

**TOWN OF SWANTON
ZONING OFFICE**

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**PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD**

Thursday, July 21, 2016

The Swanton Development Review Board held a Public Hearing on Thursday, July 21, 2016, at the Swanton Town Offices, 1 Academy Street, at 7:00 P.M.

Board members present:

Joel Clark

Lucie Hill

Spencer LaBarge

Yaasha Wheeler, Clerk

Darlene Marrier, Zoning Administrator

#DRB-15-2016 Christopher Guilmette

Christopher Guilmette

#DRB-20-2016 Jeremy Fairbanks

Jeremy Fairbanks

John Kerch

John Perkins

#DRB-21-2016 Courtney Shaffer-Tabor

Courtney Shaffer-Tabor

David Evans

#DRB-19-2016 Gary Langlois

Gary Langlois

Katelyn Ellerman

A. Call to Order

Mr. Clark called the meeting to order at 7:02 p.m. He introduced the board members, explained the process of the meeting, and drew the attendees attention to the definition of interested person.

He swore in the participants.

B. Agenda Review - No changes.

C. Meeting Topics:

- 1. DRB-15-2016 Christopher Guilmette continue request for Variance form the setback requirements to construct a garage located at 88 Canada Street R5/Residential District, parcel ID# CN0088-0025.**

Mr. Christopher Guilmette came forward. He said that he had pushed back the garage to meet the 10 foot variance, which would be in line with the character of the neighborhood. He would take out one of the driveways. Mr. Clark said he had driven by the property and he could see why there were concerns about the snow falling onto his equipment from the neighbor's roof.

- 2. #DRB-20-2016 Jeremy Fairbanks request for Site Plan Approval for a two-lot subdivision located at 387 St. Albans Road in the R3/Moderate Density Residential District, parcel ID#SR0387-0017.**

Mr. Fairbanks explained that there was a roughly 3.7 acre lot that he was splitting into Lots 2 and 3, with the house location on Lot 3. The neighbors lived on Lot 1. He had bought the lot to put up a single-family house, and realized that it could possibly be subdivided. Basically, he was cutting the lot in half. There would be an easement across Lot 3 to access Lot 2. The road frontage was 163 feet. The required road frontage was 100. He planned to keep the buildings at about 1600 square feet, with garages. The nearby ledge was about 18-20 feet, and the driveway would skirt it.

Mr. John Kerch said that, when they bought their house, they had the option of buying the lot bought by Mr. Fairbanks and were told that only one house could be built in that area, and did not know that two houses could be built there. One house was going to be on a 1 ¼ acre lot. They owned a historic lot; would two smaller houses affected their property value? Mr. Clark responded that a one-acre lot was the minimum in the area. Mr. Kerch asked about the septic easement area benefiting Lot 1; Mr. Fairbanks explained that that was the replacement septic for Lot 1 and prohibited development. Mr. John Perkins said his only concern was the proposed dwelling site and Mr. Clark explained about the building envelope, as well as the replacement mound site. Mr. Perkins was concerned that the trees would be cut down. Mr. Kerch asked whether additional wells would affect their own well; Mr. Clark said that was outside of the DRB's purview.

Mr. Perkins said he had no concern with the subdivision; Mr. Kerch added that they were just curious.

3. #DRB-21-2016 Courtney Shaffer-Tabor request for Variance from the setback requirements to enlarge a porch located at 45 New Street R5/Residential District, parcel ID#NS0005-0028.

Ms. Tabor and Mr. David Evans, contractor, came forward. Mr. Evans said that, from the center of the road to the existing garage, it was 36 feet, and she was looking to extend the garage by 3'9". The board determined that the road right-of-way extended 30 feet from the center of the road. The minimum setback was 35 feet. In other words, the house was pre-existing non-compliant, and they were asking for a 33-foot variance, to have a porch extending 12 feet from the house, with 2 feet to the property line. The new porch would not go any wider than the house.

4. #DRB-19-2016 Gary Langlois continue appeal of Letter of Violation located at 40 Maquam Shore Road in the SR/Shoreline Recreation District, parcel ID#MQ0040-0008.

Note: The DRB had conducted a site visit at 40 Maquam Shore Road at 6:15 p.m. that evening. Present: Gary Langlois, Katelyn Ellerman (his attorney), Joel Clark, Spencer Labarge, Lucie Hill, Darlene Marrier. Mr. Langlois had demonstrated to the board how he was finishing the grade to bring the panels to 6 feet from the ground level. The panels are stepped and he assured the board that the last panel will be shortened to the appropriate height, with work to be completed about next week.

Mr. Clark swore in Mrs. Ellerman and Mr. Langlois, since they had not been present for the first swearing in. Mr. Clark stated that they had done the site visit. Mrs. Ellerman presented a diagram that coincided with one of the main points of the site visit. It was an effort to show the pre-existing westernmost panel, which had now been taken down in order to be modified to allow for 6 feet from the existing boulder grade. Mr. Clark summarized that the panel will be six feet at its highest point and another panel would be tilted. In answer to a question about the boulders, Mr. Langlois said that the Robtoys had cut away the bank to put their bank in, and he had requested to put boulders around a tree to stop the erosion and preserve the existing grade.

Mrs. Ellerman said that, as stated in her office's letter of June 22, 2016, Mr. Gary Langlois did not receive a "friendly letter" prior to the violation notice, so there was not the opportunity to take these steps before he sat before the board. Mr. Langlois' attorneys' position was that the last panel could use some changes, but in the rest of the fence it was a matter of inches.

Mrs. Shelley Robtoy said that the original 6-foot panels were not an issue; it was just the taller, 8-foot panels closest to the lake that she had had a problem with. She confirmed with

Mrs. Ellerman that both the posts and the panels would be 6 feet or under from the ground level or the boulder. Mrs. Robtoy asked if there would be a follow-up by Mrs. Darlene Marrier, Zoning Administrator; Mrs. Ellerman felt that was a fairly reasonable condition.

Mr. LaBarge noticed that he was building a structure in the back; did he have the permit? Mr. Langlois affirmed that he did have a permit.

Mrs. Marrier said she was sorry he had not received the friendly letter, which was sent by regular mail. "I have no doubt that it got mailed out." She asked the board to uphold her decision and felt that, at that time, there was a violation. She acknowledged that there was a remedy; the meeting was only to determine if, at the time of the notice of violation, there was, in fact, a violation.

5. Set Next DRB Meeting Date

The board set the next meeting date for August 25, 2016.

6. Any Other Necessary Business

The board reviewed and Mr. Clark signed the Mylar for Luc Choquette, whose project was approved by the DRB on April 21, 2016.

Mrs. Marrier asked if she could sit in on deliberative session, so that she had a way of knowing how to answer questions posed to her by applicants who wanted to know what their application's status was. Mr. Clark said he preferred to keep the Zoning Administrator's task separate from the board's deliberations. Questions could be directed toward Mr. Clark, or people could just wait for the decision letter.

7. Minutes

a) DRB June 23rd, 2016

Mr. Labarge made a motion, seconded by Mrs. Hill, to approve the DRB minutes of June 23, 2016. Motion carried.

8. Deliberative Session

Mr. Labarge made a motion, seconded by Mrs. Hill, to go into deliberative session at 8:10 p.m. Motion carried.

Mr. Labarge made a motion, seconded by Mrs. Hill, to come out of deliberative session at 8:24 p.m. Motion carried.

Mrs. Hill made a motion, seconded by Mr. Labarge, to APPROVE DRB-15-2016 Christopher Guilmette continue request for Variance form the setback requirements to construct a garage located at 88 Canada Street R5/Residential District, parcel ID#CN0088-0025. This

item was approved as presented in revised format tonight. The DRB looked at Section 9.4 and felt that what was presented met the requirements.

Mr. Labarge made a motion, seconded by Mrs. Hill, to APPROVE as requested Fairbanks #DRB-20-2016 Jeremy Fairbanks request for Site Plan Approval for a two-lot subdivision located at 387 St. Albans Road in the R3/Moderate Density Residential District, parcel ID#SR0387-0017. Amendment: Mr. Clark made a motion, seconded by Mrs. Hill, to amend the motion to approve the request as both the preliminary and final plan. Amendment approved. Amended motion approved also.

Mrs. Hill made a motion, seconded by Mr. Labarge, to APPROVE #DRB-21-2016 Courtney Shaffer-Tabor request for Variance from the setback requirements to enlarge a porch located at 45 New Street R5/Residential District, parcel ID#NS0005-0028. Mr. Labarge seconded. The motion was unanimously opposed; motion denied.

Mr. Clark made a motion, seconded by Mrs. Hill, to uphold the letter of violation given to Mr. Langlois by the Zoning Administrator. (#DRB-19-2016 Gary Langlois continue appeal of Letter of Violation located at 40 Maquam Shore Road in the SR/Shoreline Recreation District, parcel ID#MQ0040-0008.) However, the DRB had reviewed the fence and felt that the proposed changes now met the intent of the zoning bylaws. Due to the changes, no permit is required. The homeowner has 30 days to make the proposed changes on the west end of the fence. Motion carried.

Mr. Labarge made a motion, seconded by Mrs. Hill to adjourn at 8:35 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler
Swanton Development Review Board Clerk

Joel Clark

Lucie Hill

Gabriel Liegey

Spencer LaBarge

Amy Giroux