

**TOWN OF SWANTON  
ZONING OFFICE**

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**PUBLIC HEARING  
SWANTON DEVELOPMENT REVIEW BOARD**

*Thursday, August 25, 2016*

**The Swanton Development Review Board held a Public Hearing on Thursday, August 25, 2016, at the Swanton Town Offices, 1 Academy Street, at 7:00 P.M.**

***Board members present:***

Joel Clark

Lucie Hill

Spencer LaBarge

Gabriel Liegey

Amy Giroux

Yaasha Wheeler, Clerk

Darlene Marrier, Zoning Administrator

***#DRB-22-2016 - John Bruley***

John Bruley

Karl Marchessault

Ed & Sandra Bracey

***#DRB-23-2016 - Shawn Cheney***

Shawn Cheney

***#DRB-24-2016 - Betty Lang***

Betty Lang

Allen Pigeon

## **A. Call to Order**

Mr. Clark opened the hearing at 7:00 p.m. There were no ex parte communications or conflicts of interest. Copies of the definition of interested persons was made available to the attendees. Mr. Clark explained the process of the hearing. He swore in the participants.

## **B. Agenda Review**

No changes.

## **C. Meeting Topics**

### **1. DRB-22-2016 John A. Bruley Family Trust request for Site Plan Approval for a two lot subdivision located at 2529 Highgate Road in the SGD/Southern Growth District, parcel ID#HI2529-0017.**

Mr. Marchessault and Mr. Bruley came forward. He showed the existing house, well, and leach fields on a one-acre lot. On the newly-created lot (also an acre), they proposed to do a single-family home. Ed and Sandra Bracey came forward to look at the map.

The driveway would be extended from the existing lot as a 30-foot easement into the proposed lot. The isolation shields required easements on the neighboring properties.

Mrs. Sandra Bracey said that the last drilled well had impacted the water flow of five households in the area. She was concerned that drilling another well would repeat that problem. She said that there had been many surveys in the area "and every time this is surveyed, we lose land." Mr. Ed Bracey explained the property lines of the lot, disagreeing with the configuration shown on the map. He was also concerned about headlight glare from the new home and requested a stockade fence to block the lights.

It was noted that the lot frontage should be 70 feet. The new lot would have no road frontage but would have a right-of-way through the existing lot, which did have road frontage.

Mr. Marchessault said that the previous well problem in 2005 was caused by a homeowner who was pumping water "constantly" into ponds, and the state had stepped in to stop the landowner from drawing water. The Braceys had not had a problem since 2005.

Mr. Marchessault added that his firm had surveyed various neighboring properties in 2005. He showed the location of the pins, which ones he felt were accurate and which ones he questioned. Essentially, he agreed with the alignment but was not sure about the proximity to the road. "I think we're off about 4 to 7 inches on those two pins." he had cross-referenced from previous surveys in the area. The property would be surveyed very soon. Mr. Bruley was amenable to the screening requested by the Braceys, such as 4-foot high cedars.

**2. DRB-23-2016 Shawn Cheney appeal of Zoning Administrator's decision to deny a sign permit for a property located at 22 First Street in the CB/Central Business District, parcel ID#FI0022-0028.**

Mr. Cheney said that he felt he did not have a fair proceeding before. There were three other buildings in the neighborhood that were allowed as mixed use space. Given the board's denial of his previous request (mixed-use commercial and residential), he had decided to use it just for commercial use. Now, with the Zoning Administrator's denial of a stand-alone sign, "the Town and the state has made \$600 or \$800 off this process with this property." He shared the setbacks of the stand-alone signs in the neighborhood. He said that the new sign would replace the old sign, set back by an additional three feet.

Mr. Clark recalled that Mr. Cheney had chosen to stop the appeal on the previous denial of the property and said they would move on from that.

Mr. Cheney said that the proposed location of the sign would be 13 feet from the traveled portion of the road. It was 90" from the sidewalk to the building. He proposed a free-standing sign, 6 feet high at the top of the posts and four feet wide, allowing for potential room for an additional business tenant. The sign would be placed perpendicular to the road and building. Mr. Clark was concerned about the proximity of the sign to the sidewalk, because of winter plowing of the sidewalk.

Mrs. Marrier said that she had proposed a wall-mounted sign but Mr. Cheney preferred the perpendicular free-standing sign. She emphasized that she was going by the regulations, even though she "totally understood" that the character of the neighborhood allowed for closer signs, and recommended bringing up the sign setbacks to the Planning Commission.

Mr. Clark said, "I want to see you succeed with any business and tenants you have," and said that the sign regulations would be looked at for the future.

**3. DRB-24-2016 Betty A. Lang request for a variance for development of an undersized lot located at 8 Dewey Street in the NCL/Neighborhood Commercial Light & R5/Residential District, parcel ID#DS0008-0024.**

Mrs. Marrier presented a letter from a neighbor of the project, stating that as long as there was not a variance on his side of the property, he was fine with the project. She added that this was a pre-existing lot (0.19 acres).

Mr. Pigeon explained that they were removing the existing mobile home, the 12'x12' structure, and the fishing shanty. They wanted to use the existing 20' x 30' barn as a dwelling, by using the existing footprint and adding a few feet for the overhang in the style of raised ranch. The overhang side of the structure would be about 30 feet from the neighboring property line.

The majority of the property was in Neighborhood Commercial Light. They can meet all the setbacks if they used the existing footprint. Mrs. Marrier said that the building was only 600 square feet, which was underneath the requirement of 640 square feet for conversion of use. Mr. Clark said he was comfortable with the Zoning Administrator approving this as a permit for a home, since the lot had historically be used residentially.

Mr. Pigeon thanked Mrs. Marrier for being very thorough as Zoning Administrator. "She did a wonderful job."

#### **4. Set Next DRB Meeting Date**

The next meeting was set for September 22, 2016, at 7 p.m.

#### **5. Any Other Necessary Business**

Mr. Clark signed the Mylars for Bud Hemond, approved June 23, 2016; Ellsworth Moore, approved June 23, 2016; and Bruce & Madeleine Young, approved April 21, 2016.

#### **6. Deliberative Session**

Mr. Liegey made a motion, seconded by Mrs. Giroux, to go into deliberative session at 8:08 p.m. Motion carried.

Mr. Labarge made a motion, seconded by Mr. Liegey, to come out of deliberative session at 8:28 p.m. Motion carried.

Mr. Labarge made a motion, seconded by Mrs. Hill, to approve #DRB-22-2016 John A. Bruley Family Trust request for Site Plan Approval for a two lot subdivision located at 2529 Highgate Road in the SGD/Southern Growth District, parcel ID#HI2529-0017. The motion was to approve this item contingent upon:

1. The installation of a cedar hedge, at least 4 feet tall, on the northern boundary extended to the new driveway.
2. Receipt of a survey with the boundaries marked on the subdivision plat.

Motion carried.

Mr. Giroux made a motion, seconded by Mr. Liegey, to continue DRB-23-2016 Shawn Cheney appeal of Zoning Administrator's decision to deny a sign permit for a property located at 22 First Street in the CB/Central Business District, parcel ID#FI0022-0028. This item was continued pending verification of the location of the road right-of-way and, if the sign would be within the right-of-way, receipt of a letter of approval from the Village. Motion carried.

In regards to #DRB-24-2016 Betty A. Lang request for a variance for development of an undersized lot located at 8 Dewey Street in the NCL/Neighborhood Commercial Light & R5/Residential District, parcel ID#DS0008-0024, the board found that this request could be handled administratively by the Zoning Administrator, and did not need DRB approval.

**7. Minutes**

**a) DRB July 21<sup>st</sup>, 2016**

Mrs. Hill made a motion, seconded by Mr. Liegey, to approve the minutes as written. Motion carried.

**D. Adjournment**

Mr. Labarge made a motion, seconded by Mrs. Giroux, to adjourn at 8:32 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler  
Development Review Board Clerk

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Joel Clark

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Lucie Hill

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Spencer Labarge

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Gabriel M. Liegey, Jr.

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Amy Giroux