

**TOWN OF SWANTON
ZONING OFFICE
One Academy St., P.O. Box 711
Swanton, VT 05488-0711
Tel. (802) 868-3325
Fax. (802) 868-4957**

Email: swanza@swantonvermont.org

**7/25/13 PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD**

The Swanton Development Review Board held a Public Hearing on **Thursday, July 25, 2013** at the Swanton Town Offices, 1 Academy Street, at **7:00 P.M.**

Present:

**Joel Clark
Janette Hoague
Gabriel Liegey
Lucie Hill
Ron Kilburn
Yaasha Wheeler**

Also Present:

Jeremy Allard (#486-2013)
Aaron O'Grady (#486-2013)
Ryan O'Grady (#486-2013)
Eldora "Dodie" Cheney (#488-2013, #492-2013)
Solange Bryce (#488-2013, #492-2013)
Matthew Cheney (#488-2013, #492-2013)
Derick Read, engineer from Krebs & Lansing (#489-2013)
Stephen Tetreault, TDH Surveying (#490-2013)
Lawrence & Nancy Howrigan (#490-2013)
Raymond Fournier (#491-2013)
Jeff Hardy, TDH Surveying (#491-2013)

Mr. Clark called the hearing to order at 7:02 p.m. He explained the process of the meeting, asked the board members to make known any possible conflicts of interest or any ex parte communications. Mr. Liegey stated that he had a relationship to the Howrigans; Mr. Tetreault, representing the Howrigans, said that he had no issue with Mr. Liegey continuing to sit on the board for that item. Mr. Clark read the definition of interested person. Mr. Clark swore in the participants.

1. #486-2013 Preliminary and possible Final 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 and Mr. Allard came forward with their updated plans. They presented a traffic study and noted that the sketch plan had not been significantly changed. There was a two-family house at the end of the cul-de-sac, with the rest of the development consisting of single-family dwellings. An existing barn was to be removed, and the driveway to one of the lots was off of Pennell Road. Each home has a combination septic tank/pump station up to a community pre-treatment system.

Mr. Clark asked if the development would have bylaws and Mr. Allard replied that the association would be needed for maintenance and for upkeep of the road. The 10 acres of open space would also be in the deeds. Mr. Clark noted that he would want clarification of the parcel adjacent to the common land, because if the parcel sold, it would restrict access to the open space; he requested the removal of the property lines. Mr. Allard noted that there was a 50-foot right-of-way, with a 24 foot travel lane proposed. Mr. Clark expressed concerns over drainage along the road itself. Mr. O'Grady said that he believed there would be a gravel grade to the center. Mr. Clark asked to see a drainage plan, as well as for the plan to show building envelopes based on the setbacks.

2. #488-2013 Sketch Plan and Possible Final Plat Approval Request of AEC Partnership/Eldora Cheney, et als to create a two (2) lot subdivision by subdividing a 77 acre parcel at **19 Campbell Bay rd.** to create a two (2) acre house site on the **North side of Church Rd.** SR Shoreland Recreation District. (Previously approved in #470-2012 on July 26, 2012. Approved Plat not filed within the requisite 180 day time period). SR Shoreland Recreation District.

6. #492-2013 Sketch Plan and Possible Final Plat Approval Request of AEC Partnership/Eldora Cheney, et als to create a two (2) lot subdivision by subdividing a 77 acre parcel at **19 Campbell Bay Rd.** to create a two (2) acre house site on the **North side of Church Rd.** SR Shoreland Recreation District.

Mr. Kilburn noted that he had a plat for each of the items. The board reviewed the Mylar of the first item and had no questions. Ms. Cheney explained there would be a deed right-of-way to the pit from Church Road that had to be maintained and left open. Ms. Wheeler was present to represent her parents, Matthew and Lynn Wheeler, adjoining landowners. Ms. Cheney oriented Miss Wheeler on the project, who said that she had no problems with the project as presented.

3. #489-2013 Site Plan Review Request of Shelburne Limestone Corp. (Trampas Demers) to construct a cold material storage building, 90 ft x 246 ft., adjacent to an existing pelletized lime plant, on the limestone quarry/industrial site located at

30 Jewett St. IND Industrial District.

Derick Read, civil engineer with Krebs & Lansing, came forward to represent Trampas Demers. He explained that Shelburne Limestone Corporation was trying to extend longevity of pit by making pelletized lime and chicken feed. The demand for lime often occurred in the spring and fall, so the corporation was looking at making a storage facility to crush product year round so that they were not overburdened during the busy season. The building they had hoped to use for that purpose had been destroyed by winds. Mr. Clark noted the proposed building appeared to be placed in the middle of the travel path, and Mr. Read explained that the pit was very "dynamic" and that the path and the piles could be rearranged to accommodate the location of the new building. He explained that the pit included different types of stone, but the lime had a calcium product with a chemical value and, since it took longer to crush the product, more value could be gained and the life of the pit could be extended by extending the crushing period. It was noted that the project would include a prefabricated building with translucent wall panels to gain natural lighting, with down-shielded lighting to make the building visible to trucks at night. Product would be brought into the building by conveyor and, although it would be an open product, the walls were intended to contain the dust of production. Mr. Clark asked if stone would be sold and Mr. Read said that it would, if the right project came along, but the general philosophy was to preserve as much of the limestone as possible. Mrs. Hoague said that she was fine the project, especially since the building was far enough back from Jewett Street so that the lighting would not disturb the residents.

4. #490-2013 Sketch Plan and Possible Final Plat Approval Request of David & Peggy Howrigan to create a two (2) lot subdivision of property located on the South side of **Viens Rd.** by separating a 17.5 acre parcel (Lot #1) from other lands owned by the applicants adjacent to the subject parcel. R1 Agricultural/Residential District.

Stephen Tetreault, of TDH Surveying, came forward. He explained that the Howrigans wanted to subdivide land on the south side of Viens Road. They proposed to create a 17.5 acre parcel, with 169 acres to be sold to another farmer. TDH Surveying did a partial survey of the area. The Howrigans also have land on the other side of the road. It was noted that there were wetlands in one area, with a semi-used farm trail down the west side and a 20-foot access easement to benefit Lot 2. The Sears had a wastewater easement on the corner of the Howrigan property. Mr. Clark asked to know the intent for the sale and Mr. Tetreault replied that Lot 2 would be sold to another farmer in the area, and Lot 1 and the remaining lands on the other side of the road would be retained for the Howrigans. Mr. Clark asked if there would be any subdivision on the remaining lands, and Mr. Tetreault said that no plans were in the works as yet. No pins had been placed at the corners, because he preferred to wait for final approval. Mr. Clark asked if the deed research would change anything significantly and Mr. Tetreault replied that it would not; it would simply represented a power line and details like that.

Lawrence and Nancy Beaulieu, adjoining landowners, came forward. Mr. Beaulieu stated that he had seen the surveying activity and that he and Mr. Howrigan had had a great deal of tension in the past; Mr. Clark said that he could not settle a neighbor dispute, for the discussion had to be

restricted the request at hand. Mr. Clark explained that, once approved, the subdivided land could be used for whatever purpose met the requirements of the district. If the use was permitted, the Beaulieu's would not be notified, but would know of the permit's acquisition because of the visible Red P. If it were conditional use, they would be notified of the hearing at which the request would be considered.

Mr. Tetreault stated that there would be an access to Lot 2 over Lot 1. He explained the surveying process and ribbons for Mr. Beaulieu's benefit. The Beaulieus noted that, in the past, they had been given conflicting information about their boundary lines. Mr. Clark agreed to call the Beaulieus if any important information regarding this matter arose.

5. CU#491-2013 Conditional Use Approval Request of Raymond & Betsy Fournier to demolish and rebuild a three-bedroom summer camp within the same footprint at an elevation of 104.2 feet or greater at #157 Pickle Point Rd. SR Shoreland Recreation District.

Raymond Fournier and Jeff Hardy came forward. Mr. Hardy stated that he had done an existing footprint plan, showing the existing camp and all the setbacks from the corner closest to the nearest property line. They proposed to tear the camp down and to raise it approximately 2 feet on pre-cast concrete piers, with no change to the footprint. They had been communicating with the state regarding floodplain issues, and Rebecca Pfeiffer had wanted to know the layout and details of the piers and would be following up soon.

7. Public Comment – No public comment.

8. Any other necessary business.

Mr. Tetreault explained that the Belisle request had been revised according to the conditions set by the DRB at the last meeting, in which they had approved the request in concept. The certification statement would be removed, according to the Belisle attorney. The setbacks for Lots 4 and 5 were shown, with Lot 4 at 30.1 feet and Lot 5 at 34.8 feet. The building envelopes were shown for the remaining lots, and he was asking for a PUD waiver on the setbacks again, with 15 foot side setbacks and at least 30 feet between homes. No common land was shown, but there would be a 50-foot PUD buffer. The plan showed adjusted easements for wastewater, removing the easement from the backside of Lot 6 after adjusting the back line of the lot. They had added a 50-foot access and utility easement over the existing and proposed road. They had also extended the property lines to the right of way, as requested by the DRB. Mr. Belisle currently owned everything except the Burnor property (Lot 4). The final Mylar would reflect the pins to be set. Access was by Sweet Hollow Road.

Mrs. Hill asked about the common land and Mr. Tetreault explained that a portion of Lot 9 had originally been designated as common land, but that now a 50-foot PUD buffer served instead of common land, as per Mr. Belisle's attorney. Mr. Clark noted that the subdivision easily met the acreage requirements and did not have to fall under a PUD; to him, it was just a basic

subdivision. Mr. Tetreault said that they were asking for a variance on the setbacks, of the structures constructed prior to TDH Surveying's involvement.

Mrs. Hill made a motion, seconded by Mr. Liegey, to enter deliberative session at 8:17 p.m. Motion carried.

Mr. Liegey made a motion, seconded by Mrs. Hill, to come out of deliberative session at 8:38 p.m. Motion carried.

Mrs. Hill made a motion, seconded by Mr. Liegey, to APPROVE #486-2013 Preliminary 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. The plan was approved with the CONDITION that the boundary line around the mound area shall be removed, the building envelopes shall be shown, and the drainage plan around the road shall be shown. Motion carried.

Mrs. Hill made a motion, seconded by Mr. Liegey, to APPROVE #488-2013 Sketch Plan and Final Plat Approval Request of AEC Partnership/Eldora Cheney, et als to create a two (2) lot subdivision by subdividing a 77 acre parcel at **19 Campbell Bay rd.** to create a two (2) acre house site on the **North side of Church Rd.** SR Shoreland Recreation District. (Previously approved in #470-2012 on July 26, 2012. Approved Plat not filed within the requisite 180 day time period). SR Shoreland Recreation District. She also made a motion to APPROVE #492-2013 Sketch Plan and Final Plat Approval Request of AEC Partnership/Eldora Cheney, et als to create a two (2) lot subdivision by subdividing a 77 acre parcel at **19 Campbell Bay Rd.** to create a two (2) acre house site on the **North side of Church Rd.** SR Shoreland Recreation District. Both items were approved as both sketch and final, as presented. Motion carried.

Mrs. Hoague made a motion, seconded by Mr. Liegey, to APPROVE #489-2013 Site Plan Review Request of Shelburne Limestone Corp. (Trampas Demers) to construct a cold material storage building, 90 ft x 246 ft., adjacent to an existing pelletized lime plant, on the limestone quarry/industrial site located at **30 Jewett St.** IND Industrial District. Motion carried.

Mr. Clark made a motion, seconded by Mrs. Hill, to APPROVE #490-2013 Sketch Plan and Possible Final Plat Approval Request of David & Peggy Howrigan to create a two (2) lot subdivision of property located on the South side of **Viens Rd.** by separating a 17.5 acre parcel (Lot #1) from other lands owned by the applicants adjacent to the subject parcel. R1 Agricultural/Residential District. Approval was subject to the CONDITION that the final plat shall show the pin locations and the power line easement. Motion carried.

Mr. Liegey made a motion, seconded by Mrs. Hill, to APPROVE CU#491-2013 Conditional Use Approval Request of Raymond & Betsy Fournier to demolish and rebuild a three-bedroom summer camp within the same footprint at an elevation of 104.2 feet or greater at **#157 Pickle Point Rd.** SR Shoreland Recreation District. Motion carried.

Mr. Clark made a motion, seconded by Mr. Liegey, to APPROVE #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. The request was approved as presented by Stephen Tetreault of TDH Surveying. Motion carried.

Mrs. Hill made a motion, seconded by Mr. Liegey, to approve the Development Review Board hearing minutes of June 13, 2013 as written. Motion carried.

Mr. Liegey made a motion, seconded by Mrs. Hill, to adjourn the hearing at 8:50 p.m. Motion carried.

Respectfully submitted,

Yasha Wheeler
Development Review Board Clerk

Joel Clark

Lucie Hill

Gabriel M. Liegey, Jr.

Janette Hoague