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**06/26/14 PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD**

The Swanton Development Review Board held a Public Hearing on Thursday, June 26, 2014 at the Swanton Town Offices, 1 Academy Street, at 7:00 P.M.

Present:

Bob Harrington (#507-2014, #508-2014)
Brad Ruderman (#507-2014, #508-2014)
Wynn Paradee (#509-2014)
Bob Norris (#509-2014)
Justin Bourbeau (#510-2014)
Stephen Tetreault, TDH Surveying (#510-2014)
Todd Taylor (CU#501)
Gary Fosse (CU#501)
Raymond Claude Bouchard (CU#502)
Roger Bushey (CU#502)
Jeanne LeBlanc (CU#502)
Normand Lussier (Other Necessary Business)

Mr. Clark opened the hearing at 7:00 p.m. He explained the process of the hearing and asked the board members if they had any ex parte communications or conflicts of interest; there were none. Mr. Clark swore in the participants, and directed the attention of those present to the definition of interested persons.

1. #507-2014 Continued Hearing on Boundary Line Adjustment Request of Robert Harrington to adjust a common boundary with land of Collette Case in order to acquire a .10 acre parcel from the Case property at 437 Lakewood Drive SR Shoreland Recreation District.

2. #508-2014 Sketch Plan and Possible Final Plat Approval Request of Robert Harrington to create a two-lot subdivision of property located at 437 Lakewood Drive. (East Side) SR Shoreland Recreation District.

Mr. Harrington came forward. He explained that the lot size had been increased in order to meet the 200 feet of road frontage, with 364 feet in the back. With the subdivision, he had been able to meet the one acre minimum as well. The intention was that one lot would possibly be sold for the building of a residence. Mr. Harrington explained the details of the change for Mrs. Hill, noting that the frontage had been increased to get the subdivision right. The septic had been built nearby for two three-bedroom residences.

3. #509-2014 Sketch Plan Approval Request of Wynn & Pauline Paradee to create a revised Major subdivision (4 lots) of an original Minor subdivision (3 lots) approved on January 28, 2014 (Permit #499-2013). This new application is for Lot 1 to be decreased in size to 14 acres; Lot 3 to be increased in size to 27.5 acres and for the creation of Lot 4, a land locked 47 acre deferral lot (no development proposed) No changes are proposed for Lot 2 at 2286 Sheldon Rd. R1 Agricultural/Residential District.

Mr. Paradee and Mr. Ruderman came forward. Mr. LaBarge asked if Mr. Paradee was comfortable with letting Mr. LaBarge continue to sit on the board, as they knew each other. Mr. Ruderman explained that the proposal was to create a land-locked parcel of 47 acres, and to extend Lot 3 (formerly 23 acres and now 27.5) to include the previously-approved septic easement. Currently, a 20-foot easement went through Lot 1, which was the only access to the land-locked lot. The right-of-way served Lot 1, would go through Lot 3, and would also serve Lot 4, plus the 47-acre lot. A development road was not proposed, so Mr. Paradee preferred to keep the right-of-way at its current 20 foot width.

Mr. Paradee explained that his neighbor, Mr. Bob Norris, who hunted on the lots, wanted to buy some of the lots, and requested a variance to keep the right-of-way narrower. Mr. Paradee identified a right-of-way near Mr. Norris' land that Mr. Norris used, and Mr. Clark mentioned that the right-of-way would have to be delineated on the final plan. Mr. Norris affirmed that the deed mentioned two right-of-ways to the property in question. Mr. Clark

summed up that Lot 4 was created by decreasing Lot 1. Mr. Paradee explained that he had an interested buyer for one of the lots, and felt it was a win-win situation all around because the majority of the land would continue to be used for farming/open land.

Mr. Norris stated that he was in favor of the project. Mr. Kilburn reminded that, because it was a major 4-lot subdivision, a second hearing would be needed. Mr. Clark asked that the right-of-way be noted, as well as a note that Lot 4 would not be developed. Mr. Paradee explained that, if the land-locked lot was an issue, they could add an additional right-of-way along the Town line. Mr. Clark understood that the intent was not to develop, but to just access open land.

4. #510-2014 Sketch Plan and Possible Final Plat Approval Request of Hidden Acres Brothers, LLC to create a two-lot subdivision of property located on the South side of Viens Road, by separating a 3.76 acre parcel (Lot 3) from other lands owned by the applicant adjacent to the subject parcel. The remaining land (lot 2) will consist of 165 acres. R1 Agricultural/Residential District.

Mr. Tetreault (TDH Surveying) explained that the lot would be taken out of 165 acres, with access by a 40 foot right-of-way. The location of the right-of-way was based on environmental challenges that were brought up (wetlands). The lots will be served by off-site septic and water. Homes existed on two neighboring properties. The project was in review at the state level for wastewater permitting. The road frontage of Lot 2 was 200 feet. The depth was 820 feet. The building envelope would meet the front, side, and rear setbacks. Mr. Bourbeau stated that he and his brother wanted to keep the land to a minimum, which resulted in the off-site sewer; the brothers were willing to work together to ensure for adequate sewer.

5. CU#501 Conditional Use Request of Todd Taylor Law Offices to convert a small barn into a home office detached from the applicant's residence at 1964 Sheldon Rd. R1 Agricultural/Residential District.

Mr. Taylor and Gary Fosse (his contractor) came forward. He delivered a picture of the structure that he would like to convert to a home office (20' x 20'). It was an isolated structure, which could not be seen from the road or by abutting landowners. He noted that the structure was accompanied by a large parking area, and pointed out the entrance. He explained that the idea was to have a small home office. He had a 5-year lease in Colchester which he would honor, but his lease in St. Albans expired in November, which was

compelling him to consider moving his office, which was open Mondays and Fridays in St. Albans.

In the next 5 years, to the extent that he could foresee, his situation would require him to spend two to three days in the small office, with two offices and a waiting room. It would not change the character of the neighborhood and would be in an existing building, with no change to the footprint. Mr. Clark asked to know why there were two offices. Mr. Taylor replied that one staffer would be there; Mr. Taylor himself would be the sole lawyer. The hours of operation would be 8:30 a.m. to 5 p.m., Monday through Friday.

Mr. LaBarge asked about signs, and Mr. Taylor replied that a sign would be put on the pathway leading to the structure (not visible from the road). At most, about 10 cars would approach his office; compared to the Sticks 'n' Stuff traffic next door, he would not really change the traffic flow. As far as a road sign, he hoped to attach a small sign to the fence near his driveway.

Mr. Taylor stated that there would be no signage on the building at all, as he would need room for a handicapped access. Mr. Liegey asked if there was a particular reason that Mr. Taylor wished to "hide" his office; Mr. Taylor replied that, because the neighborhood was residential, he wished to have as low an impact in the area as possible.

Mrs. Hill asked about potential bathrooms, and Mr. Taylor replied that he hoped to have a small bathroom (he did not currently have one installed), to be hooked up to the house septic. Mr. Fosse said that the house septic was based on a three-bedroom home, and since Mr. Taylor lived there alone, he felt the septic was adequate. Mr. Taylor felt that the septic would not be "burdened."

6. CU#502 Conditional Use Amendment Request of Raymond Claude Bouchard to amend the previously issued Conditional Use Permit CU#419, issued April 10, 2013, to allow the non-resident applicant to reside in St. Albans, VT. and not on the premises of the subject business located at 131 St. Albans Rd. R3 Moderate Density Residential District.

Mr. Bouchard stated that he wanted to run for the House of Representatives in St. Albans, which would require him to be a St. Albans resident. He had received the final lease for the whole shop from Mr. Michael Paradis. Half of the shop had been operated since February 2014. As required by the board, he had not been living at the residence, but Mr. Paradis' daughter, who was living in the house, decided to stay there. They loved the location, and

the neighbors seemed to be content. (Mr. Bushey agreed that they were happy.) Mr. Bouchard added that they had cleaned up the house a lot, and were replacing the siding. A lot of the debris came from the barn, and was being picked up. The same hours were to be maintained.

Mr. Clark reviewed the conditions that had been imposed at the approval of the cottage industry in April 2013. Mr. Bouchard noted that a sign was not in compliance, but it would be removed; the fence on the side was also not fully erected. Four of the cars in the pictures were from Mr. Paradis, his daughter, and her boyfriend; the rest were in the queue to be worked on. Mrs. Hoague asked if the cars she saw on the lot for sale were his and Mr. Bouchard replied that those were the residents' cars. Mr. Kilburn summed up that he saw the real problem was the relationship between the tenant and the owner. He had asked for a letter defining that relationship, and had not received one. Mr. Bouchard had all the permits, but Mr. Paradis returned from Florida and did whatever he wanted on the lot, regardless of permitting. Mr. Bouchard admitted that it was extremely difficult to work with Mr. Paradis.

Mr. Liegey asked if Mr. Bouchard "absolutely had to have the property." Mr. Bouchard said he would abide by the board's decision, but he enjoyed the quiet and peace of the lot. He operated another automobile business in St. Albans. He wanted to be in compliance and get along with everybody.

Mr. Roger Bushey, neighbor, said that he had no problems with Mr. Bouchard. The only thing he wanted to bring up was that the stipulations laid in place for the cottage industry had not been followed in years by Mr. Paradis. He noted body work being done on various cars, several cars were parked on the lawn, and he believed these were from Mr. Paradis. As a neighbor, he was concerned that the rules and regulations were not followed and not enforced. The neighbors in the area attested to the difficulties with getting along with Mr. Paradis. Mr. Clark asked if body work was being done inside or outside; Mr. Kilburn and Mr. Bushey replied that the body work was done both inside and outside. Mr. Bushey felt that Mr. Bouchard was a good, quiet neighbor. Mr. Bouchard added that Mr. Paradis had done the body work in question, as a barter. With Mr. Bouchard having full control of the shop, only mechanical work would be done on automobiles.

Mr. Kilburn stated that he had not received any complaints about the property since Mr. Bouchard had taken over. In fact, it was Mr. Bouchard who had approached Mr. Kilburn about his need to reside in St. Albans, which was not in compliance with the board's conditions.

Mrs. Jeanne LeBlanc said that she was fine with Mr. Bouchard's business, so long as it was done properly.

Mr. Ed Daniel said that he was a little concerned that an auto business was intruding on the residential neighborhood. He felt that it was "creeping commercialism." Because Mr. Bouchard was not the owner of the property, he had less control. Mr. Daniel was concerned about the effect on the tax rate and property values.

Mr. Bushey said that when Mr. Paradis was present, violations occurred, but when he returned to Florida, the situation was well controlled. Next spring when Mr. Paradis returned, the violations would repeat.

Mrs. Hill asked if the lease gave Mr. Paradis any control over the shop; Mr. Bouchard replied that only himself had control of the shop. He only got full control of the shop within the last few months.

7. Public Comment – None.

8. Any Other Necessary Business

The DRB decided upon July 24th as the next meeting date.

Mr. Kilburn stated that Mr. Lussier's final Mylar did not acknowledge a previous subdivision on the property. Mr. Jim Pratt, lister, felt that if the board approved a subdivision that did not acknowledge a pre-existing subdivision, that was the end of the pre-existing subdivision. He brought forth the Mylars for the board's review. Mr. Lussier explained the previous subdivision and asked if the surveyor should make another Mylar. Mr. Clark noted that the old subdivision did not change the nature of the new subdivision. Mr. Lussier stated that he had sold the second lot from the new subdivision already. Mr. Clark was comfortable with getting a revised Mylar and warning it on the next agenda, to allow any potential interested persons to review it. The surveyor should make an updated and revised Mylar. Mr. Lussier brought up another situation, for which Mr. Clark affirmed he would need a lot line adjustment. Mr. Clark suggested having a revised Mylar and lot line adjustment.

Mr. Kilburn said that the Vermont Army National Guard had a lighting plan for the compound for the vehicles kept at the armory in Swanton. Upon reading the regulations, Mr. Kilburn discovered that if the lighting was an issue for the DRB, there were performance standards that could be employed. Mr. LaPointe of the Guard assured him that the

standards for the lights would be 15 feet high, and the lights would be LED with no backlight, resulting in minimal illumination. They did not want to illuminate the yard, but just the fence. Did the DRB want a site plan, or review the performance standards? Mr. Clark asked if there were neighbors; Mr. Kilburn replied that there were neighbors across the street. Mrs. Hill observed that there was a tree line in the back. The DRB decided that they had no issue with the project; the Guard could proceed. Mr. Kilburn would inform the armory that there was no opposition from the DRB.

Mr. Kilburn brought up the building owned by Bertrand Electric. Mr. Kilburn noted that the DRB had previously approved the continuation of the pre-existing non-conforming use of retail sales. Mr. Bertrand, the current owner, wanted to lease the space for a dance studio/gym. Indoor recreation was not a listed use in the district, but outdoor recreation was. Was it worthwhile to submit a Conditional Use application to the board for consideration? Mr. Clark and Mr. LaBarge opposed the proposed project. Mr. Liegey, Mrs. Hill, and Mrs. Hoague did not object. Mr. Clark stated that there was a "certain amount of risk" to Mr. Bertrand if he requested the use. Since the board was "neither here nor there," the applicant might as well come forward and make his case.

Mr. Labarge made a motion, seconded by Mrs. Hill, to enter deliberative session at 8:33 p.m. Motion carried.

Mr. Liegey made a motion, seconded by Mrs. Hill, to come out of deliberative session at 8:59 p.m. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mr. Liegey, to APPROVE #507-2014 Continued Hearing on Boundary Line Adjustment Request of Robert Harrington to adjust a common boundary with land of Collette Case in order to acquire a .10 acre parcel from the Case property at 437 Lakewood Drive SR Shoreland Recreation District, as presented. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mr. Liegey, to APPROVE #508-2014 Sketch Plan and Final Plat Approval Request of Robert Harrington to create a two-lot subdivision of property located at 437 Lakewood Drive. (East Side) SR Shoreland Recreation District, as presented. Motion carried.

MOTION: Mr. Clark made a motion, seconded by Mr. LaBarge, to APPROVE #509-2014 Sketch Plan Approval Request of Wynn & Pauline Paradee to create a revised Major subdivision (4 lots) of an original Minor subdivision (3 lots) approved on January 28, 2014 (Permit #499-2013). This new application is for Lot 1 to be decreased in size to 14 acres;

Lot 3 to be increased in size to 27.5 acres and for the creation of Lot 4, a land locked 47 acre deferral lot (no development proposed) No changes are proposed for Lot 2 at 2286 Sheldon Rd. R1 Agricultural/Residential District.

Approval was subject to the following CONDITIONS:

- (1) The right-of-way on Lot 3 as present to the DRB by Mr. Paradee shall be shown on the Mylar.
 - (2) The Mylar shall be annotated that Lot 4 will not be developed.
 - (3) Board approves the existing right-of-way that leads through Lots 1, 3, and 4.
 - (4) The Mylar shall be annotated that the previous subdivision is null and void.
- Motion carried.

MOTION: Mrs. Hoague made a motion, seconded by Mr. LaBarge, to APPROVE #510-2014 Sketch Plan and Final Plat Approval Request of Hidden Acres Brothers, LLC to create a two-lot subdivision of property located on the South side of Viens Road, by separating a 3.76 acre parcel (Lot 3) from other lands owned by the applicant adjacent to the subject parcel. The remaining land (lot 2) will consist of 165 acres. R1 Agricultural/Residential District. Motion carried.

MOTION: Mr. LaBarge made a motion, seconded by Mrs. Hill, to APPROVE CU#501 Conditional Use Request of Todd Taylor Law Offices to convert a small barn into a home office detached from the applicant's residence at 1964 Sheldon Rd. R1 Agricultural/Residential District. The sign bylaws shall be abided by, and approval is for 8:30 a.m. to 5 p.m., 5 days per week. Motion carried.

MOTION: Mr. Liegey made a motion, seconded by Mrs. Hill, to APPROVE CU#502 Conditional Use Amendment Request of Raymond Claude Bouchard to amend the previously issued Conditional Use Permit CU#419, issued April 10, 2013, to allow the non-resident applicant to reside in St. Albans, VT, and not on the premises of the subject business located at 131 St. Albans Rd. R3 Moderate Density Residential District. Mr. Liegey voted in the affirmative; Mrs. Hill, Mr. Clark, Mr. LaBarge, and Mrs. Hoague opposed. The motion did not carry; request DENIED.

Mr. Liegey made a motion, seconded by Mrs. Hill, to approve the meeting minutes of May 9, 2014, as written, with the exception of an omitted name, which will be added. Motion carried.

Mr. Liegey made a motion, seconded by Mr. LaBarge to adjourn at 9:07 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler

Joel Clark

Lucie Hill

Spencer LaBarge

Gabriel M. Liegey

Janette Hoague