

**TOWN OF SWANTON  
DRAFT MINUTES  
DEVELOPMENT REVIEW BOARD (DRB)  
TOWN OFFICE BUILDING  
One Academy Street  
Swanton, VT 05488  
Thursday, June 28, 2018 @ 7:00 p.m.**

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

DRB-23-2018  
Andre Leduc  
Nancy Leduc

DRB-26-2018  
James Kadow  
Mona Kadow

DRB-24-2018  
Gary Shilling

DRB-27-2018  
Taylor Wunsch  
Steve Wunsch

DRB-25-2018  
Darci Benoit  
Glen Gurwit

DRB-28-2018  
Zachary Clark

- A. Call to Order – Chair LaBarge called the meeting to order at 7:00 p.m.
- B. Agenda Review – There were no changes
- C. Meeting Topics:

- 1. **#DRB-23-2018: Andre & Nancy Leduc** request for conditional use to convert a hair dressing salon into an apartment (after-the-fact) located at 69 First Street in the NCL/Neighborhood Commercial Light district.

Andre & Nancy Leduc came before the DRB. Ms. Leduc informed the board she did not think she needed a permit for the apartment given there were existing apartments at the time the salon was converted.

In response to a question from the board, Ms. Leduc stated the apartment is one bedroom and there are two parking spots available.

Ms. Drennen made a motion, seconded by Mr. Garrett, to approve DRB-23-2018: Andre & Nancy Leduc request for conditional use to convert a hair dressing salon into an apartment (after-the-fact) located at 69 First

Street in the NCL/Neighborhood Commercial Light district upon receipt of proof of a water/wastewater allocation from the village. Motion carried.

- 2. #DRB-24-2018: Mountain View Condo Homeowner's Association** request sketch plan approval for an amendment to a previously approved development, recorded April 23, 2002 to add four visitor parking spaces 40 feet wide by 26 feet deep located at Samhannah Drive the R3/Moderate Density Residential district.

Mr. Shilling, president of the association, came before the DRB to ask for four additional visitor parking spaces. He stated no additional Act 250 permitting is required, storm water concerns have been addressed, and provided evidence all the residents have approved the additional parking.

Mr. Shilling stated the additional parking is meant, in part, to meet ADA requirements, which the current parking situation does not.

Mr. Shilling further stated the additional parking would be done in conjunction with a road repaving project next year, giving the gravel being laid this year time to settle.

Mr. Garrett made a motion, seconded by Ms. Drennen, to approve DRB-24-2018: Mountain View Condo Homeowner's Association request sketch plan approval for an amendment to a previously approved development, recorded April 23, 2002 to add four visitor parking spaces 40 feet wide by 26 feet deep located at Samhannah Drive the R3/Moderate Density Residential district as presented. Motion carried.

- 3. #DRB-25-2018: Darci Benoit** request for Conditional Use to operate a retail business located at 43 First Street in the NCL/Neighborhood Commercial Light district.

Ms. Benoit came before the board seeking conditional use to operate a retail craft business because the business has grown enough that her current location is no longer adequate. Ms. Benoit stated she is also planning to work with the Swanton Arts Council to provide them a space to work and/or showcase art.

Mr. Gurwit who owns property across the street from the proposed site came before the board and is not here to oppose Ms. Benoit's project but to express some concerns:

- Parking – Mr. Gurwit is concerned there is adequate parking to accommodate the existing laundromat and the retail business. The

board informed Mr. Gurwit parking would have been addressed at the DRB hearing when the lot was first developed.

- Occupancy limits – What is the number of people permitted to be in the building. Chair LaBarge informed Mr. Gurwit this is a question that needs to be addressed to the Fire Marshall.
- Employees – Ms. Benoit stated she will be the only employee for the foreseeable future.
- Public restrooms – There is one bathroom in this portion of the building that can be used by the public.
- Equipment – Ms. Benoit stated there would be no large “manufacturing” equipment on-site.
- Hours of operation – Ms. Benoit stated she anticipates the store to be open year-round with the winter holiday months being her busiest. Mr. Gurwit questioned the hours of operation to which Mr. LaBarge stated the board suggests applicants put broad hours on the application in anticipation of future needs to avoid having to come back to the board for additional approval.

Mr. Beliveau made a motion, seconded by Ms. Drennen, to approve DRB-25-2018: Darci Benoit request for Conditional Use to operate a retail business located at 43 First Street in the NCL/Neighborhood Commercial Light district as presented. Motion carried.

4. **#DRB-26-2018: James & Mona Kadow** request for variance to add an 8’ x 5’ addition to a camp on a non-conforming lot that does not meet the east side setback located at 25 Leo Drive in the SR/Shoreland Recreation district.

Mr. and Mrs. Kadow came before the board seeking to add space to the existing structure to house shower facilities

Mr. Kadow went through for the board the written answers he had provided to the five criteria necessary to approve a Variance.

Chair LaBarge asked if the Kadows were planning to add anything else to the structure to which Mr. Kadow replied they are not.

In response to a question from the board Mr. Kadow stated the structure is a seasonal camp.

Mr. LaBarge made a motion, seconded by Mr. Beliveau, to approve DRB-26-2018: James & Mona Kadow request for variance to add an 8’ x 5’ addition to a camp on a non-conforming lot that does not meet the east side setback located at 25 Leo Drive in the SR/Shoreland Recreation

district. In doing so the DRB finds that as required by Section 9.4 of the *Swanton Zoning Bylaws and Subdivision Regulations*, the applicant has demonstrated the five (5) required elements:

- 1) The existing size and shape of the lot created unnecessary hardship;
- 2) The size and shape of the lot precludes development in strict conformity with the zoning regulations;
- 3) The unnecessary hardship was not created by the appellant given the lot was divided and developed prior to ownership;
- 4) The variance will not alter the essential character of the neighborhood or district; and,
- 5) The variance will represent the minimum that will afford relief and will represent the least deviation possible for the zoning regulation and from the plan.

Motion carried.

- 5. #DRB-27-2018: Taylor Wunsch** request for variance to construct a 4' x 20' enclosed porch on a non-conforming building that exceeds maximum building coverage located at 84 Grand Avenue in the NCL/Neighborhood Commercial Light district.

Mr. S. Wunsch and Mr. T. Wunsch came before the board. Mr. T. Wunsch stated he purchased the property in December 2017 and is hoping to add to the lot's curb appeal by removing the four existing exterior doors and making access through one main entrance.

In response to a question from the board, Mr. T. Wunsch stated there are four apartments in the building.

Mr. Beliveau stated from a fire safety standpoint there is no prohibition against having the common entrance but it is up to the property owner to keep the foyer area clear.

Chair LaBarge asked how to clear Variance criteria #3: "that unnecessary hardship has not been created by the appellant." Mr. S. Wunsch stated the existing staircase at the entrance is non-conforming and is the cause of the additional lot coverage given that it comes almost to the front wall of the structure.

Mr. LaBarge made a motion, seconded by Mr. Garrett, to approve DRB-27-2018: Taylor Wunsch request for variance to construct a 4' x 20' enclosed porch on a non-conforming building that exceeds maximum building coverage located at 84 Grand Avenue in the NCL/Neighborhood Commercial Light district. In doing so the DRB finds that as required by

Section 9.4 of the *Swanton Zoning Bylaws and Subdivision Regulations*, the applicant has demonstrated the five (5) required elements:

- 1) The existing structure created the unnecessary hardship;
- 2) The corner location of the lot as well as the location of the interior stairway precludes development in strict conformity with the zoning regulations;
- 3) The unnecessary hardship was not created by the appellant given the lot was divided and developed prior to ownership;
- 4) The variance will not alter the essential character of the neighborhood or district; and,
- 5) The variance will represent the minimum that will afford relief and will represent the least deviation possible for the zoning regulation and from the plan.

Motion carried.

**6. #DRB-28-2018: Zachary Clark** request for boundary line adjustment located at 14 Ironwood Lane in the R3/Moderate Density Residential district.

Mr. Clark came before the board to request a boundary line adjustment. The survey done at the time Mr. Clark purchased the property put one of the pins in the driveway of the adjacent property. While the location of the pin was known at the time it did not become an issue until the adjoining property went on the market. Now that the property is for sale Mr. Clark would like to have the boundary issue cleared up.

A request has been made to the owner of the adjacent property, Mr. Lamothe, confirming his agreement to the boundary line adjustment but no response has yet been received although it is expected.

In response to a question from the board, Mr. Clark stated there would be no change in lot size.

Ms. Drennen made a motion, seconded by Mr. Beliveau, to approve DRB-28-2018: Zachary Clark request for boundary line adjustment located at 14 Ironwood Lane in the R3/Moderate Density Residential district upon receipt of a letter agreeing to the boundary line adjustment from the adjoining property owner, Mr. Lamothe. Motion carried.

**D. Minutes DRB May 21, 2018**

Mr. Garrett made a motion, seconded by Mr. Beliveau, to approve the minutes of May 21, 2018 as written. Motion carried.

E. Any Other Necessary Business – None

F. Public Comment – None

G. Deliberative Session

Ms. Drennen made a motion at 8:09 p.m., seconded by Mr. Beliveau, to enter Deliberative Session. Motion carried.

Mr. Beliveau made a motion at 8:53 p.m., seconded by Ms. Drennen, to exit Deliberative Session. Motion carried.

H. Set Next DRB Meeting Date – July 26, 2018 at 7:00 p.m.

I. Adjournment

Ms. Drennen made a motion at 9:14 p.m., seconded by Mr. Beliveau, to adjourn. Motion carried.