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PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD

Thursday, July 30, 2015

The Swanton Development Review Board held a Public Hearing on Thursday, July 30, 2015 at the Swanton Town Offices, 1 Academy Street, at 7:00 P.M.

PRESENT

Development Review Board members

Joel Clark
Lucie Hill
Gabriel Liegey
Spencer LaBarge
Amy Giroux
Yaasha Wheeler, Clerk

#42-2015 – McEnrue & Kralik application

John McEnrue
D. & Joanne Reissig

CU#515 – Teresa Legrove application

PJ Pouquette (representing Ms. Legrove)
W. & J. Nihan

#44-2015 – Martha Shapiro application

Martha Shapiro
William & Michelle Nordberg

Mr. Clark welcomed Mrs. Giroux and introduced the board members. He noted that Mr. Kilburn was absent. He explained the process of the hearing, and asked the board members to make known any conflicts of interest or ex parte communications. Mr. Clark said he was

contacted by a previous owner regarding Item #2. He explained the importance of interested persons and swore in the participants.

1. #42-2015 Variance Request of John McEnrue & John Kralik to construct an 8 ft. tall stockade fence on the Southern boundary of their property to create a privacy wall and sound barrier from the neighboring property. Fence would exceed 6 ft. height allowed by Table 2.4.17, Swanton Zoning Bylaws at 150 Maquam Shore Road. SR Shoreland Recreation District.

Mr. McEnrue came forward and explained that his neighbor lived on an elevated lot, necessitated by the septic system on that lot. The 8 feet of height was a compensation for the loss of height from his property. He proposed to cut down the trees (on his property) in order to put the fence up, perhaps with arbor vitae or cedar on that. Mr. Clark asked if he was familiar with the Shoreland Protection Act, and Mr. McEnrue said that he was not familiar, but would do whatever he needed to do. The act dictated how structures could be erected and how trees could be cut along the shoreline.

Mr. LaBarge said that he was not certain why this was considered a variance; could this be conditional use? Mr. Clark said that the DRB would look into the nature of the issue to see what category this application fell under. Mr. Clark explained the deliberation and decision process to Mr. McEnrue.

Mr. Dave Reissig said that he lived on the other side of Mr. McEnrue and Mr. Kralik, and said that they had a hedge between his property and theirs. He added that there was no question that the neighbors' lot in question was significantly elevated.

2. CU#515 Conditional Use Request of Teresa Legrove to convert a seasonal camp to year round use at 168 Maquam Shore Road. SR Shoreland Recreation District.

Mr. PJ Poquette came forward, representing Teresa Legrove. Mr. Clark said that Ms. Legrove's former husband called him, stating that a document existed in the records that prohibited conversion to year-round use. Mr. Poquette said that he had a letter from Roy Hango from 2007, which mentioned that the 2000-gallon septic tank met regulations at that time, when the town had jurisdiction of septic systems. He presented a second letter from July 29, 2015, which stated that the septic system was suitable for year-round occupancy. There was not a state permit required when it was inspected and done, and pre-dated the rules for the "Clean State Act." The high cost of maintenance was mentioned in the letter (due to the absence of a leach field, which required more frequent pumping), but was up to the owner to deal with. He added that the house had used in all seasons of the year but was not a primary home. Mr. Labarge asked if Ms. Legrove had exceeded the 180 day maximum use for a seasonal home, and Mr. Poquette said that Ms. Legrove had not mentioned anything about that. Mr. Clark reviewed the bylaws.

Mr. Poquette added that the size had not changed, nor had any hardship been created by the landowner. The listers listed the house as 3 bedrooms. Mr. Poquette added that Ms. Legrove planned to sell the property after the conversion.

3. #44-2015 Variance Request of Martha Shapiro to construct a three-level, wrap-around deck which does not meet the required 50 ft. buffer from the top of the bank on a stream on the property. Section 3.14, Table 3.7 at 316 Maquam Shore Road. SR Shoreland Recreation District.

Mrs. Shapiro said that she was selling her property to William and Michelle Nordberg, and they wished for a wrap-around deck. She explained that the house had an obstructed sliding glass door (it went to nowhere, because it was three feet above the ground), so they wished for a three-tiered deck to allow access from the door to lower decks, so that there would be an unobstructed lake view. The square footage of the deck would be 488 square feet, but combined, it was still less than 15% of the total property. She explained that the property was very narrow, and bordered by a creek. The proposed deck would go into the 50-foot buffer zone from the creek, which would prohibit the whole deck from being built, which was the reason for the variance request. The deck would not extend any closer to the creek than the house already extended. The neighbors were not in any opposition.

Mrs. Hill asked if the 18 feet referenced was from the top of the bank, and Mrs. Nordberg said that it was, although it the bank meandered. Mr. Clark noted that the northeast corner of the existing structure was closest to the creek. Mrs. Nordberg explained that the steps to the sunroom would be removed, replaced by stairs going down perpendicular, to allow two exits from the deck.

Mr. Clark thanked the Nordbergs for their excellent presentation. Mrs. Shapiro explained that the northeast corner of the house was about 4 feet to the top of the bank. The northwest corner of the house was about 11 feet to the top of the bank. Mr. Clark read that the buffer requirements could be waived at the jurisdiction of the DRB in "hardship cases," and clarified that they would not be endangering any wetlands or harming any environment. Mr. Labarge asked if the deck stairs would be able to be exactly even with the house; Mrs. Nordberg said that she and her husband were fine with that.

Mrs. Nordberg thanked the board for their consideration, since the deck would really help complete their vision for the property.

4. CU#516 Conditional Use Request of Blohan, LLC (Michael Blouin) to construct a two-family dwelling (Two Unit Condo) at 9b Ceres Circle. R1 Agricultural/Residential District.

5. #526-2015 Sketch Plan and Possible Final Plat Approval request of Bloahn, LLC (Michael Blouin) to create a two (2) lot subdivision by subdividing a 72.99 acre lot to re-create a one (1) acre building lot (9A Ceres Circle). R1 Agricultural/Residential District.

6. CU#517 Conditional Use Request of Blohan, LLC (Michael Blouin) to construct a two-family dwelling (two unit condo) at 9A Ceres Circle. R1 Agricultural/Residential District.

Mr. Blouin was sworn in. He explained that he wished to subdivide and put in a two-unit condos on each of the resulting two lots. He said that he had been told that the lots were, at one time, permitted for two-unit condos at the time that a nine-lot subdivision was created, but because the lots were permitted as Conditional Use, Mr. Blouin, as the current owner, now had to get his own Conditional Use. One of the lots he wished to create was previously created by the developer, who removed it in order to bring the subdivision to nine lots, to avoid triggering Act 250 by creating ten lots. It was noted that the proposed duplexes would have four bedrooms (two in each unit). He had worked with the neighboring property owners, and did not seem to have any problems with the proposed project. So, basically, the proposal was to create one additional lot, and to create two duplexes with double garages.

7. Public Comment – None.

8. Any Other Necessary Business

In the absence of Mr. Kilburn, Miss Wheeler presented septic information from Jeff Handy, whose application had been previously approved. Drummac, Roy Hango, and the Agency of Natural Resources stated that the septic system was suitable for the proposed purpose.

Miss Wheeler also presented the Mylar, CD, and paper copy requested from Chad Parah. Mr. Clark signed the Mylar.

Mr. Labarge made a motion, seconded by Mr. Liegey, to go into deliberative session at 8:07 p.m. Motion carried.

Mr. Liegey made a motion, seconded by Mr. Labarge, to come out of deliberative session at 8:57 p.m. Motion carried.

Mr. Liegey made a motion, seconded by Mr. Labarge, to APPROVE #42-2015 Variance Request of John McEnrue & John Kralik to construct an 8 ft. tall stockade fence on the Southern boundary of their property to create a privacy wall and sound barrier from the neighboring property. Fence would exceed 6 ft. height allowed by Table 2.4.17, Swanton Zoning Bylaws, at 150 Maquam Shore Road. SR Shoreland Recreation District. Mr. Liegey voted in approval; Mr. Labarge, Mr. Clark, Mrs. Hill, and Mrs. Giroux opposed. Motion denied.

Mr. Labarge made a motion, seconded by Mr. Labarge, to APPROVE CU#515 Conditional Use Request of Teresa Legrove to convert a seasonal camp to year round use at 168 Maquam Shore Road. SR Shoreland Recreation District. Mr. Liegey voted in favor; Mr.

Labarge, Mr. Clark, Mrs. Hill, and Mrs. Giroux opposed. Motion denied. This item was denied because it did not meet the criteria of 3.3.D(2) of 0.25 acres (the lot was 0.21 acres).

Mrs. Hill made a motion, seconded by Mr. Liegey, to APPROVE #44-2015 Variance Request of Martha Shapiro to construct a three-level, wrap-around deck which does not meet the required 50 ft. buffer from the top of the bank on a stream on the property. Section 3.14, Table 3.7 at 316 Maquam Shore Road. SR Shoreland Recreation District. Mrs. Hill stated that the DRB did not consider the variance, based on Section 3.14(F), which considered the item under a Conditional Use request, not a variance request. Motion carried. The item was approved as a Conditional Use approval.

Mrs. Hill made a motion, seconded by Mr. Liegey, to APPROVE as presented the following:

- CU#516 Conditional Use Request of Blohan, LLC (Michael Blouin) to construct a two-family dwelling (Two Unit Condo) at 9b Ceres Circle. R1 Agricultural/Residential District.
- #526-2015 Sketch Plan and Final Plat Approval request of Bloahn, LLC (Michael Blouin) to create a two (2) lot subdivision by subdividing a 72.99 acre lot to re-create a one (1) acre building lot (9A Ceres Circle). R1 Agricultural/Residential District.
- CU#517 Conditional Use Request of Blohan, LLC (Michael Blouin) to construct a two-family dwelling (two unit condo) at 9A Ceres Circle. R1 Agricultural/Residential District.

Motion carried.

Mr. Liegey made a motion, seconded by Mr. Labarge, to approve the minutes of June 25, 2015 as printed. Motion carried.

Mr. Labarge made a motion, seconded by Mr. Liegey, to adjourn at 8:59 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler
Development Review Board Clerk

Joel Clark

Lucie Hill

Spencer Labarge

Gabriel M. Liegey, Jr.

Amy Giroux