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**4/3/13 PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD**

The Swanton Development Review Board held a Public Hearing on **Wednesday, April 03, 2013** at the Swanton Town Offices, 1 Academy Street, at **7:00 P.M.**

Present:

**Lucie Hill
Spencer LaBarge
Gabriel Liegey
Ronald Kilburn, Zoning Administrator
Yaasha Wheeler, Secretary**

Also present:

**Janette Hoague
Jason Stoddard (#477-2013)
Raymond Bouchard (CU#419)
Alan Lampson (#CU419)
Roger Bushey (#CU419)
Gary & Pamela Pouliot (CU#420)
Gail Perras (CU#420)
Charles Prouty (#CU420)
William Malbeuf (#CU420)
Ellsworth Moore (#473-2013)
Andy Hoak (#473-2013)
Brad Ruderman, Ruggiano Engineering (#479-2013)
Andre Gagne (#479-2013)
Matthew Gagne (#479-2013)
Earl & Susan Fournier (#480-2013)
Harold Garrett (#481-2013)
Patrick Cross (#481-2013)
Dick Thompson (#481-2013)
David Jescavage (#481-2013)
Andrew LaRocque (#481-2013)**

Hill opened at 7:02 p.m. She explained the process of the hearing, read the definition of interested person, and swore in the participators. Kilburn stated that the first three on the agenda were entitled to have their hearings continued tonight if they wished to, because two members of the board who heard testimony on their applications last time were not present. However, the applicants could decide to proceed with the current board members. The applicants agreed to proceed.

1. #477-2013 Continued Sketch Plan and possible Final Plat Approval Request & Lot Line Adjustment Request & Conditional Use Request of Jason Stoddard to create two lots from one lot and to reduce District setbacks so as to minimize the degree of noncompliance of two existing dwellings on a single lot at **#1-3 Short Street R5 Residential District**.

Note: The DRB conducted a SITE VISIT at 6:30 PM on April 03, at #1-3 Short Street prior to the Public Hearing in order to review this project on site. All interested parties were invited to attend. Present: Lucie Hill, Spencer LaBarge, Ron Kilburn, and Jason Stoddard.

Stoddard showed the original proposed lot line, which broke the land down into 0.36 acres and 0.12 acres. He proposed to tear down the existing home and recondition the existing garage to match a newly-constructed 1200 to 1400 sq. ft. home, possibly shrinking the home's footprint to be more compliant with the setbacks. If the property line were moved to go through the existing trailer, then the trailer would have to be removed and a new home would have to be built on the resulting lot. LaBarge asked to know the acreage if the property was split down the middle, and Stoddard replied that it would 0.18 acres. LaBarge asked to know the setback between the property line and the garage, and Stoddard estimated that it was 6 to 8 feet. LaBarge asked to know the setback between the property line and the garage and Stoddard estimated that it was 6 to 8 feet. He added that the footprint of the home would be 25 x 40 feet, which could be shrunk to 25 x 32 feet to give an extra 6 to 8 feet to the front setbacks (20 feet instead of 12 feet). The back would be about the same as it was currently.

LaBarge asked to know the timeline of changes if the property line was moved. Stoddard said that once the property line was established, he would apply for a building permit to rebuild the existing home and begin rebuilding. If the trailer was on the line, he would remove it within the time frame stipulated by the conditional use and rebuild within a year or two. LaBarge asked what would happen if the Development Review Board created a nonconforming lot by requiring the property line to go through the middle of the existing trailer. Kilburn replied that they were only installing a lot line, which would create no liability since Stoddard would agree to it.

2. CU#419 Continued Conditional Use Request of Raymond Claude Bouchard to continue the Cottage Industry Auto Repair business of former owner **Michael Paradis** in a modified manner from the previous operation at **131 St. Albans Rd. R3 Moderate Density Residential District**.

Bouchard came forward and presented a letter regarding his intent, which stated as follows:

Michael Paradis owns the property at 131 St. Albans Road, Swanton, Vermont, and I, Raymond Claude Bouchard, will be leasing the property as I will own and operate an automotive mechanical repair shop. The shop will be used to handle the overflow from my primary business in St. Albans. The kinds of repair will include mostly but not be limited to major automotive repairs, repairs that take two or more days to complete, so traffic will be minimal. There may be up to one employee, including myself. Hours of operation will be from 8 a.m. to no later than 6 p.m., Monday through Friday, and a half-day Saturday maybe. The hazardous materials would include only those associated with automotive mechanical repair work, which includes but are not limited to engine oil and grease, spray lubricants, parts cleaner in spray cans, and antifreeze. Engine oil and coolant are recycled. This is a nice quiet area and I want to keep it that way. As long as I'm here, any member of the DRB will be welcomed to stop by any time. I would also agree to a review in one year to address any concerns. Respectively, Raymond C. Bouchard.

Kilburn noted that he had proposed a list of conditions that the DRB had the option of using as a basis for questioning. Hill summed up that Bouchard would not be doing spray painting or autobody work. She asked if there would be “after hours” work for family or friends, about which Paradis had had complaints in the past. Bouchard replied that the work at the shop would be mostly overflow from the primary business in St. Albans, and that he would not want to work more than 8 hours, especially since the shop would be located at his residence. The work would be done inside the garage, the rest of the fence would be installed, and the Route 7 entrance would be used. No cars would be sold from this location, but rather from his primary business location. He agreed that he would permit the zoning administrator to do a site visit if deemed necessary, that he would reside at the home, that he would abide by the signage requirements in the bylaws, and that he had plenty of parking in front. His long-term intent was to purchase the property, but he did not know for sure if that would happen.

Alan Lampson asked about the Saturday hours, in the previous application. Kilburn stated that Paradis’ hours of operation had been 9 to 5, Monday through Friday, although there had been many complaints that he operated on Saturday and Sunday. Roger Bushey agreed that Paradis had operated well beyond his stated hours. Lampson pointed out that it would be hard to determine whether someone was really living at the house or not (since cottage industries require the owner/operator to reside on the property). It was noted that Christie Paradis currently resided at the home and Bushey asked what would happen if she did not move. Bouchard said that he supposed that the project was contingent upon her move from the property. Lampson asked what was encompassed in the “including but not limited to” phrase in Bouchard’s letter of intent and Bouchard explained that every possibility of the scope of his work could not possibly be put on paper, but that all work would be mechanical. The garage had 4000 square feet, on lift, and a frame machine (which would probably be removed). The “one employee” referenced in the letter was a young man who would help around the property. Bouchard emphasized that this operation would be supplementary to his primary business in St. Albans, and that he did not want to change the aesthetics of the neighborhood.

3. CU#420 Continued Conditional Use Request and Site Plan Approval Request of Gary & Pamela Pouliot to construct and operate a Storage Facility on land across the road from their residence at 182 Maquam Shore Rd. R3 Residential District.

The Pouliots came forward and Hill swore them in, since they had not been present at the oath. Gary Pouliot showed the new plan, which shrunk the previously planned building by 10 feet on one side, to be compliant with lot coverage. The building would be on a vacant lot of 158 x 200 feet, with one entrance. Hill asked about landscaping, and Gary Pouliot said that they would probably have a birm, trees, shrubbery, and flowers.

Charles Prouty said that his understanding was that the area was zoned as residential, not commercial; Pamela Prouty replied that she believed it was zoned commercial. Kilburn clarified that the district was R3 Residential, but that storage units were allowed under conditional use. Prouty pointed out that a storage facility which charged fees was a commercial operation. He asked how far the building would be from the main road, and Gary Pouliot estimated that it would be 69 feet from the right of way. Linda Gail Perras stated that she lived right across from the property, as a neighbor of the Pouliots. William Malbeuf, another neighbor, was also present. Prouty asked to know the building size and Gary Pouliot stated that it would be 30 x 140 feet. Malbeuf asked if the entrance to the property would be moved, and Gary Pouliot explained that the entrance would be widened and that the trees in the back had been removed.

Prouty stated that a commercial operation would reduce property value in the neighborhood. Pamela Pouliot responded that she believed that a residential property at that location would impact the neighborhood more, since it would increase traffic, whereas a storage unit would result in minimal traffic. Boats would be stored behind the building, where they could not be seen, and the building would one story high of dark tan, with a roof and doors of green. LaBarge read the definition of storage facility and of warehouse.

Storage facility: A building for storing goods as an accessory to a retail store, or for the temporary storage of goods (e.g. household goods) by the general public. See also Warehouse.

Warehouse: A building used primarily for the storage, wholesale, and distribution of manufactured goods and materials, and not as a primary location or outlet for business or retail uses. See also Storage Facility.

Perras stated that she did not want to look at a storage building across from her lot and the Pouliots replied that screening could effectively hide the building from view. Hill asked about the hours of operation and Gary Pouliot estimated that 7 a.m. to 7 p.m. would work, while Pamela Pouliot pointed out that a restriction on weekend hours would be difficult for that kind of business, since many people would check their stored items on the weekends. Hill said that the board would not want to see any vehicles for sale and only one entrance/exit. She asked about the building height, and Gary Pouliot replied that it would 12 feet. He added that the sign would be on the mailbox, the lighting would be solar, motion-sensitive lights, there would be 34 units, and screening could be installed.

Prouty said that, if it was a commercial building, did it have to have a restroom? If so, the land didn't perk. LaBarge said that the Development Review Board would look into the commercial side of things. Prouty asked to know about the roof style and Pamela Prouty replied that it would have a slight pitch and be of metal. Perras stated that screening would be helpful, adding that restricting hours of access would be near impossible, since renters of units would have keys and could access their units any time.

Kilburn stated that, historically, it was common for the Development Review Board to request a building picture or drawing with elevations, so that they would be certain of what they have approved.

4. #473 -2013 Preliminary and Possible Final Approval Request of Ellsworth Moore as well as Conditional Use Request CU#421-13 to create a Major Five (5) lot subdivision/PUD, it being proposed to subdivide 104.5 acres into: three 1-acre lots (Lots 1-3); one 6.1 acre 6 unit PUD (Lot 4); and retained lands (lot 5) at #135 Bachand Road R3 Moderate Density Residential District.

Ellsworth Moore and Andy Hoak, of Ruggiano Engineering, came forward. Hoak explained that the proposed project involved a 5-lot residential subdivision, of which Lots 1 through 3 would be one acre apiece, with single family residences. Lot 4 would be a PUD of 6 acres, including 3 separate duplex units, each using a shared driveway off of the new cul-de-sac road, which was located at the same position as the existing farm road, which branched off near the intersection of Sugar Maple and Bachand Road. The road would meet A76 standards, with a 24-foot width. On-site water and septic was proposed, with Lots 1 through 3 to have their own drilled well and share wastewater disposal systems. All remaining lands would total up to 95.4 acres. Units 1 through 3 in the PUD would have a shared disposal system, located in the easement area, and units 4 through 6 would share an easement area for a separate disposal system. Each duplex would have a shared well. The single residences would have 175 feet of road frontage, the depth of the lots would be a minimum of 205 feet. Setbacks met the required 50 feet in the front, 30 feet on both sides, and 50 feet in the rear. There was also a 50 foot PUD perimeter setback on Lot 4. The reason for the multiple shared disposal systems was because of shallow soils because of bedrock outcroppings. The plan was basically the same as had been presented to the Development Review Board previous, but the applicant had been waiting for the preparation of the subdivision plat.

Hill asked to know the distance between the units and Hoak estimated that the distance was 55 feet. Hill asked if the road would be paved and Hoak said there were no plans for paving, although the road would meet A76 standards. The state wastewater permit still needed to be obtained. Hill asked to know about the size of the PUD units, and Moore replied that they would be single-floor duplexes. Hoak estimated that they would be 35 x 50 feet, although he asked to be allowed to extend the footprint up to 1500 square feet if so desired. The buildings met the building coverage requirements.

5. #479-2013 Sketch Plan and Possible Final Plat Approval Request of Andre Gagne to create a two-lot residential subdivision: Lot 2 (75 acres) will remain with the farm and existing dwellings; Lot 3 (2.0 acres) is proposed for a 3-bedroom, single-family residence with onsite septic and drilled well. Lot 3 will be accessed via right-of-way from Viens Road with no frontage proposed. **At 134 Viens Road R1 Agricultural/Residential District.**

Brad Ruderman, engineer, came forward, along with Andre Gagne and his son Matt Gagne. Ruderman explained that the project involved a 77-acre improved parcel, with two dwellings and farm on it currently. The project proposed for 2 acres to be for a single family dwelling, served by a private right-of-way that came off the road, with a septic and drilled well, and a septic easement for the a separate lot that was subdivided out years ago. They had reoriented the right-of-way to circumvent the septic easement. The final plan would show a 10 x 30 foot pull-off. The building would met the required setbacks. The state permit was in the process, and the monument locations were to be set.

Hill swore in Garrett, who had not been present to take the oath earlier. Garrett stated that a culvert was needed for the access, since there was no place for the water to drain. Matt Gagne explained that there was tile next door and Andre Gagne added that there was only standing water at this time of year, when the ground had not yet thawed. Garrett noted that he had already signed the road cut and had no problem with it, but that the standing water needed somewhere to drain and suggested installing a culvert. Matt Gagne suggested having tile that ran about 800 feet to the brook-line. Kilburn asked what kind of condition would satisfy the town, and Garrett said that the Selectboard would have to be asked. Kilburn asked if there could be a proposed condition that addressed the town's liability for the drainage issues and Garrett said he did not know of such a condition. Hill asked if the town would be satisfied if the Gagnes ran tile to satisfy the standing water issues and Garrett said that would be fine.

6. #480-2013 Sketch Plan and Possible Final Plat Approval Request of Earl and Susan Fournier to create a two-lot residential subdivision: Lot 2 (212 acres) will remain with the farm; Lot 3 (1.07 acres) is proposed for a 2 bedroom, single-family residence with on-site drilled well and off-site shared wastewater disposal system with access to the residence by way of a common right-of-way from **Campbell Bay Road**. SR Shoreland Recreation District.

Earl and Susan Fournier came forward. Hill swore them in, because they had not been present for the original oath. Susan Fournier explained that they planned to put a log cabin next door to their daughter's home. They would be updating the septic to make it able to be a two-family septic, for which they already had a state permit. The proposed house would be on a slab, and the existing driveway came off of Campbell Bay Road. They would be subdividing out of the existing farm land for the home. The Development reviewed the elevation and contours, and determined that there was sufficient road frontage. Earl Fournier added that the farm owned the right-of-way, but that the new lot would have a permit of easement for the right-of-way.

7. #481-2013 Site Plan Review and Conditional Use Review of Town of Swanton for a Public Facility (Town Garage) on a 1.8 acre parcel (Former State Highway Garage site) at **221 First Street** CLI Commercial/Light Industrial District.

David Jescavage (Town Administrator), Dick Thompson (Selectman), Harold Garrett (Road Foreman), and Patrick Cross (Cross Consulting Engineers) came forward. Cross explained that the project involved an 8300 square foot (60 x 142 ft.) town garage off of Route 78, with two entrances and an elevation of 109 feet. Drainage would be to the north toward the swale and, since the site was sandy, a small amount would seep into the soil. The trees had been removed along Route 78, but the trees on the side would be saved; the town did not propose additional landscaping. The new building would include 6 bays, with 5 to 6 municipal trucks as needed. The lot would include an existing salt shed and garage. The building would be served by a new drilled well, since the existing well was contaminated and would be removed. The septic system included well shields. LaBarge asked if the septic from the neighboring LaRocque property would affect the well and LaRocque said it would not. Cross said that they proposed an at-grade wastewater system at the north of the property, which would be fed by a pump station. The wash-bay water would be sent to an oil/grease filter and fed by a gravity pump into the leaching area. The garage would be inside the 50 foot setback from the road, with side setbacks of 35 feet. Garrett added that there would be a cement pad on which the trucks could park, with separate parking for employees (for about 5 vehicles). LaBarge asked about the monuments and Cross said that they should still in place. Thompson added that a 6-foot-high chain-link fence would be put around the property on three sides, to deter kids from walking across the lot to access the school.

8. Public Comment.

None.

9. Any other necessary business.

Kilburn presented the Pfenning Mylar, for the project that had been approved at the 02/28/13 Development Review Board hearing. Hill signed the Mylar.

Kilburn presented the Fournier Mylar, in the event that the Development Review Board approved the project.

LaBarge made a motion to go into deliberative session. Liegey seconded. Motion carried. The board entered deliberative session at 9:32 p.m.

LaBarge made a motion to come out of deliberative session. Liegey seconded. Motion carried. The board exited deliberative session at 9:49 p.m.

LaBarge made a motion to RECESS deliberations until Tuesday, April 9, 2013 at 6:30 p.m. Liegey seconded. Motion carried.

The Development Review Board met on Tuesday, April 9, 2013 at 6:30 p.m. Present: Lucie Hill, Gabriel Liegey, Spencer LaBarge, Kathy Lavoie, Joel Clark, and Yaasha Wheeler.

LaBarge made a motion to go into deliberative session at 6:33 p.m. Liegey seconded. Motion carried.

LaBarge made a motion to come out of deliberative session at 9:28 p.m. Liegey seconded. Motion carried.

MOTION: LaBarge made a motion to APPROVE #477-2013 Continued Sketch Plan and possible Final Plat Approval Request & Lot Line Adjustment Request & Conditional Use Request of Jason Stoddard to create two lots from one lot and to reduce District setbacks so as to minimize the degree of noncompliance of two existing dwellings on a single lot at #1-3 Short Street R5 Residential District. Approval was in accordance with Section 3.8(B)2 in the zoning regulations. The application was approved with the following conditions:

1. The lot line adjustment shall result in two equal-sized lots.
2. There shall be a Conditional Use request for the setbacks.
3. The plan shall show the actual locations of the proposed constructions.

Liegey seconded. Motion carried.

MOTION: Hill made a motion to APPROVE CU#419 Continued Conditional Use Request of Raymond Claude Bouchard to continue the Cottage Industry Auto Repair business of former owner Michael Paradis in a modified manner from the previous operation at 131 St. Albans Rd. R3 Moderate Density Residential District. Approval was contingent upon meeting the following CONDITIONS:

1. There shall be no autobody work on the premises.
2. There shall be no spray painting.
3. Only mechanical repair work shall be done, as per the letter submitted by Bouchard to the Development Review Board.
4. There shall be no outside storage of equipment, parts, or vehicles that is visible from the public highway or outside of the fenced area.
5. All hazardous materials are to be dealt with according to state regulations.
6. The entrance shall be from St. Albans Road only.
7. There shall be no automobiles or other equipment displayed for sale.
8. The applicant shall permit the Zoning Administrator to enter the premises without prior notice to investigate the nature of any complaint.
9. The applicant must reside in the dwelling as his primary residence, as per the definition of cottage industry.
10. All existing signage shall be removed.
11. The hours of operation shall be from Monday through Friday, 8 a.m. to 6 p.m., and on Saturday from 8 a.m. to 12 noon.

LaBarge seconded. Motion carried.

MOTION: LaBarge made a motion to APPROVE CU#420 Continued Conditional Use Request and Site Plan Approval Request of Gary & Pamela Pouliot to construct and operate a Storage

Facility on land across the road from their residence at 182 Maquam Shore Rd. R3 Residential District. The application was approved with the following CONDITIONS:

1. The hours of operation shall be daylight hours only, 7 days a week.
2. There shall be no outside storage of boats, vehicles, or other objects, except in the back and not visible from the road.
3. There shall be no display of vehicles or other items for sale.
4. The storage facility shall be no more than 14 feet high.
5. There shall be signage only on the mailbox.
6. There shall be solar security lighting for the facility.
7. There shall be a minimum of 6 foot high screening; the existing hedge shall also be maintained.
8. There shall be 34 units total, as shown on the plan.
9. Only the one proposed driveway shall be used.

Liegey seconded. Motion carried.

MOTION: Liegey made a motion to APPROVE #473 -2013 Final Approval Request of Ellsworth Moore as well as Conditional Use Request CU#421-13 to create a Major Five (5) lot subdivision/PUD, it being proposed to subdivide 104.5 acres into: three 1-acre lots (Lots 1-3); one 6.1 acre 6 unit PUD (Lot 4); and retained lands (lot 5) at #135 Bachand Road R3 Moderate Density Residential District.. Approval was contingent upon the following CONDITION: There shall be an A76 standard road base for the development. LaBarge seconded. Motion carried.

MOTION: LaBarge made a motion to APPROVE #479-2013 Final Plat Approval Request of Andre Gagne to create a two-lot residential subdivision: Lot 2 (75 acres) will remain with the farm and existing dwellings; Lot 3 (2.0 acres) is proposed for a 3-bedroom, single-family residence with onsite septic and drilled well. Lot 3 will be accessed via right-of-way from Viens Road with no frontage proposed. At 134 Viens Road R1 Agricultural/Residential District. The final was approved as presented. Liegey seconded. Lavoie opposed; the ayes had it. Motion carried.

MOTION: LaBarge made a motion to APPROVE #480-2013 Sketch Plan Approval Request of Earl and Susan Fournier to create a two-lot residential subdivision: Lot 2 (212 acres) will remain with the farm; Lot 3 (1.07 acres) is proposed for a 2 bedroom, single-family residence with on-site drilled well and off-site shared wastewater disposal system with access to the residence by way of a common right-of-way from Campbell Bay Road. SR Shoreland Recreation District. The preliminary sketch plan was approved with more information requested on the common road right-of-way proposed. Liegey seconded. Motion carried.

MOTION: Hill made a motion to APPROVE #481-2013 Site Plan Review and Conditional Use Review of Town of Swanton for a Public Facility (Town Garage) on a 1.8 acre parcel (Former State Highway Garage site) at 221 First Street CLI Commercial/Light Industrial District. Approval was contingent upon the following CONDITIONS:

1. The applicant shall submit a revised parking plan in relation to the number of employees, as per Table 5.1.
2. There shall be 6-foot chain link fencing around three sides of the lot.
3. An exterior lighting plan shall be submitted for approval.

Liegey seconded. Motion carried.

Lavoie made a motion to approve the Development Review Board minutes of 10/25/12, 12/20/12, and 2/28/13. LaBarge seconded. Motion carried.

Clark made a motion to adjourn at 9:50 p.m. Hill seconded. Motion carried.

Respectfully Submitted,

Yaasha Wheeler

Lucie Hill

Spencer LaBarge

Gabriel M. Liegey, Jr.

Kathy Lavoie

Joel Clark