

**TOWN OF SWANTON
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**05/29/14 PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD**

The Swanton Development Review Board held a Public Hearing on **Thursday, May 29, 2014** at the Swanton Town Offices, 1 Academy Street, at **7:00 P.M.**

Present:

Joel Clark
Janette Hoague
Lucie Hill
Gabriel Liegey
Yaasha Wheeler, secretary
Ronald Kilburn, Zoning Administrator

Also present:

Peter Cross, Cross Consulting Engineers (#506-2014)
Tim & Leslie Nulty (#506-2014)
Ed Daniel (#506-2014)
Andy Larocque (#506-2014)
Jason Stoddard (#504-2014)
Ronald Machia (#505-2014)
Stephan Tetreault (#505-2014)
Roger & Penny Laroche (#505-2014)
Cathy Wolfe (#505-2014)
Michael Begnoche (CU#500)
Dan Handy (CU#500)
Robert Harrington (#507-2014)
Colette Case (#507-2014)

Mr. Clark opened at 7:00 p.m. He asked the board members to make known any possible conflicts of interest or any ex parte communications; there were none. Mr. Clark noted that each person present had received a copy of the definition of interested persons. Mr. Clark swore in all participants.

1. #506-2014 Site Plan Approval Request of Energtek North Country, Inc. to construct a truck terminal for loading trucks with natural gas taken from the Vt. Gas Systems Transmission Main. The project will include a small office building and possible future accessory uses including a private vehicle repair shop for company vehicles, a retail natural gas vehicle dispensing station **at Lafar St., Swanton Industrial Park "D"**. IND Industrial District.

Mr. Peter Cross, from Cross Consulting Engineers, came forward. He expected his clients, Tim and Leslie Nulty, to arrive at any time. In the meantime, he would give an overview. The project involved approximately 25 acres of land, currently owned by the Town of Swanton, known as Park D and located on Lafarr Street off of Route 78. The Town of Swanton subdivided the 25 acres into 5 business and industrial lots a few years ago, and received all necessary permits. They entered into a contract with Energtek to purchase the property, and at this time, the project would go on the 25 acres as a whole, despite the subdivision of the property. It is a phase project, and they were currently proposing phase 1; if it was successful, they would request approval for phase 2 as well, which would also be presented tonight.

He explained the location of Lafarr Street, and explained that the Town permitted a two-lane road at a few feet east of the actual existing road. The project would enter off of Route 78, and the gas line followed parallel to the road before splitting off westward. They are proposing a natural gas filling station that would lead into a fenced-in area with gas compressor stations, which is metered, dried, and dispensed to various dispensers. Trucks (usually propane delivery size, but could be tractor trailer size) would pull up, fill their tanks with compressed natural gas, and leave along a loop that would take it back to Route 78. Customers could be private homeowners or businesses/industry; the goal was to provide home delivery service of natural gas. The building would be small to start with (36' x 60' building in phase 1) with a 3-bay repair shop addition (60' x 60'). The phase one building would be mostly offices and workshop for converting the furnaces for natural gas.

Employee parking would be in the front (7 or 8 spaces), with ten 40' x 12' truck parking spaces elsewhere, with parking at the gas dispensers. The dispensing areas would be covered with canopies. He noted the skid area on a concrete slab, with smaller skids that could be delivered in sets to industries. Most of the gas would involve the "propane-style" trucks. As part of Phase 2, they did envision the need to sell natural gas to fill private automobiles, which involved another canopy with two dispensers (similar to a gas station). So phase one involved the compressor station, the dispenser/canopy, the smaller building, the skid area, and the driveway/paved area on the plan. He presented the lighting schedule and the stormwater controls (with a stormwater detention pond to discharge to existing swales that ultimately led under the existing interstate).

Tim and Leslie Nulty arrived at 7:13 p.m. Mr. Cross noted that the driveway surface was proposed as a crushed stone surface, with only the entry off of Route 78 being paved initially. Mr. Clark asked if

the building as proposed would include more facilities; he anticipated that area coming before the board. Mr. Cross replied that if the item were approved conceptually, they could come back before the board to discuss specifics.

Mr. Nulty explained that the vehicle fuel station would not likely service the general public, but corporate cars. Mrs. Hoague asked how common this transportation of natural gas for home use was; Mr. Cross replied it was rare in the U.S., but was common in the Middle East and Europe. Energy Advantage in Colchester was doing something similar, but, as Mrs. Nulty added, only for large corporations. Mr. Cross stated that this was classified as trucking terminal (permitted use in the Industrial zone), and he proposed the vehicle repair and retail fuel sales as accessory uses. All setbacks were met. The bylaws provided no specific guidance on the number of parking spaces for a trucking terminal, so they tried to represent what they felt was reasonable. They had to adhere to the NFPA 52 code and would need a permit from the fire prevention division in Vermont. He clarified that there would be no storage tank, because of the presence of the pipeline.

Mr. Liegey asked who potential homeowners would be; Mr. Cross stated it could be anyone, and explained the process. Mr. Kilburn asked if they were competing against Vermont Gas. Mr. Cross replied that homes could be fed directly by the pipeline, but the business would serve those who did not have the option to tie into a pipeline. Mr. Nulty explained that the rural aspects and low population of Vermont made this type of thing advantageous since pipeline would not be available to everyone. Mrs. Hill asked about the hours of operations. Mr. Nulty expected that the trucks would be filled in the evening, and go out for delivery in the early morning. Mr. Kilburn asked if the customer paid for the conversion, and Mr. Nulty explained that the current business plan involved a type of "loan" for the conversion, although the customer paid for the conversion ultimately, and conversion costs varied widely because of many factors. Mr. Clark asked about noise, and Mr. Nulty explained that, because the compressors were enclosed, there would be very little noise. Mr. Cross replied that they would keep to the sound levels required in the Town.

Mr. Cross explained the lighting schedule (poles with single LEDs, poles with double LEDs, and wall-packs). There would be no lighting along the road, but the skid area, canopy, parking areas, compressor area, and front door would be lit. The truck filling station would be concrete. Mr. Clark asked if the gravel might be a winter safety issue in the skid area, and Mr. Cross said they hadn't looked into it, thought it could be paved if necessary.

Ed Daniel asked if there should be a blast wall on the property. Mr. Nulty said that a wall could be built around the compressors; Mr. Cross said that if code required a blast wall, they would build it. Mr. Clark explained that the compressor would have much less natural gas than the actual pipeline. Mr. Daniel questioned, "What's Phase 3 going to be?" He explained that the industrial park was originally set aside to create jobs. Although this project would create jobs, he felt it would not generate the number that the planners originally envisioned. Mr. Clark explained that he should bring his concerns before the Selectboard, because they made the decision to sell the land. Mr. Cross explained that this project does not preclude other development on the property, since it only used about 30% of the property.

Chief Tim Girard, Fire Chief, stated that he and Mr. Cross had worked together on fire safety, and had changed a few things regarding hydrant coverage. He felt comfortable with the proposal from a fire safety standpoint. Mr. Clark pointed out the need for coverage north of the gas filling of the vehicles; Mr. Cross and Chief Girard considered it a good point. Mr. Kilburn asked about the treatment of stormwater and Mr. Cross assured that all stormwater would be collected and treated.

Andy Larocque asked how close Berger's tanks were to the tank filling stations, and Mr. Nulty estimated about 300 yards or so. Mrs. Nulty added that the propane tanks were at a lower elevation, providing an extra safety factor.

2. #504-2014 Resubmittal of Sketch Plan & 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. (Final Plat was not presented for approval and recording within the mandatory 180 days from DRB approval on April 10, 2013)

Mr. Stoddard came forward. He showed the site plan, showing the proposed new homes. The first lot would remove a nonconforming home and reorient the new home to be conforming, retaining the existing garage. Lot 2 would include a mobile home, and Lot 3 would have a new 2-story single-family home. Vermont Gas may service the two houses and the mobile home. He had removed obstructive trees, but the hedgerow would remain. All water and septic accesses had been approved. Mr. Clark reviewed the three conditions imposed upon the original approval, all of which had been met. Mr. Kilburn stated that Mr. Stoddard had come prepared with a final Mylar, should the board approve the request.

3. #505-2014 Sketch Plan and Possible Final Plat Approval Request of Ronald & Cheryl Machia to create a three-lot subdivision of an 11.83 parcel on the **West side of Kellogg Rd. Contiguous with 83.44 acres in Town of St. Albans.** R1 Agricultural/Residential District.

Mr. Stephan Tetreault came forward, with Ronald Machia. He passed out sketches and explained that the Machias bought a farm that they now wanted to subdivide. Lots 5, 6, and 7 were part of the subdivision, with Lots 1, 2, 3, and 4 being in St. Albans. Because of Act 145, well cones and septic shields required notification of overshadowing to landowners of neighboring properties. They had attempted to alleviate the overshadowing, although one neighbor on the western side of Lot 5 had been somewhat overshadowed, so the septic had been moved into an easement area on Lot 6. Lots 5 and 6 would involve a shared access, and Lot 7 would have its own driveway wherever they pleased (while meeting the necessary setbacks).

Mrs. Hill determined that the lot frontage was sufficient. Mr. Tetreault explained the placement of the building envelope on one of the lots; hopefully, the homeowners and any other engineers would

use the plan to ensure that the building envelope was used. Mr. Tetreault explained that Lot 4 (in St. Albans) had a wastewater easement on Lot 5 (in Swanton).

Roger Laroche came forward (landowner at 21 Kellogg) and stated that he was notified for the overshadowing. Mr. Tetreault explained where his lot was overshadowed and its meaning. Mr. ? asked about the shared driveway and Mr. Tetreault showed where it would be placed.

Ms. Kathy Wolfe stated concerns that, because of the moving of her property pin during some ditch cleaning in Swanton, she wanted an engineer to look over the plans (which she had not yet had the opportunity to view) and confirm where her property line was. She added that there was a piece of property that Mr. Machia believed was hers, and that she did not actually own. Mr. Clark said that the board could not deal with boundary disputes, and Ms. Wolfe said that she had no dispute. She just wanted to be sure that the boundaries were accurate. Mr. Clark said that, if the plans as presented showed proper setbacks and dimensions, the board did not deal with property lines. Ms. Wolfe added that she wanted to ensure that her right-of-way was protected.

4. CU#500 Conditional Use Request of Michael & Dianne Begnoche to construct a school bus wash bay and parking for six (6) buses and storage in an existing non-conforming use building at **19 Upper Ferris Street** R5 Residential District.

Mr. Begnoche came forward. Mr. Clark recalled that the board and the Begnoches had discussed their bus project, and the board had felt most comfortable with getting an actual conditional use request. Mr. Clark asked if the washbay would be a new building, and Mr. Begnoche explained that that was where milk trucks had been washed previously, and there was already a sewage drain. There would be no changes to the building, other than cleaning out the building. The board viewed pictures of the property. After discussion, Mr. Clark decided it would be best to include 7 buses in the request (6 outside, 1 inside). Mrs. Hill noted that the application stated days of operations as Monday through Friday, and Mr. Begnoche replied that those would be the days of bus activity; bus washing and similar activities would occur after hours. The hours of operation would be 7 a.m. to 4 p.m.

Dan Handy, landowner of 35 Ferris Street (adjoining lot to the west), stated that he had no problem with the proposal, but would Mr. Begnoche consider fencing along the border? Mr. Handy might potentially develop his property. Mr. Begnoche agreed that he could install a 6-foot fence.

5. #507-2014 Boundary Line Adjustment Request of Robert Harrington to adjust a common boundary with land of Collette Case in order to acquire a 0.10 acre parcel from the Case property at **437 Lakewood Drive** SR Shoreland Recreation District.

Mr. Harrington came forward. He showed his existing lot (1.9 acres) and the lot owned by Ron & Collette Case. He requested to take a sliver of the Case land in the adjustment to make a 2 acre parcel. It was a vacant piece of property, with the potential of residential subdivision in the future. He would retain a piece of land, to docks and boats, and potentially a garage. The septic served his home presently, and could also potentially serve a new 3-bedroom home on the parcel under discussion.

Mr. Clark noted that lot depth for a future subdivision would require 200 feet, and informed Mr. Harrington of how this could impact his plans. Currently the depth was only 183 feet. Mr. Clark presented some options to Mr. Harrington as far as the boundary line adjustment with a view toward future development. About 17 more feet were needed to obtain minimum lot depth. After a brief consultation with Collette Case (who was present), Mr. Harrington stated his intention to resubmit with the proper lot depth.

6. Public Comment

Mr. Ed Daniel informed the board that as drivers came out of the Hannaford parking lot to Missisquoi Street, the stop sign remained in its original position from the time when the road was in another area. The stop sign failed to stop traffic to allow for safe turning out of Dunkin' Donuts and from the Missisquoi Street extension.

Mr. Daniel stated that Dunkin' Donuts had originally presented that they had more than enough parking, but a few months after opening, the parking had overflowed, stone had been brought in for parking, and now the parking extended into the setbacks. He recommended that the board address the issue while Dunkin' Donuts and the neighboring Hannaford property were owned by the same person.

7. Any Other Necessary Business

Chief Tim Girard stated that he and the Deans had met today, in accordance with the DRB condition that the chief approve the plan. Chief Girard explained that two driveways would be widened at the mouth, the cul-de-sac would move up to the end of the property line, and the hammerhead would be removed. He approved the plan, and brought in copies of his approval letters for the DRB.

Mr. Kilburn presented Mr. Stoddard's Mylar.

Mr. Kilburn presented the Mylar and CD for Jack McCarthy's 2-lot subdivision, approved in February.

Mr. Kilburn presented the Mylar for the lot line of adjustment of both Constance Hall and Normand Lussier, approved in March.

The DRB agreed to have the next meeting on June 26, 2014.

Mr. Kilburn stated that, back in April 2013, after a hearing in which numerous abutters appeared, the board approved a conditional use request of Normand Claude Bouchard, to continue the cottage industry which Raymond Paradis had conducted previously for a number of years. The board approved a number of conditions, one of them being that the applicant shall reside on the property, as required for a cottage industry. Mr. Bouchard currently wanted to run for the St. Albans legislature, and could not possibly remain on the property. Should the applicant come before the board with a request to modify? So far, there had been no complaints from the neighbors regarding any of the issues that they had been concerned about. Mr. Clark, with the agreement of the board, desired to see Mr. Bouchard for a modification to the request.

Mrs. Hill made a motion, seconded by Mrs. Hoague and Mr. Liegey, to enter deliberative session at 8:46 p.m. Motion carried.

Mr. Liegey made a motion, seconded by Mrs. Hoague, to exit deliberative session at 9:03 p.m. Motion carried.

Mrs. Hoague made a motion, seconded by Mr. Liegey, to APPROVE **#506-2014 Site Plan Approval Request of Energtek North Country, Inc.** to construct a truck terminal for loading trucks with natural gas taken from the Vt. Gas Systems Transmission Main. The project will include a small office building and possible future accessory uses including a private vehicle repair shop for company vehicles, a retail natural gas vehicle dispensing station **at Lafar St., Swanton Industrial Park "D"**. IND Industrial District. Motion carried.

Mrs. Hill made a motion, seconded by Mr. Liegey, to APPROVE **#504-2014 Resubmittal of Sketch Plan & 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. (Final Plat was not presented for approval and recording within the mandatory 180 days from DRB approval on April 10, 2013). Motion carried.

Mrs. Hoague made a motion, seconded by Mr. Liegey, to APPROVE **#505-2014 Sketch Plan and Possible Final Plat Approval Request of Ronald & Cheryl Machia** to create a three-lot subdivision of an 11.83 parcel on the **West side of Kellogg Rd. Contiguous with 83.44 acres in Town of St. Albans.** R1 Agricultural/Residential District. Mr. Clark added that both sketch and final plat were approved. Motion carried.

Mrs. Hill made a motion, seconded by Mr. Liegey, to APPROVE **CU#500 Conditional Use Request of Michael & Dianne Begnoche** to construct a school bus wash bay and parking for six (6) buses and storage in an existing non-conforming use building at **19 Upper Ferris Street** R5 Residential District. Approval was contingent upon the following CONDITION: The applicant will put up a 6-foot vinyl fence on the west side (neighboring Dan Handy). Also the board noted that bus parking was not a listed use in the Town bylaws, but the board felt it was a good fit for the neighborhood.

Friendly amendment: Mrs. Hill added that the applicant may park 6 buses outside, and one inside in the washbay. Motion carried.

Mr. Liegey made a motion, seconded by Mrs. Hill, to CONTINUE **#507-2014 Boundary Line Adjustment Request of Robert Harrington** to adjust a common boundary with land of Collette Case in order to acquire a 0.10 acre parcel from the Case property **at 437 Lakewood Drive** SR Shoreland Recreation District. This item would be continued until the Development Review Board meeting of June 26, 2014. Motion carried.

Mrs. Hill made a motion, seconded by Mrs. Hoague and Mr. Liegey, to APPROVE the minutes of April 24, 2014 as written. Motion carried.

Mr. Clark addressed the two items brought up by Mr. Ed Daniel: the stop sign on Missisquoi Street, for which a letter signed by Mr. Clark would be prepared; and the Dunkin' Donuts parking, for which the DRB requested Mr. Daniel to send a letter stating his complaint to the Zoning Administrator.

The board signed the Mylars presented by Mr. Kilburn (Stoddard, McCarthy, and Hall/Lussier).

Mr. Liegey made a motion, seconded by Mrs. Hill, to adjourn the meeting at 9:12 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler
Development Review Board Clerk

Joel Clark

Lucie Hill

Gabriel M. Liegey, Jr.

Janette Hoague