

**TOWN OF SWANTON
DRAFT MINUTES
TOWN OFFICE BUILDING
One Academy Street
Swanton, VT 05488**

**DEVELOPMENT REVIEW BOARD (DRB)
Thursday, June 15, 2017 @ 7:15 p.m.**

Present: Joel Clark, Chair; Lucie Hill, Vice Chair; Gabriel Liegey, Harold Garrett, Members; Amy Giroux, Zoning Administrator; Elisabeth Nance, Administrative Assistant; Karen Drennen

DRB-11-2017

Nancy Burns
Brian Burns
Wesley Decker
Delores Decker
Nicole Gervais
Gregg Gervais

DRB-14-2017

DRB-19-2017

Amanda Forbes
Aaron Forbes

DRB-20-2017

Amy Lamoureux
Kevin Lawyer

DRB-21-2017

Daniel Handy
Peter Mazurak

A. Call to Order – Chair Clark called meeting to order at 7:14 p.m.

B. Agenda Review – None.

Chair Clark took this opportunity, since this is Vice Chair Hill’s last meeting, to express his gratitude to Ms. Hill for her many years of service on the DRB.

C. Meeting Topics:

1. #DRB-11-2017: Brian & Nancy Burns continuance of request for approval of a Conditional Use Permit to operate a Dog Kennel in an existing 80’ x 40’ building with no more than 10 dogs located at 2306 Highgate Road in the R1/Agricultural Residential District.

Mr. and Mrs. Burns came before the DRB. Chair Clark noted for the record that several members of the Board, as well as a number of neighbors, took part in a site visit prior to the meeting.

Chair Clark asked if the applicants had any additional information to present; the applicants did not.

Chair Clark asked for clarification on a training area that was mentioned “down the road.” Chair Clark suggested they think about including a future training area in the application before the Board tonight in order for it to be considered otherwise they may need to come before the DRB again for approval. Mr. and Mrs. Burns opted to leave the application as is.

Ms. Hill asked about sanitation and waste disposal. Mr. and Mrs. Burns informed the Board that the State had asked about their plans and approved them; that plan is to use a landfill area but alternatively the waste could be flushed through the existing septic system in the garage.

Ms. Hill asked about plans for the north side of the property. Mr. Burns stated that he intends to put up a stockade-type fence and some trees to screen the property.

Chair Clark asked about any additional exterior lighting. Mr. Burns stated there would be none.

Mr. Garrett asked about parking spaces; he counted eight on the site plan. Mr. Burns believes he can park four or five.

Chair Clark asked how much of the property line would be fenced. Mr. Burns does not plan to fence all of it but that portion from the front of the garage to the back corner.

Mr. Garrett asked about the shared driveway. He is concerned about the potential for any waste removal trucks damaging the shared blacktop driveway. Mr. Burns is willing to create a turn-around or otherwise prevent that driveway from being used by heavy trucks.

Ms. Gervais read a statement in support of her request that the permit be denied. Ms. Gervais’s concerns include a potential negative impact on their property value, that the kennel will negatively affect the thus far well-maintained state of the Burns property, and there will be excessive noise of barking dogs.

As part of her statement, Ms. Gervais asked the DRB to consider several conditions: outdoor exercise is limited to 9:00 a.m. to 7:00 p.m.; the total number of dogs not be greater than the number of approved pens so that additional dogs

cannot be housed in the Burns home, therefore, the total number of dogs should be limited to four or five; a fence be constructed to accomplish a purpose and be placed within the property line so that it can be properly maintained; and business hours be maintained and that sanitation, and waste disposal are accounted for.

Mr. Gervais stated he has concerns about the Burns coming into an established residential neighborhood with a business.

Mr. Gervais is concerned about night noise specifically that the dogs on the Burns property bark no matter what time of day or night he comes home. In order to mitigate the issue Mr. Gervais requests that the end door on the garage be closed at all times.

Mr. Gervais's last concern is that ten dogs is just a beginning and the permit will be expanded. Chair Clark assured Mr. Gervais the failure of the Burns to comply with whatever limitation(s) the Board imposes would be a violation, and that an additional permit would be required to increase the number of dogs on the site.

Ms. Decker asked for clarification of the number of dogs that would be permitted on the premises. The application is currently for up to ten dogs, including those owned by the Burns.

Ms. Decker stated that she can hear dogs barking whenever she goes over to visit the Gervais property.

Ms. Decker is concerned that there were no dogs on the premises for the site visit thus providing a false sense reality.

Ms. Decker does not believe that whatever motivation the Burns have or investment the Burns have made so far should be a consideration when the Board deliberates.

Mr. Burns stated he keeps the garage door open during the day for ventilation but that he would be willing to use fans although he would prefer not to use air conditioning.

Mr. Liegey asked why the Burns decided to run a kennel. Ms. Burns stated that the kennel is meant to offset some of the cost of training therapy dogs for veterans suffering from PTSD.

Ms. Burns stated that she will likely have a system that allows her to monitor noise from the kennel while in the house, particularly at night.

Chair Clark made a motion, seconded by Mr. Liegey, to approve DRB-11-2017 with the following conditions: 1) no large truck traffic on the shared driveway, 2) the large door on the north side of the garage must be closed from 7:00 p.m. until

6:00 a.m., 3) the owner will install additional ventilation if needed, 4) there may be up to a total of ten dogs, including those owned by the Burns on the property at any one time, and 5) the fence on the north side of the garage extends no more than ten feet from the north side of the garage and the fence for the dog runs extends no more than an additional forty feet from the backside of the garage while cedar or equivalent hedge will be placed along the northern boundary beginning from the area even with the northern edge of the garage going to the back corner of the property, consistent with the placement indicated on the site plan. Motion carried.

2. #DRB-14-2017: Shawn Cheney continuance of request for Conditional Use Permit to convert a single-family dwelling into a two-family dwelling located at 52 Second Street in the R5/Residential District.

Mr. Cheney was not present.

Chair Clark asked for the record whether Mr. Cheney was aware that this had been continued and that there was a site visit. Ms. Giroux and Ms. Nance stated that the Town has a good address and there is a signed certified mail receipt on file.

Ms. Hill made a motion, seconded by Mr. Liegey, to approve DRB-14-2017 Shawn Cheney continuance of request for Conditional Use Permit to convert a single-family dwelling into a two-family dwelling located at 52 Second Street. The motion failed because the Board found the application incomplete and because the applicant failed to appear.

3. #DRB-19-2017: Teapot Homes LLC, Aaron & Amanda Forbes request for Conditional Use Permit to bring an unapproved existing apartment above the garage into conformance located at 46 Liberty Street in the R5/Residential District.

Mr. and Mrs. Forbes came before the Board. They purchased a foreclosure property in February 2017 and were told then that the previous owner had requested a permit but had not followed through so no permit was ever granted.

There is no occupant in the apartment at this time.

Mr. Liegey asked how they came to be before the DRB. Ms. Forbes that they would like to rent the space eventually and want to “be legal.”

According to previous applications, the issue before the DRB is that the dwelling does not meet setbacks.

Mr. and Mrs. Forbes believe the apartment was used at some point in the past. There is wastewater/septic into the house although there is only one meter for the water. There are separate meters for the electric service.

Chair Clark advised Mr. and Mrs. Forbes that the Board may need dimensions to approve as conditional use, otherwise it is a variance.

Ms. Hill asked about parking. Ms. Forbes stated there are two or three parking spots in front of the house and two or three in the driveway. Ms. Hill stated that there must be two parking spaces for each dwelling.

Mr. Garrett mentioned a site visit might be required to which the Forbes have no objection.

Chair Clark made a motion, seconded by Mr. Liegey, continue DRB-19-2017 Teapot Homes LLC, Aaron & Amanda Forbes request for Conditional Use Permit to bring an unapproved existing apartment above the garage into conformance located at 46 Liberty Street in order to conduct a site visit on July 27, 2017 at 6:30 p.m. and to provide the applicant the opportunity to provide a site plan with dimensions. Motion carried.

4. #DRB-20-2017: Amy Lamoureux request for Conditional Use Permit to sell ice cream inside the West Swanton Apple Orchard building under the name Devyn's Creemee Stand with a 2' x 3' sign from May to October; Monday through Sunday from 1:00 pm to 9:00 pm located at 752 North River Street in the SR/Shoreland Recreation District.

Ms. Lamoureux and Mr. Lawyer came before the DRB.

Chair Clark asked for clarification of the placement of the creemee stand and it was determined that the only change from previous years is that the operation of the creemee stand is being transferred from Mr. Lawyer, who owns the property, to Ms. Lamoureux.

Mr. Lawyer stated that the hours requested on the application were incorrect and should be 11:00 a.m. – 9:00 p.m. The subsequent discussion extended the closing to time to 10:00 p.m.

Mr. Garrett made a motion, seconded by Mr. Liegey, to approve DRB-20-2017 Amy Lamoureux request for Conditional Use Permit for retail and food sales inside the West Swanton Apple Orchard building located at 752 North River Street under the name Devyn's Creemee Stand with the following conditions: the hours of operation will be 11:00 a.m. until 10:00 p.m. from May 1st through October 31st, and the owner will contact Zoning Administrator to request a sign permit. Ms. Hill made friendly amendment by unanimous consent to include that operations will be seven days a week. Motion carried.

5. #DRB-21-2017: DDM Properties, LLC – Daniel Handy request for Sketch Plan Approval for a four lot sub-division located at 35 Upper Ferris Street in the R5/Residential District.

Mr. Handy and Mr. Mazurak came before the DRB.

The lot previously had two trailers. The proposal is for four lots of one duplex each with each duplex having a garage.

Mr. Handy stated that the duplex more than likely would be manufactured modular units.

Mr. Handy stated that current plans call for the infrastructure and maybe one unit to be completed first and then they will look at completing the remaining units.

Chair Clark advised that he would like to make it a condition that the applicants complete the turn-around with the first unit, not the last.

Mr. Handy advised that the adjacent landowner had committed to putting up a fence if anything happened on this plot; the DRB will review that information.

Mr. Handy understands that they are early in the process but is hoping for some idea of the plan's feasibility.

Mr. Garrett asked if they intended to keep the access drive private because the proposed 20' right-of-way is not wide enough. Mr. Garrett is also concerned about the green space in the middle of the cul-de-sac as it might impede the turn-around for the fire truck. Chair Clark recommended to Mr. Handy and Mr. Mazurak that they get in touch with the Fire Chief to get his input and a workable plan.

Chair Clark made a motion, seconded by Ms. Hill, to continue DRB-21-2017 DDM Properties, LLC – Daniel Handy request for Sketch Plan Approval for a four lot sub-division located at 35 Upper Ferris Street to continue this matter because the Board feels the buildings shown on the site plan are not adequately sized and therefore clarification is needed. Motion carried.

- D. Minutes DRB May 25, 2017 – Ms. Hill made motion, seconded by Mr. Liegey, to approve DRB minutes of May 25, 2017 as written. Motion carried.
- E. Any Other Necessary Business – Mr. Liegey made a motion, seconded by Chair Clark, that the Town of Swanton recognizes Ms. Hill upon her retirement from the Development Review Board. Chair Clark will follow up with the Selectboard. Motion carried.

F. Public Comment - None

G. Deliberative Session

Mr. Liegey made a motion at 8:34 p.m., seconded by Ms. Hill, to go into deliberative session. Motion carried.

Mr. Liegey made a motion at 9:25 p.m., seconded by Ms. Hill, to come out of deliberative session. Motion carried.

H. Set Next DRB Meeting Date – July 27, 2017 at 7:00 p.m. at the Town Offices with a site visit at 6:30 p.m.

I. Adjournment – Ms. Hill made a motion at 9:46 p.m., seconded by Mr. Liegey, to adjourn. Motion carried.