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**08/21/14 PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD**

The Swanton Development Review Board held a Public Hearing on Thursday, August 21, 2014 at the Swanton Town Offices, 1 Academy Street, at 7:00 P.M.

Present:

Joel Clark
Spencer Labarge
Lucie Hill
Gabriel Liegey
Janette Hoague

Also present:

Irene Cook
Michael & Karyl Stachowicz
Jeffrey Day
Kari Staples
Peter Mazurak
Michelle Little
Rachel Bilodeau
Claude Bouchard
Shawn Bouchard

Mr. Clark opened the hearing at 7 p.m. He explained the process of the hearing and asked if the board members had any ex parte communications or conflicts of interest; there were none. The attendees received a definition of interested person, and Mr. Clark swore in the participants.

- 1. CU#504 Conditional Use/Conversion/Change in Use Request of Corey Bertrand/Bertrand Property Management to convert the current retail sales conditional use to a dance/exercise use at applicant's place of business,**

Bertrand Electric at 580 St. Albans Rd. R3 Moderate Density Residential District.

Mr. Corey Bertrand, Ms. Rachel Bilodeau, and Ms. Michelle Little came forward.

Ms. Rachel Bilodeau stated that she and Ms. Michelle Little have a dance studio in Colchester and have a large clientele base that travels to Colchester but would prefer a closer location in Swanton. The 600 square foot space was opened as an office space and to sell dance apparel, but people asked for dance to be offered, so they did pilot courses, and forgot about the zoning piece. A lot of Swanton residents wanted the dance to continue to be offered. Mr. Bertrand stated that, if they could continue, they would move into the 1400 square foot area, and he would bring in fresh stone to extend the parking area.

Mr. Clark stated that approval was not likely until the end of October. Ms. Bilodeau stated that the dance season began in September, with a list of about 50 people. Mr. Clark stated that, even if the bylaw revisions were accepted on September 10th, the applicants would still need Conditional Use review, which would require the Development Review Board's approval. Mr. Clark said that he was not against the idea; he just had to abide by the bylaws as they were currently written.

Mrs. Hill asked to know the maximum class size. Ms. Bilodeau stated that the classes were between 3 and 10 children. Mr. LaBarge asked about lighting, and Mr. Bertrand replied that he had LED lighting around the building and on the parking lot, plus security cameras. Ms. Bilodeau estimated that 8 a.m. to 9 p.m. Monday through Saturdays.

The board discussed possible ways that the board might approach the request until/in the event that the bylaws were accepted.

2. CU#505 Conditional Use Request of Matthew & Ilze Luneau to create a seasonal campground at their property located at 175 Sweet Hollow Rd. R1 Agricultural/Residential District.

As the applicant was not present, this item was tabled.

3. CU#506 Conditional Use Request of Irene Cook to operate a Driver Education School (Educational Facility) at her residential property located at 12 Canada St. CB Central Business District.

Mrs. Cook came forward and stated that she wished to operate a driver education school, overseen by the Department of Motor Vehicles and licensed by the state, for both children and adults. The education would include a combination of classroom time (held in her home) and road time in a car that she would provide. The class size would be no more than 16 people or

whatever number the DMV accepted based on the square footage of her home class space. Parking would be unlikely to be an issue, because the people in the classes would not have their own transportation and would likely be dropped off. Otherwise, public parking was available nearby at the teen center, and people could walk over.

4. #68-2014 Appeal/Variance Request of Michael & Karyl Stachowicz to construct a new replacement front entry on their seasonal cottage located at 232 Lakewood Drive. SR Shoreland Recreation District.

The Stachowicz's came forward. Mr. Stachowicz stated that they would like to expand the porch to be 8' by 20' (20 being the width of the present structure). The 8 foot width leaves 33 feet to the center of the road (instead of the present 37 feet). There are garages on either side of the lot that are closer to the road than his proposed project. It would make the camp look better and would better fit with the neighborhood, as well as making the land more valuable and the porch more usable. It would not be heated, and would be post foundation. The roofline of the new porch would be a shed roof toward the road. Mrs. Hill asked about flooding possibilities, and the Stachowicz's affirmed that they were far enough from the lake not to worry about flood problems.

The lot is only 30 feet wide, so their 20 foot wide camp only offered 5 feet on either side. They owned one of the neighboring lots, and Mrs. Stachowicz stated that the neighbors on the other lot had no opposition that they knew of. They anticipated that this would be a 2015 project.

5. #69-2014 Appeal/Variance Request of Jeffrey Day to locate two (2) 8ft x 20ft storage containers on his residential property which do not meet the required front setback of 35 ft. (corner lot) located at 29 Bushey St. R5 Residential District.

Mr. Day came forward and stated that the containers are actually already there (ordered before he was aware he needed a permit) and he was before the board to see if he could keep them in the present location. He presented photographs that demonstrated that if he had to move them, he would have to place them behind the trailer. He did not meet the required road setback (35 feet). His access was off Bushey Street, with Leduc curving around. The board noted that, because he had a corner lot, he had to meet front setbacks on both sides along the road. The containers were 26 feet from the edge of the pavement.

Mrs. Hoague asked if one of the containers could be moved over, therefore meeting the setback, and Mr. Day said that that would place the container near the septic and behind the trailer in which his tenants lived. Mr. Clark estimated that the containers were actually about 12 feet from the edge of the road right-of-way. Mr. Clark explained that setbacks were determined by the edge of the road right-of-way. Mr. Day reported a space of 11' 4" between the containers, in which he was storing his boat.

6. #5011-2014 Sketch Plan and Possible Final Plat approval request of Sunset Ridge Estates, LLC. (Timothy Staples) to subdivide a 5.84 acre parcel into a one-acre lot with five existing units along Route #7 at 405 St. Albans Rd. and a 4.84 acre lot for proposed units in the rear portion of the property with access from Bachand Road. R3 Moderate Density Residential District.

Peter Mazurak, of Cross Consulting Engineers, and ... Mr. Labarge disclosed that he was friends with Mrs. Kari Staples; she stated that she was comfortable with Mr. Labarge remaining active on the board during her request. Mr. Mazurak stated that it was a 5.8 acre lot, with an existing rental building and an existing 4-unit rental building, both of which had access off of Route 7. A drilled well and a wastewater system served each unit. Multiple units in the back were accessed by Bachand Drive, with 7 units with wastewater systems.

They would like to subdivide a 1 acre lot for the 5 units in the front, and a 4.84 acre lot for the back portion (previously-approved PUD). The owners had a potential sale for the smaller section, which made the subdivision desirable. Because of the PUD, they needed an easement for a swale on the 1-acre lot, and a second one for the stormwater system. The easements made the total project area 5 acres, which was a requirement of PUD standards. The actual acreage of the development is 4.84 acres, but he didn't want any less than the 1 acre lot, because that was a district requirement. The applicant requested a PUD that did not meet the 5 acre requirement.

The board reviewed with Mr. Mazurak the details of the previous PUD approval. Mrs. Hill saw Lot 2 (the one-acre lot) as being separate, and therefore the easement could not be counted to the 5 acres. Mr. Clark interpreted that the project "met the spirit" of the 5 acre requirement. He summed up that the project was essentially already approved, but wanted it approved as 2 lots rather than one.

Mr. Kilburn stated that an abutter John Champagne has requested that the agreement that he forged with Tim Staples remain in effect as follows: that Mr. Staples install and maintain a cedar hedge on the border between their properties and that Mr. Staples would provide water rights from one of his wells, including a right of way from one of the wells to his residence. Mr. Mazurak felt that nothing was changing, essentially, so those conditions would be met. Mr. Kilburn referenced the Planning Commission approval letter, which required the neighboring landowners to agree upon fencing/hedging to delineate the boundary, and which did not mention water rights. Mrs. Staples stated that everything that had been agreed upon between Mr. Staples and Mr. Champagne would be honored. Mr. Clark pointed out that the water rights issue did not specify how much water or any other details; Mr. Mazurak suggested that it was most likely part of the deed.

7. CU#507-2014 Conditional Use Amendment Request of Raymond Claude Bouchard and Shawn Bouchard to amend the previously issued Conditional Use Permit # CU#419 issued April 10, 2013, to permit Shawn Bouchard to be

the designated resident/co-owner of the subject auto repair business, located at 131 St. Albans Rd. R3 Moderate Density Residential District.

Mr. Shawn Bouchard and Mr. Raymond Claude Bouchard came forward. Mr. Clark swore in Mr. Shawn Bouchard, who had arrived after the oath. Mr. Raymond Claude Bouchard stated that Shawn Bouchard now lived on the lot, on which there was a 2-year lease. The property had been “cleaned up,” and they hoped to remain at the site. Mr. Shawn Bouchard and Mr. Raymond Bouchard had joint ownership of the business, thereby satisfying the requirement of cottage industry for the owner to live on the lot.

Mr. Michael Paradis was presently gone, and they anticipated that he would be gone for the 2 years of the lease. His equipment had been removed from the property. All work would be done inside. Debris was no longer near the fence. The Bouchards emphasized their attempts to be good neighbors.

Mr. Kilburn stated that there was a lot more probability that the Bouchards would comply to any board conditions or requests. Mr. Raymond Claude Bouchard stated his hope to purchase the property in 2 years.

8. Public Comments – None.

9. Any Other Necessary Business

Mr. Kilburn presented the Paradee Mylar for approval. Mr. Clark signed the Mylar.

Mr. Kilburn presented the Allard/O’Grady Mylar for approval. He noted that this week, the applicant had submitted three alternatives for road names: Meadow View Lane, Sunset Lane, and Tranquility Lane. The only one that would qualify was Tranquility Lane, because there would be no conflicts or close similarities with existing road names. The board approved the suggestion of Tranquility Lane. Mr. Clark signed the Mylar.

Mr. Kilburn presented the Bourbeau/Hidden Brothers LLC Mylar for approval. Mr. Clark signed the Mylar.

Mr. Kilburn stated that he would leave up to the board’s discretion whether it wished to review a permitted use of warehouse in the Industrial District. Should there be a site plan review for a 23-acre site?

Mrs. Hoague made a motion, seconded by Mrs. Hill, to enter deliberative session at 8:30 p.m. Motion carried.

Mr. Liegey made a motion, seconded by Mr. LaBarge to exit deliberative session at 9:10 p.m. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mr. Labarge, to APPROVE CU#504 Conditional Use/Conversion/Change in Use Request of Corey Bertrand/Bertrand Property Management to convert the current retail sales conditional use to a dance/exercise use at applicant's place of business, Bertrand Electric at 580 St. Albans Rd. R3 Moderate Density Residential District. Approval is given with the CONDITION that the operation may continue until December 31, 2014, or longer if the Joint Legislative Body approves the bylaws with indoor recreation added as a conditional use in the R3 District. The hours of operation will be Monday through Saturday, 8 a.m. to 9 p.m. Motion carried.

MOTION: Mr. Liegey made a motion, seconded by Mr. LaBarge, to APPROVE CU#506 Conditional Use Request of Irene Cook to operate a Driver Education School (Educational Facility) at her residential property located at 12 Canada St. CB Central Business District. Motion carried.

MOTION: Mr. Labarge made a motion, seconded by Mr. Liegey, to APPROVE #68-2014 Appeal/Variance Request of Michael & Karyl Stachowicz to construct a new replacement front entry on their seasonal cottage located at 232 Lakewood Drive. SR Shoreland Recreation District. Approval was given based on the fact that the project was consistent with the characteristics of the neighborhood and was located on a very small lot. Mr. Clark opposed. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mr. Labarge, to DENY #69-2014 Appeal/Variance Request of Jeffrey Day to locate two (2) 8ft x 20ft storage containers on his residential property which do not meet the required front setback of 35 ft. (corner lot) located at 29 Bushey St. R5 Residential District. Motion carried. However, Mrs. Hill made a motion, seconded by Mr. Labarge, to APPROVE a Conditional Use request on the following CONDITION based on Section 3.7 (k): The storage container must be 49.5 feet from the center of the road right-of-way. Mr. Liegey and Mrs. Hoague opposed; Mr. Labarge, Mr. Clark, and Mrs. Hill approved. Motion carried.

MOTION: Mrs. Hoague made a motion, seconded by Mr. LaBarge, to APPROVE #5011-2014 Sketch Plan approval request of Sunset Ridge Estates, LLC. (Timothy Staples) to subdivide a 5.84 acre parcel into a one-acre lot with five existing units along Route #7 at 405 St. Albans Rd. and a 4.84 acre lot for proposed units in the rear portion of the property with access from Bachand Road. R3 Moderate Density Residential District. Approval was based on the CONDITION that clarification of the water rights agreement with Mr. John Champagne must be submitted to the DRB by September 1, 2014. Motion carried.

MOTION: Mr. LaBarge made a motion, seconded by Mrs. Hill, to APPROVE CU#507-2014 Conditional Use Amendment Request of Raymond Claude Bouchard and Shawn Bouchard to amend the previously issued Conditional Use Permit # CU#419 issued April 10, 2013, to permit Shawn Bouchard to be the designated resident/co-owner of the subject auto repair business, located at 131 St. Albans Rd. R3 Moderate Density Residential District. Approval was based on the CONDITIONS that a copy of the lease shall be submitted to the Zoning Administration to be

put on file, and the conditions approved on April 10, 2013 be continued, and that this Conditional Use approval applies to the Bouchards only. Motion carried.

The DRB requested a site plan for the proposed warehousing facility located off of Lake Road.

Mrs. Hill made a motion, seconded by Mrs. Hoague, to approve the DRB minutes of July 24, 2014. Motion carried.

Mrs. Hoague made a motion, seconded by Mr. Liegey, to adjourn at 9:25 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler
DRB Clerk

Joel Clark

Gabriel M. Liegey

Lucie Hill

Spencer LaBarge

Janette Hoague