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PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD

Thursday, May 14, 2015

The Swanton Development Review Board held a Public Hearing on Thursday, May 14, 2015 at the Swanton Town Offices, 1 Academy Street, at 7:00 P.M.

PRESENT

Development Review Board members

Lucie Hill

Janette Hoague

Gabriel Liegey

Ronald Kilburn, Zoning Administrator

Yaasha Wheeler, Clerk

#104-2014 – Blouin Application

Andre & Christine Blouin, applicants

Edmund Lamothe, neighbor

CU#511 – Pelkey Application

Jessica Pelkey

Linda Pelkey

CU#512 & #524-2015 – Richford Health Center

Kathy Benoit, representative of applicant

Tyler Scott, representative of applicant

Robert Raine, neighbor

#16-2015 – Greeno Application

Dennis & Sally Greeno

CU#513 – Gosselin Application
Kelly Gosselin

Public Comment

Judy Paxman, Swanton Arts Council
Scott Rheume, Swanton Arts Council

- 1. #104-2014 Continuance of 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.**

Andre and Christine Blouin came forward with a site sketch. It was noted that the DRB had continued the applicant to continue the application in order to complete a site sketch and that the DRB would not approve the request at 25 feet, but would entertain a request for Conditional Use at 35 feet. The dimensions showed 54 feet from the northern boundary to add 10 feet to the southern side. Mr. Blouin explained that the prior house did not meet the setbacks on either side, and replacing a house in its footprint would result in the same nonconformance.

Mr. Edmund Lamothe (neighbor) stated that he was concerned that having the house too close to his property lines would result in noise complaints because of the business he conducted in his garage, and because of water run-off, such as he had experienced in the past when the property had housed horses. He estimated that the garage was about 20 feet from the boundary line. Mr. Blouin informed him that the horse barn had been torn down and there were no horses currently. He added that, even if the house were rebuilt in the same footprint as the old one, the noise concern might still be an issue. Mr. Lamothe said that he wished to avoid any potential disagreement with a future neighbor, since the Blouins planned to sell the property.

Mrs. Blouin noted that they planned to put up stockade/privacy fencing between the Blouin property and the Lamothe property, and that she and her husband would comply with all state water regulations.

- 2. CU#511 Conditional Use Request of Jessica Pelkey to convert a residential dwelling to a Personal/Professional Service Business (Salon and SPA) at 33 Canada Street. R5 Residential District.**

Linda and Jessica Pelkey came forward. Jessica Pelkey explained that she was interested in buying the property at 33 Canada Street (purchase contingent upon DRB approval of the business) in order to expand to a full-service spa and salon. She planned to rent the apartment on the side for a year, then turn that into commercial space as well. The second

story would consist entirely of the commercial space, and she would do a work-study program with students from MVU. All parking would be off-street, on the two driveways or on the open space on the 1.29 acre lot. She currently had 6 employees, but estimated that, with the hiring of additional staff, she would have a total of 10 employees. She estimated that most clients would be in and out within about 30 minutes, although some could stay up to 3 hours. She would not reside on the premises. The days and hours of operation would Tuesday through Saturday, 9 a.m. to 7 p.m. on weekdays, and 9 a.m. to 2 p.m. on Saturdays. She did not plan to change the exterior; only to convert the interior.

3. CU#512 Conditional Use Request of Richford Health Center, Inc. to convert a former Retail Sales Outlet (Aubuchon Hardware) to a Health Clinic at 26 Canada St. R5 Residential District.

4. #524-2015 Application for Site Plan Review by Richford Health Center, Inc. to create a new 7,286 sq. ft. Health Clinic at 26 Canada St. R5 Residential District.

Kathy Benoit and Tyler Scott came forward. Kathy Benoit explained that the application proposed to relocate the Swanton Health Center to this property and expand its services to include dentistry. (This would be in addition to, and not a relocation of, the existing Richford Health Center.) Mr. Scott stated that the renovation would include two additions, with two parking areas (one for staff parking and another for patient parking) separated by green space. The large access near the intersection of Canada and York Street would be moved away from the intersection and used as the main access. The existing storage space would be lessened in depth from 20 feet to 17 feet and converted to conditioned space. The plan reduced the lot coverage/paving on the lot, and provided for snow storage and landscaping.

Mr. Robert Raines, neighbor, was concerned that the driveway would be close to his house, but Mr. Scott replied that the existing guardrail would be removed and there would be more green space between the properties. Mr. Raines noted that, since his shrubbery had aged, he was not opposed to removing his shrubbery if it would improve the overall aesthetics. He asked if there would be new paving, and Mr. Scott replied that the plan called for all new paving, as well as new a water/sewer line, power line, and gas line. The sides would be covered in clapboard, and there would be no windows on the Raines side of the building. Mr. Raines noted that local youth used the walkway between the properties as a shortcut and proposed finding some way to block access and discourage that activity. Mr. Scott agreed that something could be done to do so.

Mr. Raines asked about the Hazmat crew he had seen on the property, and Mrs. Benoit explained that they were involved in investigating suspected asbestos, which would be removed. Mr. Scott summed up that the building would be completely gutted; the property re-landscaped with shrubs, trees, and flowers; and the exterior redesigned with two downward cast lights on the building, a double-head pole light over the patient parking area, a single-headed pole light over the staff parking, and one building-mounted light under the canopy. Kathy Benoit added that they planned for a free-standing sign around

the main entrance. The hours of operation would be Monday through Friday, 8 a.m. to 5 p.m., with extended hours (to 7 p.m.) one day a week. The extended day would vary in the week. There would be no outdoor storage.

5. #16-2015 Appeal/Variance Request of Dennis & Sally Greeno to construct a 2nd detached garage at their residence which does not meet the required side setback of 50 ft. (23 ft. requested) R1 Agricultural/Residential District.

Mr. and Mrs. Greeno came forward to present their request. Mr. Greeno explained that they wished to replace the existing tent/canopy storage with a second detached garage (40' x 36') to be located near their existing detached garage, since they needed more space. (They have 2 classic cars and fill up half of their existing garage with pellets for their stove.) The new garage could not be closer to the existing garage because the slope of the rooflines would create snow problems. The location also avoided the nearby septic lines and the wet ground toward the back of the property.

Mrs. Hoague asked whether they could potentially tear down the smaller existing garage and replace it with the larger garage, therefore coming into compliance with the setback requirements. Mr. Greeno replied that that possibility would cost a lot, and Mrs. Greeno reiterated concern that locating further back would involve very wet ground. Mr. Kilburn agreed that he and the Greenos had "done some flipping of garage [on the plans] in the office to see how this would work" and that this seemed the most workable plan.

6. CU#513 Conditional Use Request of Kelly Gosselin to expand the current conditional use in a Historic Barn (section 4.3) by converting 18 storage bay units located on the ground floor where renters could sell antiques and arts/crafts. The remainder of the building (17 units) would remain as warehouse space, the current use. At 529 St. Albans Rd. R3 Moderate Density Residential District.

Mrs. Gosselin came forward and explained that the application involved an expansion of use to include an antique shop and an arts and craft shop in addition the current uses of the warehouse and storage facility. The property as it existed currently included a two-story home (rental), a free-standing garage (used for personal storage), and a three-story barn which is used as a commercial warehouse/storage facility. She met or exceeded all district requirements as far as minimum lot size, frontage, and depth, as well as all applicable setbacks, with the exception of an existing 17 foot setback from Sugar Maple Drive.

According to the gross floor area of the barn, she had calculated that she would need to provide 15 parking spaces, which were available in a parking area behind the barn off of Sugar Maple Drive and at the open space across the road. The parking area would include handicap spaces and would not be located within 10 feet of property lines. The current wrap-around gravel road would be kept in good condition, with an aisle width of 20 feet, allowing for two-way traffic. Mrs. Hoague pointed out that, with potentially up to 18

vendors operating per day (especially on weekends), the 15 parking spaces might not be adequate.

Mrs. Gosselin expected minimal traffic increase, since the facility was already open year-round 24 hours a day as a storage facility. The change of use would add some retail traffic, but this would be offset by the loss of traffic associated with the 18 storage units which would be converted to new use. Bathroom facilities would not be installed or provided.

She did not plan any modifications to the exterior of the building, and the adaptive reuse of the barn would in no way increase the nonconformance of the structure. The proposed change in use was not inconsistent with the character of the surrounding neighborhood. She would add electricity and heating to the ground floor, and would keep the current exterior lighting. Mr. Liegey suggested that she might be able to use the natural gas now available in the area. Mrs. Gosselin said that the structure would have a fire alarm, but she preferred not to install a sprinkler system unless specifically requested to do so.

Mrs. Gosselin thanked the town boards, employees, and officials for their help in preparing her application.

7. Public Comments

Judith Paxman and Scott Rheume of the new Swanton Arts Council came forward. Mr. Rheume explained that he had suggested the idea of creating an outdoor, free-standing public art wall of about 8 feet by 8 feet. Artists could paint on the wall, with the understanding that their art could be covered over by another artist's work at any time. This wall would encourage artistic creativity and sharing.

Mr. Kilburn explained that the wall as proposed could potentially involve zoning bylaws for signs or state laws regarding billboards. The bylaws might consider it a sign indirectly, but the wall would be constricted to the square footage allowed (under 25 square feet in the Village and under square 50 feet in the Town). The wall was unlikely to be considered a billboard if it were not visible from a public highway, in a location such as Marble Mill Park. Ms. Paxman suggested that, because the wall would not advertise, it might not be interpreted as a billboard; she saw it as similar to a painted fence. Mr. Kilburn's concern was in the interpretive nature of the billboard and sign definitions, and explained that the Development Review Board had the authority to interpret the bylaws. Mrs. Hoague asked if the wall would be temporary or permanent, and Mr. Rheume explained that the sign would be affixed to posts driven into the ground, perhaps with some kind of concrete footing.

Mr. Rheume added that, currently, three locations were being considered for these walls: the Chamber of Commerce building (Village), the Village Complex's front yard (Village), and John's Bridge near the railroad tracks (Town). He had already spoken with the Village manager, the Village trustees, and Mr. Kilburn, and, while he had received expressions of support for the idea, he had been guided to seek the DRB's input regarding interpretation of the bylaw.

Mr. Liegey asked who would police the wall, since it could potentially attract vandals. Mr. Rheaume replied that there would be no official policing, since the point was to have a community art wall, but that there were over a dozen artists in the Swanton Art Council who could whitewash the wall if anything annoying, offensive, vulgar, profane, or intended to advertise was painted on the wall. He added that the visibility of the walls may discourage vandalism. Ms. Paxman agreed, noting that she could provide a list of local artists who could be involved in overseeing the project. Mr. Rheaume added that he saw the potential that this kind of community endeavor could draw tourism and encourage spending in Swanton.

The DRB agreed to consider the matter and do some “homework” on it.

8. Any Other Necessary Business

Lucie Hill signed the Mylar for the Beebe application from the last DRB meeting. The DRB agreed to set June 25, 2015 as the next DRB meeting.

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

Mrs. Hoague made a motion, seconded by Mr. Liegey, to exit deliberative session at 9:10 p.m. Motion carried. Mrs. Hoague made a motion, seconded by Mr. Liegey, to postpone deliberations until Thursday, May 21, 2015 at 7 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler, DRB Clerk

Joel Clark

Lucie Hill

Gabriel M. Liegey, Jr.

Spencer LaBarge

Janette Hoague