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**03/20/14 PUBLIC HEARING  
SWANTON DEVELOPMENT REVIEW BOARD**

The Swanton Development Review Board held a Public Hearing on **Thursday, March 20, 2014** at the Swanton Town Offices, 1 Academy Street, at **7:00 P.M.**

*Present:*

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

*Also present:*

*Robert Holt & Jeanne Boucher (#08-2014)  
David Wylie & Anne Rachlis (#09-2014)  
Scott & Jori Dean (#500-2014)  
Peter Mazurak, Cross Consulting Engineers (#500-2014)  
Edward Lamothe (#500-2014)  
Alex Bourdeau (#500-2014)*

Mr. Clark opened the hearing at 7:02 p.m. He asked the board to make known any ex parte communications or conflicts of interest; there were none. He read the definition of interested persons and swore in the participants.

- 1. #08-2014 Appeal/Variance Request of Robert Holt and Jeanne Boucher to construct a 26 ft. x 32 ft. Garage attached to existing house and mud-room which does not**

**meet the side setback of 20 ft. (10 ft. proposed) at 526 Lakewood Drive. SR Shoreland Recreation District.**

Mr. Kilburn presented photographs of the property and also presented the sketch provided with the application. Mr. Holt explained that when he and Ms. Boucher had rebuilt their home after the flood, they had added a mudroom on one side, not knowing that it would now prevent them building a 2-car garage without being able to meet the setbacks. Because they could not build a basement due to being in the floodplain, they wished to use the garage loft as storage for things like the pellets for their pellet stove. Because of the peaked roof, a smaller footprint would equal less storage space. Mr. LaBarge asked if they lived in the house year-round and Mr. Holt replied that they used it year-round but did not live in it year-round. Ms. Boucher added that they hoped to retire there. Mr. Clark explained that satisfying the five criteria of a variance was difficult, and asked how 14 feet from the line would work for them, since that distance would fall under Conditional Use Review (less than 30%). He stated that it would make the garage tight for 2 cars, but would make approval easier to obtain. Ms. Boucher did not feel that they could do a single-car garage. Mr. Clark suggested moving the building in one direction, but Mr. Holt felt that that would block the doorway to the house. Mr. Clark explained the decision process and assured the applicants that they would receive an answer within a week to ten days.

**2. #09-2014 Appeal/Variance Request of David Wylie and Anne Rachlis to replace an existing 16 ft. x 16 ft. garage with new 16 ft. x 24 ft. replacement garage, primarily within the same footprint which does not meet the side setback of 15 ft. (3 ft. proposed) at 60 Maquam Shore SR Shoreland Recreation District.**

Mr. Kilburn passed out photographs of the property. Mr. Wylie explained that the 16' x 16' garage had been in existence prior to his purchase of the property in the mid-1950s. The garage was now in severe disrepair and he would like to replace it with a slightly larger garage, based on the same footprint but expanded on either side. The existing garage was three feet from the property line; he asked that the same setback be approved for the new garage. Mr. LaBarge asked how the project would be impacted if the garage were to be moved closer to the house. Mr. Wylie stated that he felt that would cut off the air circulation between the house and the garage, as well as block the light for the three bedroom windows on that northern side, allowing for little natural light and air. Mrs. Hill informed him that the board had never approved a variance for a 3 foot setback, and Mr. Wylie asked if approval would be more likely if they simply rebuilt in the same footprint. Mr. Clark replied that approval would definitely be more likely. Ms. Rachlis explained that extending the garage on both ends would make it look more uniform, with the existing house.

Mr. Clark explained the difference between a variance and a Conditional Use (less than 30%). He explained the decision process. Mr. LaBarge thanked Mr. Wylie and Ms. Rachlis for their understanding.

3. **#500-2014 Sketch Plan Approval Request of Scott & Jori Dean to create a Major, Six (6) lot subdivision by subdividing a 67.65 acre lot situated on the North Side of Woods Hill Rd. in the R1 Agricultural/Residential District and the R3 Moderate Density Residential Districts in the vicinity of #113 Woods Hill Rd. Lot #1 would consist of 21.2 acres together with existing single-family dwelling and detached barn in the R3 District. Lot B1 (1.0 acres), Lot B2 (2.7 acres) and Lot B3 (3.4 acres) are in the R3 District. Lot B4 (2.5 acres) and Lot B5 (2.5 acres) are in the R1 District. Access to the new lots for single family dwellings will be through a proposed 50 foot wide right-of-way in the location of the existing driveway serving Lot #1 from the Woods Hill Rd.**

Peter Mazurak (Cross Consulting Engineers) and Mr. and Mrs. Dean came forward. Mr. Mazurak explained that the Deans live in the existing house at #113, around the center of the property, accessed by a driveway off of Woods Hill Road and by a small road that led to another house on a separate property owned by the Deans. The Deans were proposing to slit the property into 7 total lots: B1, B2, B3, B4, B5, plus a lot with their existing dwelling (21.2 acres), and lot B6 as a vacant lot. The utility company did not permit any impediment on the unused utility right-of-way on one of the lots, so the lot would be reconfigured. Each lot would have an individual septic system, some on-lot and some off-lot (requiring easements). This would result in isolation shields, which he tried to keep on the subject property. Wells had not been sited yet, but would most likely be near the houses they served. He explained how he met the frontage for each lot, according to its appropriate district. He also planned to upgrade the driveway to 16 feet (A76 standard base). He had included a turnaround at a flat location which was not quite at the end of the road. The board noted that, in order to achieve proper road frontage, the lots were irregularly shaped. Mr. Clark asked Mr. Mazurak to send a plan to the fire chief to get feedback on the turnaround.

The Development Review Board discussed with the applicants the irregular shape of the lots, and contrasted the subdivision regulations on that point with PUD regulations. Mr. Mazurak said that he felt the PUD requirements did not seem to offer the most benefits for the plan. Mr. Kilburn reminded the applicants of the 70% rule, which required a minimum of 70% of the lot frontage distance to be maintained through the depth of the lot (to discourage pie-shaped lots).

Mr. Lamothe, a neighbor, stated that he was concerned that owners of the new proposed houses might complain about the dust and noise from his excavating/screening business. He was also concerned about the isolation shield that extended from Lot B2 onto his property, and about the increase of traffic (lights shining in his bedroom, etc.). Mr. Dean suggested selling some property to Mr. Lamothe, a proposal that Mr. Lamothe had suggested years ago. Mr. Mazurak proposed that screening might limit the impact of Mr. Lamothe's business on his neighbors. Mr. LaBarge asked how long Mr. Lamothe had been screening, and Mr. Lamothe replied that he had been operating for 22 years, bringing in 400 to 500 yards a year to screen, clean, and sell.

Mr. Alex Bourdeau, another neighbor, said he was likewise concerned about the increased traffic.

**4. Public Comment** – No public comment.

**5. Any other Necessary Business**

Mr. Kilburn stated that he had been trying to get the attention of the owners of the bus operation that has expanded to Ferris Street, but he felt there was a “lack of focus” and suggested it would be beneficial to strongly invite them to present a plan before the Development Review Board. He explained that the owner wanted to install a 30-child daycare in the Grand Avenue building, which, if approved, would require storage of tires and mechanical things in the Ferris Street building. Mr. Kilburn speculated that expanding the Neighborhood Commercial Light district more into the R5 district might alleviate some of the problem; however, spot zoning was prohibited. Mr. Clark noted that, currently, there was no zoning bylaw on bus parking, but felt it was important to discuss the plan with the owner.

Mr. Kilburn stated that a landowner in the R1 district wished to open an office in his barn; however, the bylaw requires home occupations to take place in the residence, using no more than 25% of the house for the occupation. If the barn were historic (more than 50 years old), the office could be allowed under adaptive reuse of an historic barn. He felt that this situation demonstrated an “unintentional fundamental unfairness in the bylaws.” The Development Review Board felt that the item could be presented as a conversion of a barn, to be reviewed by the board.

Mrs. Hoague made a motion, seconded by Mrs. Hill, to enter deliberative session at 8:22 p.m. Motion carried.

Mr. LaBarge made a motion, seconded by Mrs. Hill, to exit deliberative session at 9:00 p.m. Motion carried.

Mrs. Hoague made a motion, seconded by Mr. LaBarge, to DENY #04-2014 Appeal/Variance Request of Robert Holt and Jeanne Boucher to construct a 26 ft. x 32 ft. Garage attached to existing house and mud-room which does not meet the side setback of 20 ft. (10 ft. proposed) at 526 Lakewood Drive. SR Shoreland Recreation District. She made a motion to APPROVE the item as a Conditional Use, with a minimum 14 foot setback on the north boundary. Motion carried.

Mrs. Hill made a motion, seconded by Mr. LaBarge, to DENY #09-2014 Appeal/Variance Request of David Wylie and Anne Rachlis to replace an existing 16 ft. x 16 ft. garage with new 16 ft. x 24 ft. replacement garage, primarily within the same footprint which does not meet the side setback of 15 ft. (3 ft. proposed) at 60 Maquam Shore SR Shoreland Recreation District. She made a motion to APPROVE the item as a Conditional Use, with a minimum 10.5 foot side setback on the north side. Motion carried.

Mr. Clark made a motion, seconded by Mr. LaBarge, to APPROVE #500-2014 Sketch Plan Approval Request of Scott & Jori Dean to create a Major, Six (6) lot subdivision by subdividing a 67.65 acre lot situated on the North Side of Woods Hill Rd. in the R1 Agricultural/Residential District and the R3 Moderate Density Residential Districts in the vicinity of #113 Woods Hill Rd. Lot #1 would consist of 21.2 acres together with existing single-family dwelling and detached barn in the R3 District. Lot B1 (1.0 acres), Lot B2 (2.7 acres) and Lot B3 (3.4 acres) are in the R3 District. Lot B4 (2.5 acres) and Lot B5 (2.5 acres) are in the R1 District. Access to the new lots for single family dwellings will be through a proposed 50 foot wide right-of-way in the location of the existing driveway serving Lot #1 from the Woods Hill Rd.

Approval was subject to the following CONDITIONS:

1. The applicant shall receive a letter from the fire department stating approval of the turnaround or hammerhead.
2. The lot lines shall be adjusted to the greatest extent possible to meet paragraph 3.7(e) of the zoning bylaws.
3. The wastewater systems shall be placed so that no isolation zones extend onto adjoining property owners' land.

Motion carried.

Mrs. Hill made a motion, seconded by Mrs. Hoague, to APPROVE the minutes of 2/20/14 as written. Motion carried.

Mr. LaBarge made a motion, seconded by Mrs. Hoague, to adjourn at 9:05 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler  
Development Review Board Clerk

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Joel Clark

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Lucie Hill

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Spencer LaBarge

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Janette Hoague