

**TOWN OF SWANTON  
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**4/24/14 PUBLIC HEARING  
SWANTON DEVELOPMENT REVIEW BOARD**

The Swanton Development Review Board held a Public Hearing on **Thursday, April 24, 2014** at the Swanton Town Offices, 1 Academy Street, at **7:00 P.M.**

Present:

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

Also Present:

Scott & Jori Dean  
Peter Mazurak  
Alex Bourdeau  
Tim Girard, Fire Chief  
Lauren Howe  
Daniel Greaves  
Robert & Ann Thomas  
Normand Lussier  
Constance Hall  
Roy Hango, Engineer  
Kyle Lothian  
Mike & Dianne Begnoche

Mr. Clark opened at 7:00 p.m. There were no conflicts of interest or ex parte communications. He did not read the definition of interested persons, as each participant received a document explaining such status. Mr. Clark swore in the participants.

- 1. #501-2014 Preliminary and Possible Final Plat 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.

Mr. Mazurak and the Deans came forward. Mr. Mazurak informed the board that, since the last hearing, the Deans had dropped one of the house lots, as it was too close to the power lines, resulting in 4 proposed new house lots off of the end of the 50 ft. right-of-way. The Deans and Mr. Ed Lamothe (neighbor) were in the process of transferring a piece of land to him (1400 square feet) and receiving a triangle of land from him (4700 square feet) to give Lot B1 more of a regular shape. The wastewater system was placed so as not to overlap the adjoining land, except in a small part of Mr. Lamothe's land. However, part of the land swap included an agreement from Mr. Lamothe that the isolation shields could extend onto his property. The agreement would be finalized in about 2 or 3 weeks. A surveyor would be coming to mark the lots within 2 weeks.

Chief Tim Girard of the Swanton Village Fire Department said that he did not feel the road was wide enough to allow passage of emergency vehicles, especially in the winter, because snowbanks tended to encroach on the road. Also, he wished for a cul-de-sac further down the road, because the driveways were very long toward the back lots.

Mr. Mazurak explained that he had placed a cul-de-sac in the proposed position because the land was flatter at that area, and was more "ledgy" toward Lot B4. Mr. Clark asked if a hammerhead, properly sized, would accomplish turning for the Fire Department. Chief Girard replied that it would, but a cul-de-sac was preferred because of a turn radius of the two biggest trucks, which take almost 97 foot radius to turn around, with the longest truck being almost 60 feet long. He thanked Cross Consulting Engineers for sending the information on the Dean's plan to him.

Lauren Howe stated that she lived on Butternut Lane and was concerned because the proposed 50 foot widening of the driveway would encroach on the mound systems of the abutting landowners. The Deans had reached out to their neighbors to be part of a permit process that would ask the landowners to approve getting rid of the space for back-up mounds. The state no longer requires back-up mound systems, but at least 3 of the 4 neighbors were not in favor of

signing off on amending the easement area, herself being one of them. Mr. Mazurak replied that the plan had since been amended, so that they will expand the right-of-way to the west, which will not affect the neighboring landowners. He explained to Ms. Howe that the right-of-way is allowed within 10 feet of a mound system, and that the traffic would not affect the system. Ms. Howe noted that traffic in general was a concern of hers as well.

Chief Girard asked if the road would be paved and Mr. Mazurak said that they were not planning on it; however, the road would have an A76 base. Daniel Greaves, adjoining landowner, said that he was the neighbor was comfortable signing off on the amended form for the easement, but from what he was hearing, that was no longer an issue. Was that correct? The Deans confirmed that his approval would no longer be needed. Mr. Kilburn asked if the land swap between Mr. Lamothe and the Deans suggested that Mr. Lamothe had no concerns any more. Mr. Mazurak replied that he believed so. Both he and Mr. Kilburn had called Mr. Lamothe to remind him of the hearing, and, Mr. Lamothe not being present, it was assumed that he had no further concerns.

Mr. LaBarge asked if a half-moon kind of turnaround might work better with the topography and still meet the fire department needs. Chief Girard stated that as long as the radius for the biggest trucks was available, he was fine with it, but still preferred a cul-de-sac. Mr. Mazurak mentioned that perhaps a hammerhead-type turnaround could be included at the intersection of some of the driveways. Mr. Clark explained that the building envelopes left some leeway for where the houses (and their driveways) might end up.

**2. #10-2014 Appeal/Variance Request of Robert & Ann Thomas** to replace an existing 14.5 ft. by 20.5 ft. one-car garage with a proposed two-car garage, 36 ft. x 24 ft. which does not meet the side setback of 15 ft. (5 ft. proposed) at **16 Fourth St.** R5 Residential District.

The Thomases came forward. Mr. Thomas explained that the garage and house were even right now, so the widening would take place behind the house and would not encroach more on the side with the variance. The neighbors had provided a letter that stated their approval of Mr. Thomas's proposed 5 foot variance from their boundary line (which was existing). Mr. Clark asked if it was possible to get the dimension from 5 feet to 10.5 feet. Mr. Thomas explained that he was trying to keep the garage at the existing location because of the location of the power line and the space in the back of the house.

**3. #502-2014 Lot Line Adjustment and Subdivision Request of Constance Hall**, to adjust lot lines and to subdivide a 10.12 acre parcel located at **291 Lakewood Drive** in the SR/RC Shoreland Recreation and Recreation Conservation Districts for the purpose of merging 7.2 acres with the farm of Norman Lussier abutting the subject parcel.

**4. #503-2014 Sketch Plan and Possible Final Plat Approval Request of Normand Lussier** to create a two (2) lot subdivision of his farm situated at **267 Lakewood Drive** in the SR/RC

Shoreland Recreation and Recreation Conservation Districts for the purpose of conveying 137.19 acres for agricultural use after merger of the 7.2 acres referred to in #3 above.

Mr. Clark swore in Mr. Hango, who had arrived after the oath. Mrs. Hall and Mr. Lussier came forward with Mr. Hango, who explained that Mrs. Hall's lot had an existing home, with an easement for a septic system, and a common easement for three septic systems permitted for the three lots. The back piece is 7.2 acres, which was going to be deeded over to Mr. Lussier, who already had easement rights to use the piece for his development nearby. Lot 2B would be conveyed to the buyer of Lot 2A, and 1B would remain with Mr. Lussier, using the existing mound. All state permits were in place for water and sewer.

Mr. Clark asked if there was any "special reason" why this was being done, and Mr. Lussier explained that it wasn't in his plan to sell the rest of his farm, but the opportunity had arisen and he had agreed to take it.

**5. CU#499 Conditional Use/Conversion request of Kyle Lothian** to convert the previous use of retail sales of recreation vehicles to proposed retail sales and storage of maple sugaring equipment at **137 Grand Ave.** NCL Neighborhood Commercial Light District.

Mr. Lothian came forward. He explained that he represented H2O Innovation, which dealt mostly with water purification, but which also had a maple division, of which he was the only US employee, and was therefore the applicant. The business was looking for a place to "call home" for its maple division, and the supervisor and plant manager both believed the building in question would work well for what they wanted to do. They would like to clean up the property and use it eventually for storage of equipment, retail, office space, and education (with cut-out of the various machines, seminars for sugar-makers, and training for dealers). The only thing outside might be tanks, and he hoped to have an open house as well. He explained some of his thoughts on cleaning up the property, including putting chain link fence with slats. There would be some possible repair work for the reverse osmosis, but no welding. He anticipated that the traffic would be seasonal, with no large tractor trailer volume. Mr. Kilburn suggested that this business as proposed might fall under mixed use. The DRB determined that the maximum hours of operation would be Monday through Saturday, 8 a.m. to 5 p.m. Mr. Kilburn noted that, although the notice for this item had listed the address of the property as 137 Grand Avenue, it was actually 127 Grand Avenue. Mr. Lothian anticipated that the parking would remain the same, with traffic coming off of Grand Avenue.

**5. Public Comment – None.**

## **6. Any other necessary business**

The Begnoches came forward. Mr. Kilburn explained that three parcels of land were involved: 126 Grand Avenue (0.91 acres, owned by Grand Avenue Enterprises and used currently as a bus terminal and shop); 19 Upper Ferris Street (1.0 acres in the R5 District and formerly the Don Bell garage); and 24 Upper Ferris Street (100 x 65 ft., used for additional bus parking). Mrs. Begnoche explained that there was not enough room to park the buses (100 in all, with about 25 located at the Enosburg base), so they hoped to use 19 Upper Ferris Street for additional parking. She also hoped they could put in a washbay. She pointed out an upper level which included an office and more storage space, which she would like to retain as an office and as storage for tires, bus parts, and other bus-related items. This would alleviate the buses out front.

The plan for the other half of the building could potentially include either a store (Dollar General had been suggested) or a daycare. The building had always been a commercial building (it used to be an old creamery), but in order to have either a store or daycare, the building would have to be zoned NCL rather than R5. She invited the board to visit the site if they wished to. If a daycare were to be added to the building, they would have to block off one entrance and fence in an area to de-conflict it from the bus parking. The ideal solution would be to allow space to plug in 6 buses, have a washbay, keep an office, and use the rest for storage. Mr. Begnoche explained that Mrs. Begnoche had a lot of people “pushing her to do daycare,” but setting up a daycare in a commercial building involved a lot of regulations.

Mr. Kilburn presented the Mylar for Wynn & Pauline Paradee, whose application had been approved on January 28, 2014. Mr. Clark signed the Mylar.

Mr. Kilburn noted that the Paradees wished to sell a number of acres from Lot 1 (65 acres). He felt that it was best done as a subdivision, since a new lot would be created. The DRB agreed that they would like to see a sketch plan and determine from there if it should be a subdivision or lot line adjustment.

Mr. Kilburn explained that Mr. Gadouas’ garage burnt down this winter. The garage had been built with a variance to get it closer to the neighbor’s line. Because they wished to replace the destroyed garage (16’ x 28’) with a bigger garage (26’ x 28’), did the DRB want to set up a variance hearing? After discussion, the DRB felt comfortable with allowing Mr. Kilburn to issue a building permit, because the expansion of the garage would not take place on the variance side.

The date of the next DRB meeting was set for May 29, 2014.

Mrs. Hoague made a motion, seconded by Mrs. Hill, to go into deliberative session at 8:43 p.m.

Mr. Liegey made a motion, seconded by Mr. LaBarge to come out of deliberative session at 9:20 p.m.

MOTION: Labarge made a motion, seconded by Mrs. Hill, to APPROVE **#501-2014 Preliminary and Possible Final Plat 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 and the fire department must work together, and the applicant shall receive a signed approval from the fire department for a turnaround and to submit a copy of the approval to the DRB.
2. The applicant shall submit a copy of the approval from Mr. Ed Lamothe for the septic isolation zone on his property, after the lot adjustments are made.
3. The final plat shall show the approved turnaround.

Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mr. Liegey, to APPROVE **#10-2014 Appeal/Variance Request of Robert & Ann Thomas** to replace an existing 14.5 ft. by 20.5 ft. one-car garage with a proposed two-car garage, 36 ft. x 24 ft. which does not meet the side setback of 15 ft. (5 ft. proposed) at **16 Fourth St.** R5 Residential District. Because the Thomases were just replacing what was existing, and making it longer in a direction that would not affect the variance side, Mrs. Hill felt comfortable with the request. Mrs. Hoague, Mrs. Hill, and Mr. Liegey voted in the affirmative; Mr. LaBarge and Mr. Clark opposed. The ayes had it; motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mr. Liegey, to APPROVE both **#502-2014 Lot Line Adjustment and Subdivision Request of Constance Hall**, to adjust lot lines and to subdivide a 10.12 acre parcel located at **291 Lakewood Drive** in the SR/RC Shoreland Recreation and Recreation Conservation Districts for the purpose of merging 7.2 acres with the farm of Norman Lussier abutting the subject parcel; and **#503-2014 Sketch Plan and Final Plat Approval Request of Normand Lussier** to create a two (2) lot subdivision of his farm situated at **267 Lakewood Drive** in the SR/RC Shoreland Recreation and Recreation Conservation Districts for the purpose of conveying 137.19 acres for agricultural use after merger of the 7.2 acres referred to in #3 above. The applicants shall provide 2 separate Mylars. Motion carried.

MOTION: Mrs. Hoague made a motion, seconded by Mr. Liegey, to APPROVE **CU#499 Conditional Use/Conversion request of Kyle Lothian** to convert the previous use of retail

sales of recreation vehicles to proposed retail sales and storage of maple sugaring equipment at **137 Grand Ave.** NCL Neighborhood Commercial Light District. The DRB considered this a mixed use (office space, retail sales, storage of maple equipment) and approved on the CONDITION that the applicant shall submit a fence plan to the DRB. The hours of operation will be Monday through Saturday, 8 a.m. to 5 p.m. Motion carried.

**Other Business**

Mr. Clark stated that, after reviewing the Begnoche/Grand Avenue Enterprises case, the DRB would like a Conditional Use request for a proposal on 19 Upper Ferris Street. Regarding the Wynn and Pauline Paradee item, the Paradees would be asked to come before the DRB for a sketch plan for the subdivision. The Zoning Administrator would issue a building permit for the Gadouas.

Mrs. Hill made a motion, seconded by Mr. LaBarge, to approve the DRB minutes of 3/20/14 as written. Motion carried.

Mr. Liegey made a motion, seconded by Mrs. Hoague, to adjourn at 9:28 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler, DRB Clerk

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Joel Clark

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Gabriel M. Liegey

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Lucie Hill

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Spencer LaBarge

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Janette Hoague