

# TOWN OF SWANTON ZONING OFFICE

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## PUBLIC HEARING SWANTON DEVELOPMENT REVIEW BOARD

*Thursday, September 22, 2016*

The Swanton Development Review Board held a Public Hearing on Thursday, September 22, 2016, at the Swanton Town Offices, 1 Academy Street, at 7:00 P.M.

### **Board Members present:**

Joel Clark, Chair

Lucie Hill, Vice Chair

Gabriel Liegey

Spencer LaBarge

Amy Giroux

### **Also present:**

Yaasha Wheeler, Secretary

Darlene Marrier, Zoning Administrator

### ***#DRB-25-2016 – Lionel & Francine Charbonneau / Matthew & Alma Sears***

Matt Sears

John Chase

Andre Blouin

### ***#DRB-26-2016 – Andre & Nancy Leduc / Juliette Harnois***

Nancy Leduc

Juliette Harnois

### ***#DRB-27-2016 – Duprey LLC & Holly Clayton***

Holly Clayton

## **A. Call to Order**

Mr. Clark called the meeting to order at 7:02 p.m. He introduced the board members, explained the process of the hearing, and reminded that the interested persons definition was available to read. No one had conflicts of interest or ex parte communications, but Mrs. Hill said she knew the Charbonneaus through her son but did not have any conversations with the applications or the realtor.

Mr. Clark swore in the participants.

## **B. Agenda Review**

No changes.

## **C. Meeting Topics:**

- 1. #DRB-23-2016 Shawn Cheney continuance of appeal of the Zoning Administrator's decision to deny a sign permit for a property located at 22 First Street in the CB/Central Business District, parcel ID#FI002-0028.**

Mr. Cheney was not present.

- 2. DRB-25-2016 Lionel & Francine Charbonneau/Matthew & Alma Sears request for Site Plan Approval for a Conditional Use to operate a Cottage Industry in an existing barn located at 50 Comstock Road in the R3/Moderate Density Residential District, parcel ID#CM0050-0017.**

Mr. Matt Sears came forward. He said that he had made an accepted offer on the property and he was currently operating a fence shop out of his home, which he needed more space for. This property had 10 acres, with an existing 40' x 80' barn that he planned to use for storage for his business. He said that the business was operated online and that no one ever came to his home for business; all work took place elsewhere. The installation was seasonal work, though he continued to take orders and give quotes during the year. He was planning to find four good people to help install fence.

The Charbonneaus currently had a trucking business, so the property was "set up" for deliveries. Mr. Sears explained that he accepted orders and then when the truck was full, he would receive it. He estimated one delivery every three weeks. The business did not operate 30% of the total floor plan, since the office was only one room in the house. He had one Bobcat, one Skidsteer, and three trailers to pull stuff around. He was planning to expand, so this information only applied to the current size of the operation. At the most, he saw two crews of four men each.

The application asked for the following hours of operation: Monday through Friday, 6 a.m. to 6 p.m. with hours on Saturday and Sunday as required. The weekend work would be fabrication/building work, all done inside. Mr. Liegey stated, "There are no neighbors."

Mr. Sears presented a letter of authorization from the property owners for Mr. Sears to represent the request.

Mr. Chase asked whether work would be done early and with the door open. "If it's 100 degrees in the barn, will you be working with the door open?" Mr. Sears said he could, and the board discussed possible conditions to satisfy Mr. Chase's concerns.

**3. DRB-26-2016 Andre & Nancy Leduc & Juliette Harnois request for a boundary line adjustment on properties located at 108 & 110 Canada Street & 5 Brown Avenue in the R5/Residential District, parcel ID#CN0108-0025, #CN0110-0025, #BN0005-0025.**

Mrs. Nancy Leduc and Mrs. Juliette Harnois came forward. Mrs. Marrier said that this request came about because there was a merger of two lots in the past (now 108 Canada Street), so that they could build a garage. The Mylar was not filed within the required 180 days, and Regional Planning Commission said that a Mylar had to be submitted to be recorded. When Mrs. Marrier contacted the Leducs and Ms. Harnois, they informed her that the survey of their three lots had shown boundary corners on the driveway and in the garage of the Brown Street property (owned by Mrs. Leduc), so they wished to move the property lines to "ease up" the boundary for the Brown Avenue property to allow for better setbacks for the existing garage. In effect, 108 and 110 Canada Street were giving up square footage to 5 Brown Avenue to allow the Brown Avenue home and driveway to be fully within its own property boundaries.

Mrs. Harnois said that a waiver may be required for the 110 Canada Street because giving up the footage for the Brown Avenue property may affect her required acreage, because her lot was now less than a quarter acre. The board informed her of the required setbacks. Mrs. Harnois said she wished to have something in writing giving her permission to trespass so many feet on the Leduc property in order to maintain her garage, which was very close to the existing property line.

**4. DRB-27-2016 Duprey LLC & Holly Clayton request for Site Plan Approval of a Conditional Use to operate a retail sales & service in the existing structures on property located at 44 North River Street in the NCL/Neighborhood Commercial Light District, parcel ID#NR0044-0024.**

Ms. Clayton came forward and stated that she had put an offer on the Norther River Street property, though she was not certain it would work out, and said that "if the drivers can deliver where I am now, they can deliver at the new property." She expected the deliveries to be near the front building. She and the board discussed available properties for her carpet and flooring business. She got anywhere from one to three deliveries per week. The property used to be a gas station. The requested hours of operation were Monday through Friday, 8 a.m. to 6 p.m., with hours on Saturday 9 a.m. to 1 p.m. She had until December to move out of the space where she currently was.

Mr. Clark stated that the letter from Swanton Village regarding Mr. Cheney's application would be reviewed in deliberative session.

## **5. Any Other Necessary Business**

Mr. Clark signed John Bruley's Mylar (DRB-22-2016, approved August 25, 2016).

## **6. Deliberative Session**

Mr. LaBarge made a motion, seconded by Mrs. Giroux, to go into deliberative session at 8:01 p.m. Motion carried.

Mr. LaBarge made a motion, seconded by Mr. Liegey, to come out of deliberative session at 8:13 p.m.

Mr. LaBarge made a motion, seconded by Mr. Liegey, to APPROVE #DRB-23-2016 Shawn Cheney continuance of appeal of the Zoning Administrator's decision to deny a sign permit for a property located at 22 First Street in the CB/Central Business District, parcel ID#FI002-0028. The request was approved with the condition that the placement of the sign was to be outside of the Village and state right-of-way on First Street, oriented according to the Village's recommendation, per the letter dated September 6, 2016. Motion carried.

Mrs. Hill made a motion, seconded by Mr. LaBarge, to APPROVE DRB-25-2016 Lionel & Francine Charbonneau/Matthew & Alma Sears request for Site Plan Approval for a Conditional Use to operate a Cottage Industry in an existing barn located at 50 Comstock Road in the R3/Moderate Density Residential District, parcel ID#CM0050-0017. This request was approved with the following conditions:

- There will be no more than six employees, and any growth exceeding that would require coming before the board.
- There will be no fabrication of fence outside the building.
- The hours of operation will be Monday through Friday, 6 a.m. to 6 p.m.
- Any work on Saturday and Sunday will be limited to inside work.
- No work shall commence with the door open on Sunday before noon.

Motion carried.

Mrs. Giroux made a motion, seconded by Mr. LaBarge, to approve DRB-26-2016 Andre & Nancy Leduc & Juliette Harnois request for a boundary line adjustment on properties located at 108 & 110 Canada Street & 5 Brown Avenue in the R5/Residential District, parcel ID#CN0108-0025, #CN0110-0025, #BN0005-0025. Motion carried.

Mr. Liegey made a motion, seconded by Mr. Labarge, to approve DRB-27-2016 Duprey LLC & Holly Clayton request for Site Plan Approval of a Conditional Use to operate a retail sales & service in the existing structures on property located at 44 North River Street in the

NCL/Neighborhood Commercial Light District, parcel ID#NR0044-0024. Approval was given for the hours of operation and other details as requested in the permit. Motion carried.

**7. Minutes**

**a) DRB August 25<sup>th</sup>, 2016**

Mr. LaBarge made a motion, seconded by Mr. Liegey, to approve the DRB minutes of August 25, 2016. Motion carried.

**8. Set Next DRB Date**

The DRB set the next meeting for October 27, 2016 at 7 p.m.

**D. Adjournment**

Mr. LaBarge made a motion, seconded by Mr. Liegey, to adjourn at 8:21 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler  
Development Review Board Clerk

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Joel Clark

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Lucie Hill

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Spencer Labarge

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Gabriel M. Liegey, Jr.

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Amy Giroux