**TOWN OF SWANTON**

**DRAFT MINUTES**

**DEVELOPMENT REVIEW BOARD (DRB)**

**TOWN OFFICE BUILDING**

**One Academy Street**

**Swanton, VT 05488**

**Monday, May 21, 2018 @ 7:00 p.m.**

Present: Spencer LaBarge, Chair; Harold Garrett; Gabriel Liegey, Reg Beliveau, Karen Drennen, Members; Amy Giroux, Zoning Administrator; Elisabeth Nance, Administrative Assistant

DRB-17-2018 DRB-20-2018

Michael Heller Michael Benjamin

Rona Davis

 DRB-21-2018

DRB-18-2018 Richard Cummings

Jack Baker

Mary Lou Baker DRB-22-2018

 Herb Bartemy

DRB-19-2018 Randy Livingston

John Hawkins Joshua Martin

1. Call to Order – Chair LaBarge called the meeting to order at 7:00 p.m.
2. Agenda Review – Chair LaBarge reviewed the agenda items.

*Ex parte* communication or conflicts of interest: Mr. Beliveau noted for the record he has had conversations regarding TDI related to his duties as Village Manager.

1. Meeting Topics:
2. **#DRB-17-2018: 166385 Canada Inc. / Michael Heller** continuance ofAppeal of the Zoning Administrator Notice of Alleged Violation Letter dated February 22, 2018 for a deck that does not meet rear setbacks located at 42 Maquam Shore Road in the SR/Shoreland Recreation district.

Chair LaBarge noted the board had conducted a site visit just prior to the meeting.

Mr. Heller would like to draw the board’s attention to the exhibits he had provided at the April meeting, specifically a zoning application that had been filled out by Mr. Heller’s neighbor with the assistance of the zoning administrator at the time, Ron Kilburn. Mr. Heller also brought to the board’s attention an email between Mr. Heller and Mr. Kilburn asking about necessary permitting for a structure like Mr. Langlois’s pergola. Mr. Heller states his documentation shows his deck predates Mr. Langlois’s pergola.

Ms. Drennen made a motion, seconded by Mr. Liegey, to deny DRB-17-2018: 166385 Canada Inc. / Michael Heller appeal of the Zoning Administrator Notice of Alleged Violation Letter dated February 22, 2018 for a deck that does not meet rear setbacks located at 42 Maquam Shore Road in the SR/Shoreland Recreation district. Motion carried unanimously.

1. **#DRB-18-2018: Jack & Marylou Baker** request for Boundary Line Adjustment located at 21 Lord Road in the R1/Agricultural Residential district.

Mr. Baker and Ms. Baker came before the board for approval for a boundary line adjustment to fit a shed. The Bakers are swapping acreage with the neighbor, maintaining the lot size.

Mr. Beliveau made a motion, seconded by Mr. Liegey, to approve DRB-18-2018: Jack & Mary Lou Baker request for Boundary Line Adjustment located at 21 Lord Road in the R1/Agricultural Residential district. Motion carried unanimously.

1. **#DRB-19-2018: Richford Health Center** request for an Amendment of Conditional Use to change the hours of operation located at 26 Canada Street in the R5/Residential district.

 Mr. Hawkins came before the board for approval to adjust the hours of the original health center to match the hours for the adjacent health center building of 7:00 a.m. to 9:00 p.m.

 Mr. Liegey made a motion, seconded by Mr. Garrett, to approve DRB-19-2018: Richford Health Center request for an Amendment of Conditional Use to change the hours of operation located at 26 Canada Street in the R5/Residential district to 7:00 a.m. to 9:00 p.m. Motion carried unanimously.

1. **#DRB-20-2018: Amanda Torrey & Michael Benjamin** request for an after-the-fact Variance for the side setback requirement for a deck located at 36 Greenwich Street in the R5/Residential district.

Mr. Benjamin came before the board to request a variance for a deck that had replaced an existing structure. Mr. Benjamin believes the new deck is approximately three feet wider and three feet longer than the previous deck. Mr. Benjamin stated there is 12 feet to the boundary line.

Mr. LaBarge informed Mr. Benjamin the criteria for approving a variance may require the board to approve this as a Conditional Use.

Mr. LaBarge made a motion, seconded by Mr. Liegey, to approve DRB-20-2018: Amanda Torrey & Michael Benjamin request as Conditional Use because the structure falls within the 30% rule. Motion carried unanimously.

1. **#DRB-21-2018: Richard Cummings** request for an Amendment to a previously approved Subdivision approved July 25, 2013 to adjust lot lines on 6 lots located in the Jerrymill Lane subdivision off the Bushey Road in the R1/Agricultural Residential district.

Mr. Cummings came before the board to adjust lot lines to work around leach fields and to maintain setbacks. There are no additional lots proposed. The road remains the same.

Mr. Garrett made a motion, seconded by Mr. Liegey, to approve DRB-21-2018: Richard Cummings request for an Amendment to a previously approved Subdivision approved July 25, 2013 to adjust lot lines on 6 lots located in the Jerrymill Lane subdivision off the Bushey Road in the R1/Agricultural Residential district. Motion carried unanimously.

1. **#DRB-22-2018: TDI Repair & Towing / Herb Bartemy** request for Conditional Use for residential & commercial automobile repair located at 44 County Road in the R1/Agricultural Residential district.

Mr. Bartemy came before the board. TDI has been using the area as a collision center and, with the recent fire at the Babbie Blvd facility, would like to move the repair facility to the County Road site; this move would include auto repairs. Mr. Bartemy stated there will not be any painting at the facility but the facility would do some minor welding using a 110 welder. In response to questioning, Mr. Bartemy stated the facility has a waste oil furnace; there are no auto sales at the County Rd lot but there is an unregistered excavator and two unregistered cars that will be moved to a salvage yard.

Mr. Livingston and his attorney, Mr. Martin, came before the board. Speaking on behalf of his client, Mr. Martin stated the proposed use is out of character for the neighborhood but even if it was not the shop has not been complying lawfully. Mr. Martin stated there have been visits by EPA and other violations.

Mr. Martin does not believe he would be at the hearing if the repairs would be done discreetly.

Mr. LaBarge asked about ventilation, which Mr. Bartemy says has been inspected by both the state and EPA. The only issue the EPA had was that the wiring was not explosion-proof. Mr. Bartemy has paperwork showing no violations.

Ms. Drennen asked about vehicle traffic. Mr. Bartemy stated the shop is open Monday through Friday 8:00 a.m. to 4:00 p.m. and gets about 4 or 5 vehicles a week.

Mr. Beliveau asked whether the Fire Marshall, who in 2017 told TDI they could not paint, has since had any issues. Mr. Bartemy said the Fire Marshall came up unannounced and did not find any issues.

Mr. Martin suggested conditions be placed such as no more vehicles than can be worked on, there be fencing or screening along the property, and consider appropriate setbacks. Mr. Bartemy stated a survey is in process.

Mr. Livingston would ask the board to do a site visit prior to making a decision.

Mr. Martin left recent photographs with the board.

 Mr. LaBarge made a motion, seconded by Mr. Liegey, to approve DRB-22-2018: TDI Repair & Towing / Herb Bartemy request for Conditional Use for residential & commercial automobile repair located at 44 County Road in the R1/Agricultural Residential district with the following conditions: adequate screening is provided along the boundary with 40 County Rd, must follow zoning bylaws as they relate to unregistered vehicles and as they relate to smoke, noise, and dust. Motion carried unanimously.

1. Minutes of DRB April 26, 2018 meeting – Ms. Drennen made a motion, seconded by Mr. Garrett, to approve the minutes as written. Motion carried.
2. Any Other Necessary Business – It was confirmed the meeting with the Planning Commission will be held on October 24, 2018.
3. Public Comment - None
4. Deliberative Session

Mr. Garrett made a motion at 7:55 p.m., seconded by Mr. Liegey, to enter Deliberative Session.

Mr. Liegey made a motion at 8:18 p.m., seconded by Mr. Beliveau, to exit Deliberative Session. Motion carried.

1. Set Next DRB Meeting Date – June 28, 2018
2. Adjournment – Mr. Liegey made a motion at 8:26 p.m., seconded by Mr. Garrett, to adjourn. Motion carried.