

TOWN OF SWANTON ZONING OFFICE

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PUBLIC HEARING SWANTON DEVELOPMENT REVIEW BOARD

Thursday, December 17, 2015

The Swanton Development Review Board held a Public Hearing on Thursday, December 15, 2015 at the Swanton Town Offices, 1 Academy Street, at 7:00 P.M.

Board Members Present

Joel Clark

Lucie Hill

Gabriel Liegey

Amy Giroux

Yaasha Wheeler, Clerk

#532-2015 Maquam Holdings LLC

Gordon & Deborah Winters

Pete Garceau, Cross Consulting Engineers

Tim Girard, Swanton Village Fire Chief

#534-2015 David & Claire Beebe

Ted & Cathy Beebe

Lussier request

Normand Lussier

Jim Pratt, lister

A. Call to Order

Mr. Clark called the meeting to order at 7:00 p.m. He introduced the board members, explained the process of the meeting, and drew attention to the definition of interested persons circulating the room. The board members noted that there were no possible

conflicts of interest or ex parte communications, with the exception of Mr. Clark's two conversations in relation to the Maquam Holdings LLC item. He had spoken with Gordon Winters about setbacks and explained the request to Troy Staples; he had not gone into depth about the item with either party. He swore in the participants.

B. Agenda Review – No changes were made.

C. Meeting Topics

- 1. #532-2015 Maquam Holdings LLC** request for Site Plan Review & a Variance from the setback requirements for a proposed retail store at the former TD Bank building located at 13 York Street in the NCL/Neighborhood Commercial Light and R5/ Residential Districts, parcel ID#Y00013-0028.

Mr. Garceau, and Mr. and Mrs. Gordon Winters came forward. Mr. Winters said that he had spoken with the village, and were returning with more detailed site plans. Mr. Garceau reminded the board that they had requested a zero foot setback, but the intent was to line up the proposed building with existing buildings along the street. They wanted to provide a six-and-a-half foot sidewalk. There would be painted islands.

Mr. Tim Girard, Fire Chief, came forward to view the plans, and reminded them that fiber-optic cables were along that area, and he believed there was a line that went right through TD Bank. Mr. Winters said that there had been an old easement through the bank, but the easement had been done anyway with and moved to the side. Mr. Garceau showed trees along the property line that would have to come down, but most of the trees in the back would be able to remain. They proposed to bring in trees “anywhere we can” to make up for the loss of the grown trees.

Mr. Clark asked if 10.5 feet would not be doable off of York Street. Mr. Winters and Mr. Garceau agreed that, in order to have a viable retail space and room for truck traffic, there was no way to shrink the building. The applicants showed pictures of the proposed façade, windows, and siding.

Mr. Winters summed up that the village was agreeable to helping to provide more parking for the village and to the zero setbacks. Mr. Girard suggested having the sprinkler system access on York Street near the entrance, or along the waterline near the mechanical room. Mrs. Winters agreed that the system access would work in either place. The Winters would speak to Chief Girard in the future on the details.

Mr. Clark said the DRB would discuss the “variance piece” and how to best handle that. He acknowledged that the space was very limited as far as setbacks were concerned. Mr. Winters explained the needs for the retail and storage space, the location of the Fairpoint fiber-optic cables, and why shrinking or relocating the building on the lot would be difficult. They also showed that several buildings nearby were “right on the sidewalk,” so a building close to the sidewalk was in character with the neighborhood.

2. **#534-2015 David & Claire Beebe life Estate** request Site Plan Review for a boundary line adjustment to combine two existing lots located at 43 Beebe Road in the R3 Moderate Density Residential District, parcel ID#BE0043-0043.

Mr. and Mrs. Ted and Cathy Beebe came forward and Mr. Clark swore them in. They had been forward in May to create a lot, but now they wished to dissolve the lot that was created. They had cut a 3-acre parcel out of 20 acres, and now they wished to add the 3 acres back into the original lot.

1. **Public Comment** – None.

2. **Any Other Necessary Business**

- a) **Normand Lussier for approval – 267 Lakewood Drive**

Mr. Jim Pratt, lister, and Mr. Norm Lussier came forward. Mr. Pratt stated that Mr. Lussier's site had been approved by the DRB on April 24, 2014. Mr. Lussier and Mrs. Connie Hall had swapped some land, and part of the land was being sold to a third party (Borderview). However, the state did not approve the septic designs for Mrs. Hall, so that it did not work in that sequence. So Mr. Lussier transferred Lot 2A to Borderview and was now receiving Lot 1B and Lot 2B from Connie Hall. However, it was originally set out as a lot line adjustment, but the researchers were saying that the area was not split correctly. The 7.2 was split into two lots of 3.09 and 4.15 acres, respectively, but that split was not appropriately noted because they had never been fully merged. Lot 2B will be conveyed to Borderview farm. Mr. Clark agreed that the DRB could put in a clarification to satisfy the legal requirements.

- b) **Gosselin Appeal**

The board would discuss this item in deliberative session.

3. **Deliberative Session**

Mr. Liegey made a motion, seconded by Mrs. Giroux, to go into deliberative session at 7:40 p.m. Motion carried.

Mr. Liegey made a motion, seconded by Mrs. Hill, to exit deliberative session at 8:27 p.m. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mr. Liegey, to APPROVE as presented #532-2015 Maquam Holdings LLC request for Site Plan Review & a Variance from the setback requirements for a proposed retail store at the former TD Bank building located at 13 York Street in the NCL/Neighborhood Commercial Light and R5/ Residential Districts, parcel ID#Y00013-0028. Mr. Clark, Mrs. Hill, and Mr. Liegey voted aye; Mrs. Giroux voted nay. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mr. Liegey, to APPROVE as presented **#534-2015 David & Claire Beebe life Estate** request Site Plan Review for a boundary line adjustment to combine two existing lots located at 43 Beebe Road in the R3 Moderate Density Residential District, parcel ID#BE0043-0043. This would be reverting to the lot's previous state. Motion carried.

Mr. Clark stated that Mr. Pratt, lister, had explained an issue the lawyers had had with the Lussier application, approved April 24, 2014. Mr. Clark made a motion, seconded by Mrs. Hill, to approve an amendment to the April 24, 2014 approval to clarify: The 7.24 acres which make up Lot 1B and Lot 2B. Lot 2B (4.15 acres) is to be combined with 2A, to be owned by Borderview farm, and Lot 1B (3.09 acres) is to be combined with Lot 1A, property of Normand Lussier. The land 2B and 1B were previously owned by Constance Hall. Motion carried.

Mr. Clark made a motion, seconded by Mr. Liegey, that the board rescind the denial of the Gosselin request and that Kelly Gosselin shall be brought back to discuss the conditions under which she could operate the antique and craft sales at her storage unit on Route 7. Motion carried.

4. Minutes

a) DRB November 19th, 2015

Mrs. Hill made a motion, seconded by Mr. Liegey, to accept the minutes of November 19, 2015, as written. Motion carried.

5. Set Next Meeting Date

The DRB set the next DRB meeting date as January 28, 2016 at 7 p.m.

6. Adjourn

Mr. Liegey made a motion, seconded by Mrs. Hill, to adjourn at 8:33 p.m. Motion carried.

Filed by:

Yaasha Wheeler, DRB Clerk

Joel Clark

Lucie Hill

Gabriel M. Liegey, Jr.

Amy Giroux

Spencer Labarge