 3 would be a 23.02-acre single-family residential lot. The lots would be accessed via a shared 30-foot right-of-way off of Route 105. The frontage for Lot 2 would be along the right-of-way (80 feet of frontage off of the highway, and 200+ feet along the shared right-of-way). Lot 3 had 480+ feet of frontage along the town highway. The shared wastewater disposal system would be located on Lot 1 within the easement (a state permit was in process). Private on-site wells were proposed for Lots 2 and 3; Lot 1 already had an on-site septic and drilled well. A replacement system was found for the home on Lot 1.

After discussing turnaround options with the Swanton fire chief, the applicant was requesting a waiver of the required hammerhead/cul-de-sac. The driveway shaped into a Y, which, if the corner was cut out and the upslope edge was expanded, would create an 80 x 30 ft. hammerhead-type turnaround. All structures were located outside of the 50-foot wetlands buffer, with the exception of portions of the force main. A wetlands permit would be sought.

Mr. Clark questioned whether the footage should be along the driveway or the highway, and agreed to do more research on the matter. Mr. Ruderman mentioned a similar subdivision in which frontage along the private right-of-way had been accepted.

Returning to the turnaround issue, Mr. Ruderman explained that the location of both a ditch and a ledge prohibited the usual 30 foot required hammerhead width without major excavation of ledge. Mr. Paradee added that the base was 40 to 50 feet wide. Mr. Tim Girard stated that he had met with Mr. Paradee and had no problem with the turnaround if the project included what was discussed with him. He felt comfortable that in the “worst-case scenario,” with his longest truck, the truck would be able to turn around. The final document would have to be modified to reflect the turnaround.

#### **4. Public Comment – None.**

#### **5. Any other necessary business.**

Mr. Kilburn stated that Mr. Metayer of Maple City Candy was looking to relocate his business to the Fournier building on Brooklyn Street. Because there would be a change of use, the DRB might want a site plan review; then again, they might decide that this was within Mr. Kilburn’s jurisdiction. In his interpretation of the definitions of “manufacturing” and “sales,” Mr. Metayer fell within the district’s permitted uses. Mrs. Hoague noted that the building was already being used for manufacturing. Mr. Metayer added that he did not make or repackage about 10% of the product he sold; however, the other 90% was made or repackaged by his

business. Mr. Clark expressed his satisfaction with the idea of increasing available jobs and the tax base, and felt that the business was a good fit for Swanton. He was also comfortable that, since Mr. Metayer was manufacturing well over 50% of the products sold in the business, he was within the intent of the definitions. Mr. Metayer explained that he would be hiring 3 to 6 employees, and that most of his deliveries arrived in “Hillcrest”-size trucks, not large trailer trucks. He added that Mr. Fournier hoped to rent one section of the building for a year, with an option for a second year, in his window and door-manufacturing business. Also, there were vacant offices in the front that Mr. Metayer wanted to know if he could rent out. Mr. Kilburn replied that he would need a permit, but could do so. Mrs. Hill asked about the stoves and Mr. Metayer said that he would have two commercial gas stoves, with an exhaust fan (Mr. LaBarge compared the situation to a hotel industrial kitchen). The DRB agreed that they did not need to see a site plan; Mr. Kilburn could handle the request administratively.

Mr. Kilburn presented a letter from Matthew and Ilze Luneau, whose covered bridge had been approved on December 23, 2013. The letter, as required by the board, agreed to hold the Town harmless in the bridge were damaged by road maintenance, and to move the bridge if the headwall or culvert needed any repair. The letter also stated that these conditions would be transferred with the sale of the property. The DRB felt that this met the intent of what they had asked for in a letter. The letter would be filed and recorded as a notice for future purchasers.

Mr. Kilburn informed the board that the approved request of the Robtoys to construct a year-round home by the lake was being appealed by the neighbor in Environmental Court.

Mr. Kilburn stated that the Begnoches, who own a bus stop of Grand Avenue (Neighborhood Commercial Light) had also purchased a property on Upper Ferris Street (R5) and wanted to park buses at that new location and “plug them in.” Mr. Begnoche had stated that only 4 buses would be “plugged in” at a time, although Mr. Kilburn had recently observed 6 at that location. Mr. Begnoche needed to relieve the crowding on the property on Grand Avenue. Did the DRB want to see a site plan, or were they comfortable with the situation as proposed by Mr. Begnoche? The DRB agreed to consider the matter in deliberative session.

Mr. Kilburn presented the FCIDC Mylar and the Belisle Mylar to be reviewed in deliberative session.

MOTION: Mr. Liegey made a motion, seconded by Mr. LaBarge, to go into deliberative session at 8:14 p.m. Motion carried.

MOTION: Mr. Liegey made a motion, seconded by Mrs. Hill, to come out of deliberative session at 8:29 p.m. Motion carried.

MOTION: Mr. Liegey made a motion, seconded by Mrs. Hoague, to APPROVE **#486-2013 Final Plan Approval Request of Jeremy Allard & Aaron O’Grady** to create a new 9-lot PUD consisting of (8) new single-family homes and (1) existing single-family home on an existing 22 +/- acre parcel at **42 Penell Rd.** R1 Agricultural/Residential District. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mr. LaBarge, to APPROVE **#93-2013 Sign Variance Request of ADD-A-SIGN LLC, on behalf of Aubuchon Hardware** to erect a wall sign on a building owned by **Pomerleau Family LLC** which exceeds the maximum allowable sign area **at 139 First Street** TSA Travel Service Area District. Motion carried.

MOTION: Mr. LaBarge made a motion, seconded by Mr. Liegey, to APPROVE **#499-2013 Sketch Plan and possible Final Plat Approval Request of Wynn & Pauline Paradee to create a three (3) lot residential subdivision:** Lot #1 (65 acres) will remain with the farm and existing dwelling; Lot #2 (1.83 acres) is proposed for a single-family dwelling; and, Lot #3 (23.2 acres) is proposed for a single-family dwelling. Lots # 2 and #3 will be accessed via shared private driveway within a 30-ft. easement from VT Route 105. **at 2286 Sheldon Road** R1 Agricultural/Residential District. Motion carried.

MOTION: Mrs. Hoague made a motion, seconded by Mr. Liegey, to APPROVE the letter from Matthew and Ilze Luneau (dated January 13, 2014), as meeting the DRB's intent. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mr. Liegey, to approve the DRB minutes of 12/19/14. Motion carried.

The FCIDC Mylar was signed. The DRB withheld signing the Belisle Mylar because they needed a further explanation of how Condition #2 (regarding common land) had been addressed. The DRB decided not to address the Begnoche issue.

Mr. Liegey made a motion, seconded by Mr. LaBarge, to adjourn at 8:44 p.m. Motion carried.

Respectfully submitted,

Yaasha Wheeler, DRB Clerk

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Joel Clark

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Spencer LaBarge

Gabriel Leigey

Lucie Hill

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Janette Hoague