

**TOWN OF SWANTON
ZONING OFFICE**

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**PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD**

Thursday, March 24, 2016

The Swanton Development Review Board held a Public Hearing on Thursday, March 24, 2016, at the Swanton Town Offices, 1 Academy Street, at 7:00 P.M.

Development Review Board members present:

Joel Clark
Lucie Hill
Spencer LaBarge
Amy Giroux
Yaasha Wheeler, Secretary
Darlene Marrier, Zoning Administrator

DRB-05-2016 AEC Partnership/Eldora Cheney/Cathy Fournier/Joyce Campbell

Eldora Cheney
Michael Gervais, Northern Land Surveying

DRB-06-2016 Alexei Hudak

Alexei Hudak
Gerald Wells
Ed Daniel
Gary Gadouas
Michael Benjamin
Amanda Torrey
Shirley Devaney
Lorraine Corbiere
Thomas and Jackie Tatro
Katie Quinlan
Marc Choiniere & Julie Concannon

DRB-08-2016 HD Campbell

HD Campbell

DRB-09-2016 Holly Clayton

Holly Clayton

Mr. Clark opened at 7:02 p.m. He introduced the board members and explained the process of the hearing. He asked the board members to make known any ex parte communications and conflicts of interest; there were none. He drew attention to the definition of interested person that was circulating the room. He swore in the participants.

- 1. #DRB-05-2016 AEC Partnership/Eldora Cheney/Cathy Fournier/Joyce Campbell request for Site Plan Approval for a two lot sub-division located at 19 Campbell Bay Road in the SR/Shoreline Recreation, parcel ID#CB0019-0004.**

Ms. Eldora Cheney came forward and Michael Gervais, surveyor, came forward. Mr. Gervais explained that it was a simple two-lot subdivision, being carved off for one of Ms. Cheney's nephews to build a home. The remaining land had frontage on Route 78, Church Road, and Campbell Bay. The newly-created lot would have 478 feet of frontage on Church Road. There were probably some wetlands along one border. They did some test pits for a septic system, but nothing had been designed. The access will be off Church Road, and the remaining land would be undeveloped.

- 2. #DRB-06-2016 Alexei Hudak request for Conditional Use Approval to construct a multi-family dwelling, 3 units located at 37 ½ Greenwich Street in the R5/Residential District, parcel ID#GR0037-5028.**
- 3. #DRB-07-2016 Alexei Hudak request for a Variance from the setback requirements to construct a multi-family dwelling, 3 units located at 37 ½ Greenwich Street in the R5/Residential District, parcel ID#GR0037-5028.**

Mr. Alexei Hudak came forward. He explained that he would like to get rid of the garage on the lot, leave the trailer on the lot until the building of the new structure was complete, and then remove the trailer. He was requesting the variance for the side setbacks.

Mr. Clark explained that he could do Conditional Use Under 30% to avoid considering for a variance. Thirty percent would be 10.5 feet. Mr. Alexei Hudak said he could re-orient the building to meet setbacks, but it would have better "curb appeal" if he oriented it the way he requested. He had not discussed the setback from the brook with Mrs. Marrier; the brook ran the length of the property.

The driveway would be reconfigured, and would be approximately at the center of the lot. To get the required 1000 square feet, he would have a two-story structure. He had access to

city water and sewer. He planned on bringing the grade up on the property, because it was “a little low in the back.” The building would be 30’ x 54’. Mr. Hudak was unclear how many other multi-unit dwellings were in the immediate neighborhood.

Mr. LaBarge mentioned that lot coverage should be considered; a minimum of 35% of the lot had to remain as landscaping. Mr. Clark said he was not crazy about the three-unit home, though he did not want to stop a project that would improve the area by putting a more permanent structure on that lot. Mr. Hudak said he would like the three-unit best, to maximize his value. He intended one of the units to be his residence, though he might move in the future.

Mr. Wells felt that this would be an “environmental hazard” because of the brook, and he himself could not develop his neighboring lot the way he desired because of the brook. Mr. Daniels explained that the Village has a right-of-way along the brook/drainage ditch, starting somewhere around New Street. They did not know the exact width of the right-of-way. There was an Act 250 hearing some years ago when sewer lines were being installed under the brook, on Mr. Wells property, and an invasive specie brought in with the dirt had spread greatly, which Mr. Wells had unsuccessfully attempted to eradicate. Swanton Village has said that they would look into a grant to dig out the specie and put in a settlement pond. Mr. Wells believed that Mr. Hudak’s proposed structure would be quite close to his lot, and also was concerned that there might be wetland. In summary, his concerns were: the sewer lines, the environmental hazards, the safety of renters’ children around the brook, the potential for too many cars in the parking lot, and the removal of the treeline at the boundary of his property and Mr. Hudak’s.

Mr. Hudak mentioned that “apparently there was a dispute about where the boundary line was.” Mr. Clark said that the board could not address boundary disputes. Mr. Wells said he was losing 10 feet of land a year because of the brook situation due to increased erosion. He would not mind a single unit, but had a problem with three units.

Mr. Gary Gadouas (40 Greenwich Street) stated that the lot in question was the low point of Greenwich Street. “Aren’t you going to have to put in an awful lot of fill to bring that up to street level?” Mr. Hudak said he would want to fill in the back, but did not need to put in fill for the driveway. Mr. Gadouas said that putting in fill would involve heavy truck traffic and Mr. Hudak estimated that it would be about 20 loads, but nothing that would go on for months. Mr. Hudak was unaware of any right-of-way in the deed.

Ms. Katie Quinlan (37 ½ Greenwich Street) said that she knew there was a right-of-way for her land.

Mr. Gadouas asked how the fill would affect the brook; Mr. Hudak said the fill would just surround the structure so that water would drain away from the foundation. He would go down his driveway to bring in the fill, going south of the brook.

Mrs. Julie Concannon (36 New Street, behind Mr. Hudak) drew attention to the B71 standard for the driveway (for more than 3 units) and asked about the septic adequacy; Mr. Clark responded that the municipal sewer would be sufficient. Would the larger driveway create more impervious surface that would drain water into the brook and then back up into her yard? Mr. Clark felt that, as long as the brook was maintained, the water would flow away from her property. Mr. Marc Choiniere said that the Village had a lien on their property for the sewage directly under the brook, and the pipe continued past Mr. Hudak's property. Mrs. Concannon felt that three units was a lot.

Mr. Tom and Jacqueline Tatro (39 Greenwich Street) were speaking on behalf of Jackie Nye and also 20 other people who had spoken to him and expressed their opposition to this proposal. There was no written record of those 20 other people. Mr. Tatro said that "this property is so unique" and definitely needed fill. He strongly recommended a site visit and was concerned that this might be a wetland area. There were multi-family units in the neighborhood, but they had been built as single-family units and later converted to multi-family units. He felt that the character of the neighborhood would be changed. He was concerned about the number of vehicles parked in the parking area, the amount of impervious surface, the room for snow removal, and the lot coverage.

Mr. Wells said that the property was once the "village dump" and work would turn up a lot of junk, but he had nothing against a single-unit dwelling. Mr. Hudak said that he heard the concerns and intended to build an aesthetically-pleasing building and hoped to plant a hedge for privacy. He added that he wasn't dead-set on building a three-unit building—this was all preliminary—but a duplex at least would help pay for the project.

4. DRB-08-2016 HD Campbell request for Conditional Use Approval to operate a contractor's yard, located at 325 North River Road, parcel ID#NR0325-0008.

Mr. Campbell came forward. The project was located in the Neighborhood Commercial District. Contractor's yard could not be found in the latest draft of the zoning bylaws, but was found in another version that Mrs. Marrier was using. He had an old contractor's yard at that location, he had since moved his personal contractor's yard to his property on Lakewood Drive, and now wished to rent out the old contractor's yard on North River Road to someone else. The potential renter had to move out of his present location on April 20th. Mr. Clark suggested that Mr. Campbell could get the DRB a letter detailing the scope of the commercial use. The board considered alternative uses that would allow the contractor's yard to be permissible. Mr. Campbell's property had been permitted for a number of uses in the past.

5. DRB-09-2016 Holly Clayton/A-1 Carpet & Linoleum LLC/Michael & Dianne Begnoche request for Conditional Use Approval to operate a flooring retail space, located at 126 Grand Avenue in the NCL/Neighborhood Commercial Light District, parcel ID#GA0126-0028.

Ms. Holly Clayton came forward. The hours of operation would be Monday through Friday, 8 a.m. to 6 p.m., and Saturday 9 a.m. to 1 p.m. The property had adequate parking, and the sign would go right on the building. She needed to move from her current building because its state of disrepair was hazardous to her customers.

6. Any Other Necessary Business

The board set Thursday, April 28, 2016 as the next Development Review Board meeting.

Mr. LaBarge made a motion, seconded by Mrs. Hill, to go into deliberative session at 8:37 p.m. Motion carried.

Mr. LaBarge made a motion, seconded by Mrs. Giroux, to exit deliberative session at 9:04 p.m. Motion carried.

Mr. Labarge made a motion, seconded by Mrs. Hill, to APPROVE #DRB-05-2016 AEC Partnership/Eldora Cheney/Cathy Fournier/Joyce Campbell request for Site Plan Approval for a two lot sub-division located at 19 Campbell Bay Road in the SR/Shoreline Recreation, parcel ID#CB0019-0004. This item was approved as presented on the site plan by Michael Gervais, dated March 24, 2016. Motion carried.

Mrs. Hill made a motion, seconded by Mr. LaBarge, to CONTINUE #DRB-06-2016 Alexei Hudak request for Conditional Use Approval to construct a multi-family dwelling, 3 units located at 37 ½ Greenwich Street in the R5/Residential District, parcel ID#GR0037-5028; and to CONTINUE #DRB-07-2016 Alexei Hudak request for a Variance from the setback requirements to construct a multi-family dwelling, 3 units located at 37 ½ Greenwich Street in the R5/Residential District, parcel ID#GR0037-5028. These two items were continued in order for the DRB to conduct a SITE VISIT on April 21, 2016 at 6:15 p.m. Motion carried.

Mrs. Giroux made a motion, seconded by Mr. LaBarge, to CONTINUE DRB-08-2016 HD Campbell request for Conditional Use Approval to operate a contractor's yard, located at 325 North River Road, parcel ID#NR0325-0008, pending more information. Motion carried.

Mr. LaBarge made a motion, seconded by Mrs. Hill, to APPROVE DRB-09-2016 Holly Clayton/A-1 Carpet & Linoleum LLC/Michael & Dianne Begnoche request for Conditional Use Approval to operate a flooring retail space, located at 126 Grand Avenue in the NCL/Neighborhood Commercial Light District, parcel ID#GA0126-0028. This item was approved as presented on the application. Motion carried.

Mrs. Hill made a motion, seconded by LaBarge, to approve the minutes for the DRB public hearing of February 25, 2016, as printed. Motion carried.

Mr. Labarge made a motion, seconded by Mrs. Giroux, to adjourn at 9:08 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler, Clerk

Joel Clark

Lucie Hill

Spencer LaBarge

Amy Giroux

Gabriel M. Liegey, Jr.