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04/09/15 PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD

The Swanton Development Review Board held a Public Hearing on Thursday, April 9, 2015 at the Swanton Town Offices, 1 Academy Street, at 7:00 P.M.

PRESENT

Development Review Board members

Joel Clark
Lucie Hill
Spencer Labarge
Janette Hoague
Gabriel Liegey
Ronald Kilburn, Zoning Administrator
Yaasha Wheeler, Clerk

#515-2014 – John Chase Application

Richard Deso, developer
Brad Ruderman, engineer
John Chase, applicant

#104-2014 – Blouin Application

Kristine Stell, representative of applicant
Charles & Melissa Levick, neighbors
Ed Lamothe, representative of neighbor

#01-2015 – Langlois/Novicki Application

Gary Langlois, applicant
Michael Heller, neighbor
Liam Murphy, attorney of applicant
Katelyn Ellermann, attorney of applicant
Shawn & Shelley Robtoy, neighbors
Rona Davis, neighbor

#03-2015 – St. Louis application

Lyne St. Louis, applicant
Lenore MacMillan, neighbor

#520-2015 – Zaremba Group/Dollar General application

Matt Casey, representative of Zaremba Group, developer
David Fosgate, neighbor
John Greer, neighbor
Joseph Desrochers, neighbor
Ed Daniel, interested citizen

#522-2015 – Beebe application

Theodore Beebe, applicant
Peter Mazurak, engineer

#523-2015 & #511-2015 – Dean applications

Scott & Jori Dean, applicants
Daniel Greaves, neighbor
Daniel Hazard, Senior
Daniel Hazard, Junior
Peter Mazurak, Cross Consulting Engineers

Mr. Clark called the hearing to order at 7:04 p.m. He asked if the board members had any ex parte communications or conflicts of interest; there were none. He explained the process of the hearing, directed the attendees' attention to the definition of interested persons, and swore in the participants.

- 1. #515-2014 Preliminary Plan and Possible Final Plat Approval Request 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. Richard Deso, Mr. Brad Ruderman, and Mr. John Chase came forward. Mr. Ruderman stated that lots 1, 2, and 3 on the Route 105 side had been condensed into lots 1 and 2, creating 5 lots on one side. All lots were one acre, and the road would be paved. The applicant requested the pavement to be phased in after two lots had been sold. Mr. Deso explained that that gave some money to work with, and allowed for settling of the road. Mr. Ruderman added that the five lots would share a mound system on one side, and the two lots on the other side would share a mound system as well. Each lot would have a drilled well, though Lot 4 would have an easement. The plan proposed grass swales and road culverts for drainage down the property lines. The fire chief had approved the cul-de-sac as

formerly proposed and, though the cul-de-sac location had been moved slightly, Mr. Ruderman felt that the fire chief would be equally satisfied with the location. He left a copy of the declarations and covenants with the board members.

2. #104-2014 Variance Request of Christine Blouin to construct a single family home which will not meet the side setback requirement of 50 ft. (25 ft. requested). A pre-existing single-family home has been demolished and this would be the proposed replacement at 2046 Highgate Rd. R1 Agricultural/Residential District.

Kristine Stell came forward on behalf of Ms. Blouin. She stated that the existing basement had a very large rock, and therefore it was not beneficial to replace the house in the same location. Mr. Clark asked if a setback of 35 feet would work, and Ms. Stell replied that she could not speak for the applicant, but felt that was a possibility. The whole lot was 1.49 acres, with frontage on Route 207. The plan proposed setbacks of 25 feet to the southern boundary, and 64 feet to the north. The DRB noted that the presented survey did not have certain important information on it.

Mr. Ed Lamothe spoke on behalf of his brother, who was a neighbor to the Blouin property. He stated that his brother owned a mechanic shop and was concerned that the new home would be too close to the shop, stating that “the front of their house will be out his garage door” and potentially cause future issues. He also mentioned “poor maintenance issues” involving trees leaning over the property line. He asked if the house would be built to sell, and Kristine Stell responded that the Blouins did plan to sell it.

Melissa Levick, a neighbor, informed the board of her concerns about the placement of the house on the north side, and about the maintenance of the tree line, as well as how the placement of the new house might affect her property’s resale value. Mr. Charles Levick echoed her concerns. Mr. Clark responded that the plan appeared to propose about 60 feet from the Levick boundary and 25 feet from the Lamothe boundary.

Ms. Stell pointed out that the plan only changed the setback to the south by 3 feet, with a change to the north by 17 feet.

Mr. Kilburn noted that Christopher Kennik, who was involved in regulation asbestos and lead, asked to know the owner of the property at the time that the garage was demolished. Ms. Stell replied that the Blouins were owners of the property at that time.

Ms. Stell retired to gather more information on the dimensions, since the survey available did not include some data that the DRB felt was necessary in determining their decision.

3. #01-2015 Appeal/Variance Request of Gary Langlois (after the fact) to construct a pergola on an existing patio which does not meet the side setback requirement of 15 ft. at 40 Maquam Shore Rd. SR Shoreland Recreation District.

NOTE: The DRB conducted a SITE VISIT at 6:00 PM. All interested parties were invited to attend. Present at the site visit: DRB members Joel Clark, Lucie Hill, Spencer Labarge, Jan Hoague; Ronald Kilburn, Zoning Administrator; Gary Langlois; Liam Murphy and Katelyn Ellerman; Michael Heller; Richard Heller; Rona Davis.

Mr. Murphy asked if the DRB had obtained the legal review from the Town attorney, and Mr. Clark replied that they had, but that he did not wish to share the information, due to the attorney/client privilege. He also passed out copies of an email dated December 15, 2014, from Mr. Kilburn, Zoning Administrator, to himself, with information on the Langlois case. He stated that the DRB would discuss the application in deliberative session and make a decision.

- 4. #03-2015 Appeal/Variance Request of Lyne St. Louis to construct a two-story addition on her residence with a living room on the second floor above an existing garage, which does not meet the side setback requirement of 30 ft. at 242 Hog Island Rd. R3 Residential District.**

NOTE: The DRB conducted a SITE VISIT at 5:30 PM. All interested parties were invited to attend. Present at site visit: DRB members Joel Clark, Lucie Hill, Spencer Labarge, Jan Hoague; Lyne St. Louis; Lenore MacMillan; Tim and Stacie Longley, David Mendenhall.

Ms. St. Louis stated that the plan had been revised to give a setback of 12 feet at the narrowest point (in comparison to the 10 feet requested at the last hearing). Mr. Clark explained that a variance approval required the application to meet five strict criteria, and asked why the structure would edge closer to the southern boundary, as opposed to the northern boundary. Ms. St. Louis explained that it was the easiest way to increase the garage's size, and add an extra room to the home (above the garage).

Lenore MacMillan reminded the board that her concerns, as stated at the last hearing, still stood, and referred back to the mandate that the board placed upon her in her own building project.

- 5. #520-2015 Application for Site Plan Review by Zarembo Group on behalf of DOLLAR GENERAL regarding construction of a commercial building for retail sales located on four adjacent parcels located at #108, #110, #112 First St. and #21 Pine St. NCL Neighborhood Commercial Light and R5 Residential Districts.**

Mr. Matt Casey of Zarembo Group, developer for Dollar General, came forward to present the conceptual plans and layout of the proposed Dollar General store along First Street. The store would be adjacent to the Swanton Village Fire Department and across the street from Dunkin' Donuts, and would be comprised of four separate lots, which were currently under contract.

Mr. Clark swore in the participants who had arrived after the oath. Mr. Casey explained that the four lots made up 0.9 acres, and that the building (9100 square feet proposed) would meet all setbacks. There would be 30 parking spaces, and the parking lot would be fully screened by a wooden fence. There would be one delivery truck per week, with ancillary deliveries on an as-needed basis. There would be designated loading doors in the back, and the truck would only stay on site for half an hour. Lighting was designed with full cut-off shields, and all lighting on the front of the store would be down-facing gooseneck fixtures.

The hours of operation would be seven days a week, from 8 a.m. to 10 p.m., although those hours were often scaled back based on the traffic (for example, the store might feel it was most advantageous to close at 9 p.m. nightly). There would be no deliveries outside of business hours. Mr. Casey clarified that Dollar General was *not* a store in which items were only a dollar each; rather it included items within a varying price range. The store planned to employ 8 to 12 employees for three shifts, with up to 15 or 16 around the holidays.

All existing structures and utilities would be removed from the properties, and single utilities would serve the building, which would use little water and sell no prepared foods. The lighting would be on a half hour before and after business hours, and there would be one curb cut of about 36 feet. The property was in two zoning districts, one commercial and one residential.

Mr. Joseph Desrochers said his main interest in the application was about the traffic. Mr. John Greer agreed, noting that the nearby intersection saw a lot of traffic. Mr. Casey replied that there would be about 40 trips per hour (20 cars entering and exiting). Mr. David Fosgate said he would prefer shrubs to a wooden fence, and a discussion followed about the possibility of installing a combination of fencing and shrubbery.

Mr. Greer asked about sidewalks, and Mr. Casey replied that the sidewalks would be re-poured from boundary line to boundary line. The developer was not planning on curbs unless they were required by the board. He had not talked to the Fire Department yet about the proposed plans, since he wished to hear the DRB's opinion first.

Mr. Ed Daniel suggested aligning the ingress/egress with King Street, to create fewer intersections and therefore increase safety. He also suggesting entering by First Street by exiting by Pine Street. Mr. Casey pointed out that lining the curb cut up with King Street did not allow for the tractor trailers to make the necessary turn. He also hoped to keep commercial traffic off of a residential street (Pine Street).

6. #522-2015 Sketch Plan and possible Final Plat Approval request of Theodore & Katherine Beebe to create a two (2) lot subdivision by subdividing a 20 acre parcel into a three (3) acre house lot and the balance to remain vacant land at # 43 Beebe Rd., R1 Agricultural District.

Mr. Theodore Beebe came forward and presented the board with a layout of the area. He explained that he wished to build in the back. The lot would have 200 feet of road frontage,

and the driveway would be 650 feet long, with a branch that headed toward the river, to which the Beebe family would have a right-of-way. Peter Mazurak, of Cross Consulting Engineers, stated that he had started a survey of the property, and would get a formal plat to the board, if the application was approved. Mr. Beebe added that Harold Garrett, Road Foreman, had seen the plan, and had agreed to get the necessary Selectboard approval for it.

7. #523-2015 Proposed Boundary Line Adjustment Request of Scott & Jori Dean involving three (3) existing lots located at 113 Woods Hill Rd. R1 Agricultural/Residential District.

Mr. and Mrs. Dean came forward, with Peter Mazurak, of Cross Consulting Engineers. They proposed a boundary line adjustment amongst three properties, and had done a previous subdivision of four lots. They planned to adjust Lot 1, adding a piece of B5 to Lot 1. Another piece of B5 would be added to the 45 acres in the back. Mrs. Dean explained that, basically, someone was interested in buying Lot 1 but wished to add 9 acres to it; hence the adjustment. No new lots would be created, but the acreage of Lot B5 and Lot 1 would change. Lot B5 would remain with the Deans.

8. CU#511 Conditional Use/Conversion Request of Scott & Jori Dean to convert a seasonal camp to year round use at 113 Woods Hill Rd. R1 Agricultural/Residential District.

Mr. Mazurak explained that the building was on the 45+ acres to be retained by the Deans, and to be accessed through the original property. The building was currently listed as a seasonal dwelling, although it was originally designed for year-round use. The applicant had received a well and wastewater permit from the state.

9. Public Comment

Kristine Stell returned with information regarding the Blouin application. She showed an aerial view of the property, and pointed out the proposed location of the house. Mr. Clark stated that a sketch, including information on the width, depth, and locations of all structures, may be requested.

10. Any other necessary business.

The Development Review Board decided to meet next on May 14th at 7 p.m. Mr. Kilburn informed the board that Maple City Candy of Swanton was now offering maple creemees. He considered this industrial retail sales, but brought it to the board's attention because some people could construe that service as retail sales, which was not allowed in the industrial district. The Development Review Board felt comfortable with Mr. Kilburn's interpretation that selling maple creemees constituted industrial retail sales.

Mr. Labarge made a motion, seconded by Mr. Liegey, to enter deliberative session at 8:52 p.m. Motion carried.

Mr. Labarge made a motion, seconded by Mrs. Hill, to exit deliberative session at 9:05 p.m. Motion carried.

Mrs. Hill made a motion, seconded by Mr. Liegey, to CONTINUE the hearing to April 16, 2015, at 7 p.m. Motion carried.

The Development Review Board met, as agreed, on April 16, 2015, at 7 p.m.. Mr. Labarge made a motion, seconded by Mr. Liegey, to enter deliberative session at 7:00 p.m. Motion carried.

Mr. Liegey made a motion, seconded by Mr. Labarge, to exit deliberative session at 8:00 p.m. Motion carried.

Mr. Labarge made a motion, seconded by Mrs. Hill, to APPROVE #515-2014 Preliminary Plan and Final Plat Approval Request John T. Chase to create a nine (9) lot, seven-residential unit, Planned Unit Development (PUD). Mr. Labarge added that the board agreed to the applicant's request to pave the road after the second lot sold. Motion carried.

Mrs. Hill made a motion, seconded by Mr. Labarge, to CONTINUE #104-2014 Variance Request of Christine Blouin to construct a single family home which will not meet the side setback requirement of 50 ft. (25 ft. requested). This application was continued so that the applicant could complete a site sketch. Mrs. Hill added that the DRB would not approve a variance at 25 feet, but would entertain a Conditional Use application for a setback of 35 feet on the south side. Motion carried.

Mr. Labarge made a motion, seconded by Mr. Liegey, to APPROVE #01-2015 Appeal/Variance Request of Gary Langlois (after the fact) to construct a pergola on an existing patio which does not meet the side setback requirement of 15 ft. There were no votes in favor; all present voted in opposition to the motion. The application was therefore DENIED. Mr. Labarge explained that the reason for the denial was because the application did not meet any of the criteria of Section 9.4 (Variances) of the Swanton Land Use and Development Regulations.

Mrs. Hill made a motion, seconded by Mr. Labarge, to APPROVE #03-2015 Appeal/Variance Request of Lyne St. Louis to construct a two-story addition on her residence with a living room on the second floor above an existing garage, which does not meet the side setback requirement of 30 ft. Mrs. Hill explained that this application met the variance criteria of Section 9.4 because of the following situations: (1) The application concerned a pre-existing, small, irregular lot. (2) The layout of the home and septic made sense for the south side to be developed. (3) The location of the home and its preexisting nature made the current position of the garage sensible. (4) There were no objecting neighbors and the project did not change the essential character of the neighborhood. (5) This project was the

minimum that afforded relief. The board approved the applicant's request for a 12 foot setback from the south boundary. Motion carried.

Mrs. Hoague made a motion, seconded by Mr. Liegey, to APPROVE #520-2015 Application for Site Plan Review by Zaremba Group on behalf of DOLLAR GENERAL regarding construction of a commercial building for retail sales. Approval was contingent upon the applicant meeting the following CONDITIONS: (1) The applicant must meet the Village required curb cut. (2) The applicant must provide the DRB with a letter from the Swanton Fire Department, stating satisfaction with the project as presented. (3) The applicant shall provide a written agreement with David Fosgate for the western boundary screening. (4) The applicant shall come before the DRB for a Conditional Use permit. Motion carried.

Mr. Liegey made a motion, seconded by Mrs. Hoague, to APPROVE #522-2015 Sketch Plan and Final Plat Approval request of Theodore & Katherine Beebe to create a two (2) lot subdivision. Motion carried.

Mrs. Hill made a motion, seconded by Mrs. Hoague, to APPROVE #523-2015 Proposed Boundary Line Adjustment Request of Scott & Jori Dean involving three (3) existing lots. The application was approved as presented. Motion carried.

Mrs. Hill made a motion, seconded by Mr. Labarge, to APPROVE CU#511 Conditional Use/Conversion Request of Scott & Jori Dean to convert a seasonal camp to year round use. The application was approved as presented. Motion carried.

Mr. Liegey made a motion, seconded by Mr. Labarge, to approve the DRB minutes of February 26, 2015 as printed. Motion carried.

Mr. Labarge made a motion, seconded by Mr. Liegey, to adjourn at 8:14 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler, DRB Clerk

Joel Clark

Lucie Hill

Spencer Labarge

Gabriel M. Liegey, Jr.

Janette Hoague