

**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**

**01/22/15 PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD**

The Swanton Development Review Board held a Public Hearing on Thursday, January 22, 2015 at the Swanton Town Offices, 1 Academy Street, at 7:00 P.M.

Present:

Joel Clark
Lucie Hill
Janette Hoague
Ronald Kilburn, Zoning Administrator
Yaasha Wheeler, clerk

Also present:

Brad Ruderman (#515-2014)
Richard Deso (#515-2014)
Alan Bourbeau (#515-2014)
Ballard Austin (#515-2014)
Terence Smith (#515-2014)
Benjamin Pfeil (#515-2014)
Tim Girard (#515-2014)
Peter Mazurak (#517-2014)
Chris Lester (CU#510)
Charles and Melissa Levick (#104-2014)
Michael Gervais (#518-2014, #519-2014)
Andre Gagne (#518-2014)
Matthew Gagne (#518-2014)

Mr. Clark opened the hearing at 7:00 p.m. He directed the attendees' attention to the printed definition of interested persons that was available. As there were no ex parte communications or conflicts of interest, he swore in the participants.

1. **#515-2014 Continuation of the revised Sketch Plan Approval Request of John T. Chase** to create a nine (9) lot, seven-residential unit, Planned Unit Development

(PUD) of an existing vacant 21 acre parcel on the West side of Route #105 (Sheldon Rd.) across from the intersection with Pond Road. R1 Agricultural/Residential District. Lots 1-7 are to be developed with single-family residences; Lot 8 is to be kept as "open space" owned in common by a Homeowner's Association; Lot 10 (revised) is to be kept undeveloped as a vacant lot. Applicant requests a reduction of setbacks for some lots.

Mr. Ruderman and Mr. Deso came forward, on behalf of Mr. Chase (not present). Mr. Ruderman presented plans that expanded the lot sizes to be closer to 1 acre each, as requested by the board. He explained that he was not sure why the request had been made, since the intent of a PUD was to cluster development, similarly to the development by Ronald Hojaboom to the south. He requested the reduction of the setbacks to 20 feet for the side and 40 feet for the rear. Mr. Clark responded that he felt that, since there was plenty of room to have larger lots, he saw no reason not to meet the district setbacks, and the reduction in the size of the common area would be offset by the increase in the size of the lots. Mr. Ruderman pointed out that the increased lot size pushed the development closer to Mr. Austin, the neighbor who, at the last meeting, preferred not to be near to the development. Mr. Clark pointed out the possibility of developing the vacant lot in the future, but it was easier if the board knew up-front what was planned for the area.

Mr. Ruderman noted that the PUD setback was 100 feet, but requested that the setbacks from the neighbors within the PUD could be reduced to 30 feet. Mr. Clark noted that the mound system took up most of the lawn on one of the lots, and discussed with Mr. Ruderman the possibility of shrinking the neighboring lot to give the lot in question more mound-free lawn space. Mrs. Hoague asked why the mound could not be placed in the common area, and Mr. Ruderman replied that the mound system approval was limited to only two locations, as shown on the map. He further explained that the state did not want the access to be off of Route 105, and the development would be accessed by an extension of Ruth Drive.

Tim Girard, Swanton Village Fire Chief, informed the board that he had reviewed the plans and preferred a cul-de-sac to a hammerhead. He felt that a 24-foot-wide road was adequate, though he reminded that winter tended to shrink the width because of encroaching snowbanks.

Mr. Ruderman said that lighting would be on the buildings and down-facing. The buildings would be built by the developer, and every lot had its own drilled well, most on-site, but some off-site with easements. Storm run-off would be drained by grass swales along the road; he was not aware of any intent for the town to take over the road in the future.

Mr. Alan Bourbeau asked if there was a need for a back-up septic system, and Mr. Ruderman responded that the state no longer required a back-up system. Mr. Clark also clarified to Mr. Bourbeau that the district now required one-acre lots, not three-acre lots as formerly required when Mr. Bourbeau was on the zoning board in the past, adding that the overall density was almost 2 acres per home. Mr. Bourbeau stated that the wells in the area

only got about 1 gallon per minute, and he was concerned that adding more wells would only drain the water source.

Mr. Ballard Austin shared Mr. Bourbeau's concern about the water, and the potential draining of the aquifer. He also felt the development was out of character with the area, and listed several historic buildings in the area. The potential loss of his privacy was "very upsetting," and he foresaw more development in the area in the future.

Mr. Benjamin Pfeil noted that he was concerned that the value of his property would decrease with the proposed development, and that he felt the extra traffic would be a "nuisance." He expressed disappointment that the rural nature of the area was now changing to become much more developed. Mr. Clark pointed out that the one-acre lot size was shared by many neighbors, so both the existing and the proposed lots in the area were about equal.

Mr. Terence Smith expressed concern with the water issue, as raised by Mr. Ballard; who would pay if his water depleted? He added that he did not want any lighting directed toward his property, and that he was concerned that the additional traffic would raise safety issues. The area was already accident-prone. Further development in the future would be a "crying shame" and would "destroy the area." He also felt that "low income housing" would attract crime. Mr. Clark asked if the development planned for any subsidized housing, and Mr. Deso replied that it did not.

Mrs. Hill asked if there would be any screening or landscaping, and Mr. Ruderman responded that that was left up to each homeowner, though nothing was proposed. Mr. Clark asked if Mr. Ruderman had any response for the water concern, and Mr. Ruderman replied that he could only go by the state guidelines. All the wells in the area were projected to draw over 5 gallons a minute, and would be less than 300 feet deep, so he felt there was sufficient water. Mrs. Hoague asked if there was a possibility that the well drillers could hit a vein that supplied a neighbor, and Mr. Ruderman agreed that it was a possibility, but that was why the wells had been separated.

2. #517-2014 Proposed Boundary Line Adjustment and Setback Variance request involving properties at #405 St. Albans Rd., owned by **Weinstein Family Trust** and at #1 Bachand Road, owned by Darren Roberge. R3 Moderate Density Residential District.

Mr. Peter Mazurak came forward. He explained that, in preparation for the former Staples/Weinstein application, he had discovered that his survey of the boundary lines did not match the distances recorded in the deeds. In fact, the distances in the deed placed the boundary line right down the middle of an existing home. The parties involved had agreed to adjust the boundary lines to reflect what they had formerly believed to be the boundary line. An agreement had been done through the attorneys, and the Roberge lot met the

minimum lot size. The Development Review Board agreed that the plan seemed straightforward and sound.

3. **CU#510 Conditional Use/Conversion Request of Chris Lester** to convert a seasonal camp to year-round use, located at 71 Tilley Drive. R3 Moderate Density Residential District.

Mr. Lester came forward. The board members reviewed a letter from the state that said that Mr. Lester “met the criteria for year-round use,” but was not clear on the adequacy of the septic for the conversion. Mr. Lester explained that the camp had been in place since 1961, and the leach field had been installed at that time. The system had been tested in 2011 when the tank was replaced. Mr. Clark said that he would like clarification of the system’s adequacy for year-round use before approving the application.

4. **#104-2014 Variance Request of Christine Blouin** to construct a single family home which does not meet the side setback requirement of 50 ft. (25 ft. requested). An existing single-family home would be demolished and replaced at 2046 Highgate Rd. R1 Agricultural/Residential District.

The applicant was not present. Charles and Melissa Levick, neighbors, were present, but did not testify because of the applicant’s absence.

5. **#518-2015 Sketch Plan and Possible Final Plat Approval Request of Andre & Eileen Gagne** to create a two-lot subdivision of a 75 acre parcel with two existing houses and out-buildings into two lots designated Lot 2 and Lot 4. Lot 2 would have 58 acres, existing houses and out-buildings. Lot 4 would have 17 acres of vacant farm land accessed through an existing 50 ft. right of way. R1 Agricultural/Residential District.

Mr. Michael Gervais, land surveyor and septic designer, came forward with Andre Gagne and Matthew Gagne. He explained that the field would be sold, and accessed by a previously-approved 50 foot right-of-way, identified as an “agricultural right-of-way.” At this stage, there was no intent of development. Lot 2 included 58 acres, with existing buildings.

6. **#519-2015 Lot Line Adjustment Request of Collette R. I. Case**, at #1 Champlain St. to create a Boundary Line Adjustment of a previously approved Lot 4 in order to add 89.4 acres for a total area of 115.8 acres of vacant farm land, all subject to Vermont Land Trust development rights, restrictions and options. There are no existing or proposed structures or improvements to the land. Recreation/Conservation District.

Mr. Gervais came forward to represent Mrs. Case. He explained that a lot line was being removed. All of lot 4 would be sold as agricultural land, and had a last trust easement on it, which called for a specific distance from the road. Removing the lot line was to make a 115-acre lot by combining 26.4 acres and 89.4 acres.

7. Public Comment – None.

8. Any other necessary business. – No business.

Mrs. Hoague made a motion, seconded by Mrs. Hill to enter deliberative session at 8:20 p.m. Motion carried.

Mrs. Hill made a motion, seconded by Mrs. Hoague, to exit deliberative session at 8:41 p.m. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mrs. Hoague, to CONTINUE #515-2014 Continuation of the revised Sketch Plan Approval Request of John T. Chase to create a nine (9) lot, seven-residential unit, Planned Unit Development (PUD). The Development Review Board would conduct a site visit on February 14, 2015 at 9 a.m. Motion carried.

MOTION: Mrs. Hoague made a motion, seconded by Mrs. Hill, to APPROVE #517-2014 Proposed Boundary Line Adjustment and Setback Variance request involving properties at #405 St. Albans Rd., owned by Weinstein Family Trust and at #1 Bachand Road, owned by Darren Roberge. Approval was CONTINGENT upon receipt of a letter stating the agreement of the two parties regarding the boundary line adjustment. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mrs. Hoague, to CONTINUE CU#510 Conditional Use/Conversion Request of Chris Lester to convert a seasonal camp to year-round use, located at 71 Tilley Drive. The application was continued PENDING an answer to the board from the Department of Environmental Conservation, clarifying the 28 August 2013 letter provided from the Department of Environmental Conservation to the Mr. Lester regarding the septic. Motion carried.

Mr. Clark noted that the applicant had not been present for #104-2014 Variance Request of Christine Blouin; the applicant had informed Mr. Ronald Kilburn, Zoning Administrator, that she would be out of town for the next couple months.

MOTION: Mrs. Hoague made a motion, seconded by Mrs. Hill, to APPROVE #518-2015 Sketch Plan and Final Plat Approval Request of Andre & Eileen Gagne to create a two-lot subdivision. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mrs. Hoague, to APPROVE #519-2015 Lot Line Adjustment Request of Collette R. I. Case, at #1 Champlain St. to create a Boundary Line Adjustment. Motion carried.

MOTION: Mrs. Hill made a motion, seconded by Mrs. Hoague, to approve the Development Review Board meeting minutes of December 18, 2014, as written. Motion carried.

Mrs. Hill made a motion, seconded by Mrs. Hoague, to adjourn at 8:47 p.m. Motion carried.

Respectfully submitted,

Yaasha Wheeler, DRB clerk

Joel Clark

Lucie Hill

Janette Hoague