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6/13/13 PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD

The Swanton Development Review Board held a Public Hearing on **Thursday, June 13, 2013** at the Swanton Town Offices, 1 Academy Street, at **7:00 P.M.**

Present:

Joel Clark
Janette Hoague
Lucie Hill
Gabriel Liegey
Spencer LaBarge
Yaasha Wheeler, Clerk

Present:

Normand & Johane Pigeon (#483-2013)
Michael Gervais (#483-2013)
Ernie Pomerleau (#485-2013)
Steve Plocsser (#485-2013)
Brian Waxler (#485-2013)
Tracey Schoonmaha (#485-2013)
Gordon Winters (#485-2013)
Rene Fournier (#421-2013)
James & Marnie Branca (#421-2013)
Jeremy Allard (#486-2013)
Aaron O'Grady (#486-2013)
Travis Belisle (#487-2013)
Stephen Tetreault (#487-2013)
Richard Nichols (#487-2013)

Mr. Clark opened the hearing at 7:00 p.m. He introduced the board members, and noted that Ron Kilburn, Zoning Administrator, was not present. He explained the process of the hearing, identified the definition of an interested person, and asked the board members to make known any conflicts of interest or ex parte communications. Mr. Clark noted that his son works for Aubuchon Hardware right now; no one had a problem with that. He swore in all those present.

1. #483-2013 Sketch Plan and possible Final Plat Approval Request of Normand and Johane Pigeon to create a two (2) lot subdivision on the East side of the Middle Road at #200 Middle Road. Lot #1 to consist of 2.00 acres with existing house. Lot #2 to consist of 27 acres, subject to Vermont Land Trust Restrictions and to remain in agricultural use. R1 Agricultural/Residential District.

2. #484-2013 Sketch Plan and possible Final Plat Approval Request of Normand and Johane Pigeon to create a two (2) lot subdivision on the West side of the Middle Road at #200 Middle Road. Lot #3 to consist of 5.01 acres with existing house, barn, garage and outbuildings. Lot #4 to consist of 80 acres, subject to Vermont Land Trust restrictions and to remain in agricultural use. R1 Agricultural/Residential District.

Mr. Clark decided to combine items #1 and #2. Mr. Michael Gervais, designer and land surveyor from Northern Land Surveying, came forward to present on Mr. Pigeon's behalf. Mr. Gervais stated that the parcels were on almost the opposite sides of the road, but were not contiguous. There was a 2-acre parcel with plenty of frontage, with an existing mound with a state permit. No other major changes had been made to the lot. Land trust was doing the development rights and had a copy of the map now before the board, upon which they were basing the deed. Last trust was drafting an easement for the rest of the land, but did not have control over Lot 1, which was not in land trust. Mr. Clark asked if the adjacent landowners had been notified and Mr. Gervais replied that they had been.

ITEM 2

Mr. Gervais stated that there was an existing home, with a few garages and barns. There was an approved replacement septic system, since the original did not have a state permit. The lot had 500 feet of road frontage, and was 420 feet deep. The remaining land would have a land trust easement for development rights. Mrs. Hill asked about access and Mr. Gervais replied that there was a field drive.

3. #485-2013 Site Plan Review Request of Pomerleau Family, LLC for expansion of existing commercial space to accommodate a new tenant – a hardware store **at 139 First Street**. TSA Travel Service Area District. The proposed expansion would involve a reallocation of existing space and construction of a 3,677sf addition to the existing 6,323 sf building as well as the addition of an outdoor storage area in back of the new addition.

Ernie Pomerleau came forward. Mr. Pomerleau explained that, since Hannaford had replaced Grand Union, the Pomerleau Family, LLC, had been unable to lease the adjacent space. Now they had the opportunity to expand by 3600 square feet for a total of 10,000 square feet, with 12 additional parking spaces, which exceeded the required parking. The expansion of the interior space would go over the existing impervious drive, which would block access around the building on that side. Mr. Clark asked whether 12 parking spaces was truly adequate, and Mr. Pomerleau responded with paperwork of studies done at peak times on the last Friday and Saturday. Some of the area was being used as a park and ride, which use the Pomerleau Family, LLC, had requested to relocate. An employee parking plan was also under consideration. Lighting and landscaping would remain the same. Mrs. Hill asked about the Chinese restaurant

now at the location and Mr. Pomerleau explained that the restaurant would move when the lease expired in October. Mrs. Hill asked about the space for trucking and Mr. Pomerleau pointed out the trucking entrances along Robin Hood Drive.

Mr. Gordon Winters was concerned about the circulation around the building which the expansion would prohibit, and how that could affect fire-fighting efforts in the event of an emergency. Mr. Plocsser explained that the truck traffic was usually predictable, and at times of the day with lower customer traffic (6 to 7 a.m.). There was enough space for the required 30 feet for the truck ladder in case of a fire.

4. CU#421-2013 Conditional Use Request of Rene G. Fournier to conduct the business of Automobile Sales and consignment of used automobiles and trucks at his current business location at **6 Brooklyn St.** IND Industrial District (Recently amended to permit hotels, lodging facilities and Automobile Sales).

Mr. Clark swore in Mr. Fournier, who had arrived after the oath. Mr. Fournier came forward to present his request, noting that Mr. Kilburn had advised him to present his request to broaden the meaning of “consignment” during the current request. Mr. Fournier wished to sell lawn and garden equipment, recreation vehicles like boats and campers, along with automobiles. His location was ideal for consignment, because it faced a heavily trafficked road. Although the property was zoned for industrial use, it was better classified as commercial use based on its location in the neighborhood. Mr. LaBarge asked if Mr. Fournier intended to sell “yard sale stuff” and Mr. Fournier replied that he was interested only in selling motor vehicles and related things. Mr. Fournier referred to the aerial photograph, which showed a strip of land about 25 feet wide and 150 feet deep on which he hoped to display items.

Mrs. Hill noted that the days of operation would be Monday through Friday, 8 a.m. to 5 p.m., and Saturday 8 a.m. to 12 p.m. She added that parking would come off of Brooklyn Street. Mr. Fournier noted that cars could park in the back and on the other side too. Mr. Clark asked if the interior would change; Mr. Fournier answered that it would not, adding that he currently manufactured doors and windows. Mrs. Hoague asked whether the manufacturing business occupied the entire building, to which Mr. Fournier replied that the remainder of the building (about half) was office space, some of which he had rented out to various tenants over the years.

Mr. Clark said that he saw this request as amending an existing permit. Mr. LaBarge clarified with Mr. Fournier that Mr. Fournier would not be working on the cars he would be selling, other than minimal work such as washing the cars or blowing up tires. There would be no change to the signage.

The Brancas, Mr. Fournier’s neighbors, expressed strong support of his business, stating that the property was kept immaculate and tidy, that Mr. Fournier was always very friendly and kind, and that all the neighbors with whom they had spoken supported Mr. Fournier and his business. Mr. Fournier noted that the neighbors were his “security,” and that they helped to ensure that nothing on his property was stolen or damaged.

5. #486-2013 Sketch Plan Approval Request of Jeremy Allard & Aaron O’Grady to create a new 9-lot PUD consisting of (7) new single-family homes, (1) new two-family home and (1) existing single-family home on an existing 22 +/- acre parcel at **42 Penell Rd.** R1 Agricultural/Residential District.

Mr. O’Grady came forward with Mr. Allard. They explained that they had a proposed 9-lot subdivision off of Penell Road, with a proposed road with a cul-de-sac to town standards, and with a force-feed community septic with tank and a pre-treatment system at the end. The proposed open space was 10 acres, and there was a buffer between the wetlands and the building site. The Development Review Board discussed the fact that the development was a PUD, which allowed for smaller lots and setbacks; the lots as proposed were generally in the ½ acre range, with about 60 feet between each building, and with buildings not to exceed 25% of the lot size. There would be no sidewalks, but lighting along the road was planned. Mr. Clark asked about a homeowner’s association, and Mr. O’Grady and Mr. Allard assured him that there would be one. Mr. LaBarge mentioned that bylaws required that the homes shall not be less than 850 square feet and Mr. O’Grady and Mr. Allard agreed that the homes would be sufficiently large to avoid violation. Mr. Clark suggested writing that requirement into the deed.

6. #487-2013 Lot Line Adjustment Request of Travis Belisle to adjust lot lines on nine (9) lots in the **“Hidden Plateaus” Development off Sweet Hollow Road.** R1 Agricultural/Residential District. The intent of this plan is to adjust the approved lot line locations and easements in this development based on site conditions and constraints. **Tiffany & Adam Burnor** join in this request as it may affect Lot #4 owned by them at **115 Hidden Plateaus Rd.**

Mr. Belisle and Stephen Tetreault, of TDH Surveying, came forward. Mr. Tetreault explained that he and Mr. Belisle had been “back and forth with the attorneys” and the title insurance people. The request to the board was presented as desired, less one certification wording, which the attorneys felt was unnecessary.

Because none of the Development Review Board members had seen the original subdivision, Mr. Tetreault summed up that the original 9-acre subdivision had been approved by the Planning Commission, but the developer had not looked at the site prior to laying the lots out. As a result, the area not able to be developed as planned. The road’s position had to be changed, lot 6 had to be rotated 90 degrees because of wetland, and other things had to be moved around to make the lots work with the land. Mr. Tetreault had done his best to resolve the floating lots in the way that was most compliant with the original approval, and had cleaned up some crazy angles and short segments. Lot 4 belonged to the Burnors, and Lot 5 was under contract currently. The closest corner from the Burnor home to the new property line was 30 feet or more. The lower road exists as an A76 standard road, while the upper road was still being built.

The board and the applicant discussed Lot 9, a portion of which had been previously designated as common land, but which was now being questioned by the attorneys. However, it was not currently designated as open land. Mr. Belisle explained that the issue was the common interest owner setback, which, if not clarified, meant that the owners of a lot could not obtain title

insurance; this was the reason for the discussion with the attorneys. Mr. Belisle added that he had spoken with the renters and homeowners about his goal to clean up the plan and have an “as built” plat.

Mr. LaBarge asked about the setbacks and Mr. Tetreault explained that the setbacks were according to PUD standards. Also, there were multiple easements for wastewater, with a shared mound system for lots 4 and 5, and a smaller easement on the backside of lot 6 for the mound system, which would extend beyond lot 6. He suggested that the board might consider whether they preferred extending the lot so it would need no easement, as opposed to having an easement over lot 9 to benefit lot 6.

The board continued to discuss the need for common land, and Mr. Clark was concerned about the right-of-way to access the common land. Mr. Clark asked Mr. Belisle to find out how clearly designated common land would impact the title insurance. Mr. Belisle agreed to do so.

Mr. Richard Nichols, adjacent property owner, asked about the lot lines, width, and depth. Mr. Tetreault showed him the map and explained that the lots closest to him, Lots 4 and 5, had been slid downhill roughly 45 feet to accommodate the actual location of the road, so it was not that much closer to Mr. Nichols. Mr. Clark expressed his desire to see the setbacks for lots 4 and 5, the building envelopes, and the right-of-way for the road.

7. Public Comment

8. Any other necessary business.

Mr. Clark signed the Mylar for Andre Gagne (#479-2013, approved at the Development Review Board hearing of April 3, 2013).

Mr. LaBarge made a motion, seconded by Mr. Liegey, to go into deliberative session 8:43 p.m. Motion carried.

Mr. LaBarge made a motion, seconded by Mr. Liegey, to come out of deliberative session at 9:21 p.m. Motion carried.

MOTION: Mr. Liegey made a motion to APPROVE as presented #483-2013 Sketch Plan and Final Plat Approval Request of Normand and Johane Pigeon to create a two (2) lot subdivision on the East side of the Middle Road at #200 Middle Road. Lot #1 to consist of 2.00 acres with existing house. Lot #2 to consist of 27 acres, subject to Vermont Land Trust Restrictions and to remain in agricultural use. R1 Agricultural/Residential District.; and to APPROVE as presented #484-2013 Sketch Plan and Final Plat Approval Request of Normand and Johane Pigeon to create a two (2) lot subdivision on the West side of the Middle Road at #200 Middle Road. Lot #3 to consist of 5.01 acres with existing house, barn, garage and outbuildings. Lot #4 to consist of 80 acres, subject to Vermont Land Trust restrictions and

to remain in agricultural use. R1 Agricultural/Residential District. Mrs. Hoague seconded. Motion carried.

MOTION: LaBarge made a motion to APPROVE as presented #485-2013 Site Plan Review Request of Pomerleau Family, LLC **for expansion of existing commercial space to accommodate a new tenant – a hardware store** at 139 First Street. **TSA Travel Service Area District. The proposed expansion would involve a reallocation of existing space and construction of a 3,677sf addition to the existing 6,323 sf building as well as the addition of an outdoor storage area in back of the new addition.** Mrs. Hill seconded. Motion carried.

MOTION: Mrs. Hill made a motion to APPROVE **CU#421-2013 Conditional Use Request of Rene G. Fournier** to conduct the business of Automobile Sales and consignment of used automobiles and trucks at his current business location at **6 Brooklyn St. IND Industrial District** (Recently amended to permit hotels, lodging facilities and Automobile Sales). The motion was made to amend the current business to include auto sales, and consignments of lawn and garden equipment, and recreation vehicles. Mr. LaBarge seconded. Motion carried.

MOTION: Mr. LaBarge made a motion to APPROVE **#486-2013 Sketch Plan Approval Request of Jeremy Allard & Aaron O’Grady** to create a new 9-lot PUD consisting of (7) new single-family homes, (1) new two-family home and (1) existing single-family home on an existing 22 +/- acre parcel at **42 Penell Rd. R1 Agricultural/Residential District.** Mr. Liegey seconded. Motion carried.

MOTION: Mr. Clark made a motion to APPROVE IN CONCEPT **#487-2013 Lot Line Adjustment Request of Travis Belisle** to adjust lot lines on nine (9) lots in the **“Hidden Plateaus” Development off Sweet Hollow Road.** R1 Agricultural/Residential District. The intent of this plan is to adjust the approved lot line locations and easements in this development based on site conditions and constraints. **Tiffany & Adam Burnor** join in this request as it may affect Lot #4 owned by them at **115 Hidden Plateaus Rd.** Mr. Clark noted that several items need to be addressed in lot line adjustment:

1. The certification statement may have to remain to identify setbacks for Lots 4 and 5, which have existing houses.
2. The common land should be addressed and shown on the drawing
3. The right-of-way for the road shall be delineated.
4. A building envelope shall be provided on each of the new lots.
5. The drawing shall include the adjustments for septic easements.
6. Lot 6 shall be adjusted to accommodate the septic system, versus including an easement for the septic on Lot 9.
7. The revised plan shall be provided to the Development Review Board.

Mrs. Hill seconded, to approve the request in concept. Motion carried.

MOTION: Mrs. Hill made a motion to approve the minutes for the Development Review Board public hearing of May 3, 2013 as written. Mr. LaBarge seconded. Motion carried.

MOTION: Mr. Liegey made a motion to adjourn at 9:29 p.m. Mrs. Hill seconded. Motion carried.

Respectfully Submitted,

Yaasha Wheeler
Development Review Board Clerk

Joel Clark

Lucie Hil

Gabriel M. Liegey, Jr.

Spencer LaBarge

Janette Hoague