

**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

**PUBLIC HEARING
SWANTON DEVELOPMENT REVIEW BOARD**

Thursday, September 24, 2015

The Swanton Development Review Board held a Public Hearing on Thursday, September 24, 2015 at the Swanton Town Offices, 1 Academy Street, at 7:00 P.M.

Present:

Joel Clark
Lucie Hill
Amy Giroux
Ronald Kilburn, Zoning Administrator
Yaasha Wheeler, Secretary

CU#518 - Blouin

Michael Gervais, surveyor
Jason Stoddard, contractor
Brad Saveall, neighbor

CU#519 - Begnoche

Michael & Danne Begnoche

#527-2015 - Hemond

Edward Hemond
David Tudhope, engineer
Jesse Bugbee, attorney representing the Tyler Place

#528-2015 - Zarembo Program Development, LLC

Chris Ponessi

#529-2015 - Leduc

Andre & Nancy Leduc

#530-2015 & #531-2015 – Leader Evaporator
Peter Garceau, engineer

Also present:

Scott Rheame, Swanton Arts Council

Mr. Clark opened the hearing at 7:00 p.m. He introduced the board members, explained the process of the meeting, and asked the board members to make known any possible conflicts of interest or ex parte communications. There were none. He directed the attendees' attention to the definition of interested persons that was being circulated, and explained the importance of being identified as an interested person. He swore in those present.

1. CU#518 Conditional Use Request of A/C Investments, LLC (Andre Blouin) to construct a two-family dwelling (Duplex) with garages at #1 Dawn's Way. R3 Moderate Density Residential District.

Mr. Gervais came forward to represent Mr. Blouin. He explained that the proposal involved a duplex. All setbacks would be met by at least an additional 3 feet, with a 48' x 54' footprint. Mr. Stoddard, builder, said that the depth was the factor subject to some slight alteration. Mr. Gervais explained that the wastewater system would be an on-site in-ground system. The lot is currently permitted for a three-bedroom home, and tests pits showed that it could easily be upgraded for two single-family homes. A proposed well would be on-site. There was an easement for Dawn's Way for utilities and access. Parking would be in the front, and each home would have a driveway. The lot was 2.97 acres, and the home would be two-story, split into two living units, with a garage space on the ground level.

Mr. Brad Saveall, a neighbor, expressed concern that the original development was intended to build single-family dwellings, and about five years ago, when he wished to gain conditional use approval for a two-family dwelling, and the reasoning for allowing him to gain approval included the interpretation that his immediate family was in the dwelling. To add a duplex in this area seemed inconsistent with his own struggles to gain conditional use approval for a duplex, as well as with the character of the neighborhood.

After looking at the location of the house, he stated, "If it's there, then I don't have a problem." Mr. Stoddard and Mr. Gervais stated that the building would not be moved significantly to the west (toward Mr. Saveall).

2. CU#519 Conditional Use Request of Michael & Dianne Begnoche to convert a single-family dwelling into a two-family dwelling by converting the second floor to additional dwelling space at # 45 Greenwich Street. R5 Residential District.

Mr. and Mrs. Begnoche came forward. Mrs. Begnoche explained that they were trying to gain more employee housing. When they bought the house, there was a mother-in-law apartment on the second floor, and now they wished to make it an official duplex for

employee housing. They met the necessary square footage. They were not changing anything that was currently existing; they just wanted to make it official. There was a deep parking driveway with a single-car garage, as well as a pull-off in the front. She explained that three cars could be fit in the driveway, and have one in the garage. There were two separate entrances.

3. #527-2015 Sketch Plan and Possible Final Plat Approval request of Edward R. Hemond to create a three (3) lot subdivision by subdividing a 59.45 acre parcel into three (3) additional house lots #15, #16, #17 (South Woods Way) at Maple Grove Estates. R3 Moderate Density Residential District.

Mr. Hemond came forward with Mr. David Tudhope. Mr. Tudhope explained that the plan just “tacking on three new lots.” All required acreage, frontage, and setbacks were met. The wastewater was in the back of each lot; approval from the state was pending. There might be a possible easement for septic. There was no Act 250 piece to this development, though potential future development was discussed. There would be a 60-foot right-of-way, and frontage could be gained from the road.

Mr. Jess Bugbee, attorney, stated that he represented the Tyler Place, the adjoining landowner to the west of the project. He said that the Tyler Place had been involved with earlier parts of this subdivision, mainly the lots directly opposite of the currently proposed lots. At that time, they had worked with Mr. Hemond to alleviate concerns about screening the lots, since the Tyler Place Stonehouse property was a historical property, whose character they wished to preserve. They worked out an agreement with Mr. Hemond about the screening. Unfortunately, the first year, the plantings did not survive and there was a following attempt, also few of which survived. Mr. Hemond said that only one tree survived out of the three plantings, and he and Mr. Chad Tyler had spoken about the issue. Mr. Tyler had suggested that Mr. Hemond speak with a reputable tree planting specialist. It appeared that the species that were picked for the plantings were not suitable for the area, so a Canadian hemlock had been proposed for screening. The trees had been planted about a week-and-a-half ago, and they required sufficient water, which would be supplied by a recently-drilled well in the area. “It’s important that I meet my agreement with him.”

Nancy Patch, the local forester, was working with Mr. Hemond, with the awareness of Chad Tyler. Mr. Bugbee acknowledged Mr. Hemond’s effort, and agreed that there was a desire to be good neighbors. However, three tries had failed, so the Tyler Place interested persons were leery about new lots in a similar area when the original lots’ screening issues had not yet been solved. Mr. Hemond assured him that he was doing all in his power to hold up his end of the agreement. Mr. Bugbee expressed concern with the lack of solution to the last set of lots, and suggested giving the project a year to see whether the trees survived. “What happens if this solution doesn’t take? Now we’ll have all these lots that have been approved and no screening solution.”

Mr. Clark said that it was important to know whether the screening was a condition from the DRB or whether it was part of a legal agreement between Mr. Hemond and the Tyler Place. Mr. Hemond said he believed the species and the canopy was the problem with the

plantings. Mr. Bugbee agreed that Mr. Tyler and Mr. Hemond had been working together, and that the effort had been made. He requested getting a resolution on the screening issue for the first lots before gaining approval for the second set of lots.

In looking at the past meeting minutes (DRB - August 18, 2012), it appeared that Mr. Tyler was comfortable with what had been agreed to with Mr. Hemond. The screening issue was not mentioned as conditions to the DRB approval. The DRB look at the Planning Commission meeting minutes of March 21, 2012. Mr. Bugbee explained that the agreement had involved “no direct or indirect light” to be allowed to escape onto neighboring properties.

The DRB found no evidence in the minutes or decision letters that the Planning Commission or Development Review Board had imposed conditions regarding additional screening. The condition did require shielding for lighting, and Mr. Bugbee felt that the screening was part of the shielding process. Mr. Bugbee said the lack of a screening condition would come as a surprise to the Tylers. He noted that the zoning regulations required the applicant to ensure that there was not an undue impact on historic resources like the Stonehouse property. The way to prevent light from the development is to ensure adequate screening.

A site visit would be considered.

4. #528-2015 Lot Line Adjustment-Plat Approval Request of Zaremba Program Development , LLC to combine existing properties at **#108, #110, & #112 First Street** to create one building lot for a *Dollar General* Store at **#108 First Street**. R5 Residential District.

Mr. Chris Ponessi came forward. He presented maps to show the consolidation of the lots of the approved site plan and conditional use. A Mylar was available for recording. Pre-development and post-development plans would be recorded at the town. Everything on the plan was exactly the same as what had been presented before.

5. #529-2015 Lot Line Adjustment Request of Andre & Nancy Leduc to consolidate two adjacent lots located across the street from their residence at **111 Canada Street** for the purpose of constructing a residential garage on a single lot to be designated **#108 Canada Street**. R5 Residential District.

Andre and Nancy Leduc came forward. Mr. Leduc stated that they were looking to combine two lots into one lot (for just under a half-acre). There was discussion about the current recording of the lots. There would be water, electricity, and heat, and the garage building would be fully finished. The proposed building was asked to be at 15 feet, and Mr. Clark suggested moving the building to meet the required 20 foot setback. The Leducs agreed with that suggestion. Mr. Leduc said that the driveway was already paved.

6. #530-2015 Site Plan Review Request of Leader Evaporator (main site) for additional parking area of approximately 8100 SF at **49 Jonergin Drive** IND Industrial District.

7. #531-2015 Site Plan Review Request of Leader Evaporator (former site of New England Container) for the expansion of existing parking area and construction of a building connector at **60 Jonergin Drive**. IND Industrial District.

Mr. Pete Garceau came forward. He showed the main site off Jonergin Drive, and said that about a third of the capacity of the infiltration system was being used, so adding more parking space would be acceptable to the state. This was an Act 250 project, so there would be an Act 250 amendment. The additional parking was intended to alleviate the congestion of the site.

On 60 Jonergin Drive, there would be similar improvements in the front. Currently, there was a very wide curb cut, which would be condensed to a more delineated curb cut, with additional parking in the front. A 12-foot-wide connector would be added between the main house and the storage facility, as well as a 12-foot-wide drive to provide access.

8. Public Comments

None.

9. Other Necessary Business

Mr. Kilburn introduced Mr. Scott Rheume. He reminded the DRB that on June 25, 2015, the DRB had approved the concept of art walls, if the structure did not exceed 100 square feet and met the setback requirements. Mr. Clark said that the DRB would consider it an accessory structure. Mr. Kilburn asked if the 25-foot setback would be a requirement. Mr. Rheume stated that the wall would be 8' x 8' and such structures were proposed in front of the Chamber of Commerce, the Village Municipal Complex, and an area near John's Bridge and Demers Drive. He showed the proposed locations, with their setbacks. Mr. Kilburn presented photographs provided by Mr. Rheume, which showed tarps set up at the locations to visualize the art walls.

Mr. Clark noted that the setback for accessory structures was only 5 feet. However, it was important to maintain visibility for traffic. The Demers Drive location was in the Town; the other two locations were in the Village. Another suggested site would be on the Elementary School property. Mr. Kilburn reminded that the front setbacks should be met, but the side and back setbacks required only 5 feet. The bylaws noted that the front setback in the Central Business district was "a maximum of 0 to 10 feet." The board looked at the TSA requirements for the third location; it appeared that the required setback would be 30 feet off of the right-of-way. Mr. Clark recalled that permits were not needed as long as site plans were provided. Mrs. Hill and Mrs. Giroux were comfortable with the plans as presented.

Mr. Kilburn presented the Dollar General sign proposal. The free-standing sign would be 55 square feet in area and 15 feet high. The current sign bylaws made it too large for the Village (10 feet high, 25 feet square feet), but acceptable for the Town regulations. The setback was 25 feet. Mr. Kilburn noted that the Town and Village boundary was very near that area. If the sign was interpreted strictly by the Village regulations, the sign proposal could not be approved. Mr. Clark recalled that the DRB had allowed the nearby Hannaford sign a variance for the setback. Mr. Ponessi helped the board to establish the location of the line in relation to the right-of-way.

Mr. Kilburn noted that the other proposed sign would be wall-mounted on the front, 3' tall by 20' long, for 69 square feet, which was one foot shorter than the building face. The DRB felt comfortable with this sign's compliance with the bylaws.

Mrs. Hill made a motion, seconded by Mrs. Giroux, to approve **#528-2015 Lot Line Adjustment-Plat Approval Request of Zaremba Program Development , LLC** to combine existing properties at **#108, #110, & #112 First Street** to create one building lot for a *Dollar General Store* at **#108 First Street**. R5 Residential District. Motion carried. The DRB signed the Mylar and a few paper copies.

Mr. Kilburn reminded the DRB that they had approved a 2-lot subdivision from John McCarthy in June 2015. The surveyor determined that they had made an error of one foot on Lot #2. He pointed out the differences. Mr. Clark felt that it was an insignificant change since it did not affect the setbacks. Mr. Clark made a motion, seconded by Mrs. Hill, to approve the revised Mylar of John & Pamela McCarthy, originally dated 11/18/13 and submitted 09/24/15. Motion carried. The Mylar was signed.

Mr. Kilburn reminded the DRB that they approved a two-unit condo and a subdivision by Michael Blouin (Blohan LLC) on July 30, 2015. Mr. Clark signed the Mylar.

The DRB set the next hearing date for October 22, 2015.

10. Deliberative Session

Mrs. Hill made a motion, seconded by Mrs. Giroux, to enter deliberative session at 8:57 p.m. Motion carried.

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

Mrs. Hill made a motion, seconded by Mrs. Giroux, to approve as presented **CU#518 Conditional Use Request of A/C Investments, LLC (Andre Blouin)** to construct a two-family dwelling (Duplex) with garages at **#1 Dawn's Way**. R3 Moderate Density Residential District. Motion carried.

Mrs. Giroux made a motion, seconded by Mrs. Hill, to approve as presented **CU#519 Conditional Use Request of Michael & Dianne Begnoche** to convert a single-family

dwelling into a two-family dwelling by converting the second floor to additional dwelling space at # **45 Greenwich Street**. R5 Residential District. Motion carried.

Mrs. Hill made a motion, seconded by Mrs. Giroux, to continue **#527-2015 Sketch Plan and Possible Final Plat Approval request of Edward R. Hemond** to create a three (3) lot subdivision by subdividing a 59.45 acre parcel into three (3) additional house lots **#15, #16, #17 (South Woods Way) at Maple Grove Estates**. R3 Moderate Density Residential District. This item was continued for a site visit to be held on October 5, 2015 at 4:00 p.m. Motion carried.

Mr. Clark made a motion, seconded by Giroux, to approve **#529-2015 Lot Line Adjustment Request of Andre & Nancy Leduc** to consolidate two adjacent lots located across the street from their residence at **111 Canada Street** for the purpose of constructing a residential garage on a single lot to be designated **#108 Canada Street**. R5 Residential District. Amendment: This application would be approved with the condition of a minimum side setback of 25 feet. Mrs. Hill seconded the amendment. Motion carried.

Mrs. Hill made a motion, seconded by Mrs. Giroux, to approve as presented **#530-2015 Site Plan Review Request of Leader Evaporator (main site)** for additional parking area of approximately 8100 SF at **49 Jonergin Drive** IND Industrial District; and to approve as presented **#531-2015 Site Plan Review Request of Leader Evaporator (former site of New England Container)** for the expansion of existing parking area and construction of a building connector at **60 Jonergin Drive**. IND Industrial District. Motion carried.

Mrs. Hill made a motion, seconded by Mrs. Giroux, to approve the DRB minutes of July 30, 2015 as written. Motion carried.

Mrs. Hill made a motion, seconded by Mrs. Giroux, to adjourn at 9:11 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler

Joel Clark

Lucie Hill

Amy Giroux