

**TOWN OF SWANTON
DRAFT MINUTES
DEVELOPMENT REVIEW BOARD (DRB)
TOWN OFFICE BUILDING
One Academy Street
Swanton, VT 05488
Thursday, September 27, 2018 @ 7:00 p.m.**

Present: Spencer LaBarge, Chair; Reg Beliveau, Karen Drennan, Harold Garrett, Members; Amy Giroux, Zoning Administrator; Elisabeth Nance, Administrative Assistant; Gary Centabar; Timothy Wellinger; John Dion; Steve Bourgeois

DRB-37-2018

Mark Dubie

DRB-38-2018

Mark Dubue
Alan Bourbeau

DRB-39-2018

Normand Stanislas
Richard Hamlin, P.E.
Bill Cheney
Kimberly Lyford
Bryan Bourgeois
John Kralik

DRB-40-2018

Normand Stanislas
Richard Hamlin, P.E.
Bill Cheney
Kimberly Lyford
Bryan Bourgeois

DRB-41-2018

Taber Gagne
Ty Gagne

DRB-42-2018

Richard Wimble
Peggy Wimble

DRB-43-2018

Mark Thomas
Candy Thomas
Larry Coburn

- A. Call to Order – Chair LaBarge called the meeting to order at 7:01 p.m.
- B. Agenda Review

When asked to disclose any potential conflicts of interest, Mr. Beliveau stated that he is life-long friends of Mr. and Mrs. Wimble; both parties agree that he can be objective. Mr. Garrett stated he has spoken with Mr. Thomas but did not discuss this application.

Chair LaBarge read the definition of “interested person” aloud and explained to those present why it is important.

C. Meeting Topics:

1. **#DRB-37-2018: M & M VT Maple LLC** request for site plan review for a boundary line adjustment located at 1912 Sheldon Road in the R1/Agricultural Residential district.

Mr. Dubie came before the board. Mr. Dubie stated he and his neighbor, Mr. Lebel, are trying to “clean up” the boundary lines from a survey done several years ago. Mr. Dubie stated Mr. Lebel inadvertently put a maple sugar tubing system on Mr. Dubie’s property and the boundary line adjustment would put the tubing system on Mr. Lebel’s property, preventing any issues in the future.

Mr. Garrett made a motion, seconded by Mr. Beliveau, to approve DRB-37-2018: M & M VT Maple LLC request for site plan review for a boundary line adjustment located at 1912 Sheldon Road in the R1/Agricultural Residential district as presented. Motion carried.

2. **#DRB-38-2018: M & M VT Maple LLC** request for site plan review for a boundary line adjustment located at 1912 Sheldon Road in the R1/Agricultural Residential district.

Mr. Dubie came before the board regarding a different boundary at the same address, this one adjacent to the Bourbeau Farm property. The proposed new boundary would align with a natural ridge on the large parcel. Mr. Bourbeau would purchase the land he is currently leasing up to the new boundary line, assuming the application is approved.

Mr. Garrett made a motion, seconded by Mr. Beliveau, to approve DRB-38-2018: M & M VT Maple LLC request for site plan review for a boundary line adjustment located at 1912 Sheldon Road in the R1/Agricultural Residential district as presented. Motion carried.

3. **#DRB-39-2018: T & M Construction & Development Corporation** request for variance to build a single-family dwelling on a non-conforming lot located at 154 Maquam Shore Road in the SR/Shoreland Recreation district.

Mr. Stanislaus and his site engineer, Mr. Hamlin, came before the board. Mr. Hamlin stated Mr. Stanislaus is not asking for any change to the size of the parcel or a change in the configuration of the lot. Mr. Hamlin referred to pg. 3.6, Section 3.5(A), of the *Swanton Zoning Bylaws and Subdivision Regulations*, which he believes applies to this property. Having said that, Mr. Hamlin addressed the five questions required to be addressed before a variance can be granted.

In response to a question from Ms. Drennen, Mr. Stanislas anticipates this will become his family's primary residence.

Mr. Kralik has concerns about the size of the proposed dwelling. Ms. Drennen noted that according to zoning regulations the dwelling as described does meet the guidelines for the footprint of the dwelling for the size of the lot.

Mr. Beliveau made a motion, seconded by Ms. Drennen, to continue DRB-39-2018: T & M Construction & Development Corporation request for variance to build a single-family dwelling on a non-conforming lot located at 154 Maquam Shore Road in the SR/Shoreland Recreation district to conduct a site visit on Thursday, October 25, 2018 at 6:00 p.m. Motion carried.

4. **#DRB-40-2018: T & M Construction & Development Corporation** request for less than 30% conditional use to build a single-family dwelling that does not meet north and south side setbacks located at 154 Maquam Shore Road in the SR/Shoreland Recreation district.

Chair LaBarge noted the board has not made any determination on DRB-39-2018 and is seeking information on this portion of the project.

Mr. Hamlin referenced pg. 3.9 Section 3.7(K) of the *Swanton Zoning Bylaws and Subdivision Regulations*. Mr. Stanislas is not asking for a variance because he is not asking for more than 30% but a waiver "to reduce district front, side and rear setback requirements up to 30% as a conditional use subject to review under Section 5.4 and this section." Mr. Hamlin then referenced pg. 5.10, Section 5.4(D) and responded to each of the five areas.

Mr. Hamlin clarified the front and rear setbacks would be met; it is the north and south side setbacks for which Mr. Stanislas is requesting a waiver. The coverage and building height requirements are also met.

It was noted a mobile home had previously occupied the lot and was destroyed. A series of subsequent mobile homes were placed on the property as rental units up until about six weeks prior to the meeting. Mr. Stanislas noted he and the Zoning Administrator had a difference of opinion on the definition of a camper versus a mobile home, which is why he believes he was able to put to put a camper (mobile home) on the lot without a permit. It was agreed that if the camper or mobile home could be registered then it would not need a permit. There was some discussion

about the definition of “camper,” “mobile home,” and “travel trailer” in the zoning regulations.

Mr. Hamlin provided documentation of a study done along a 2.9-mile section of Maquam Shore Rd. and a defined “neighborhood” which showed the percentage of compliance to existing setbacks: 10% of those defined in the neighborhood conform to setbacks while 17.97% conform along Maquam Shore Rd.

Ms. Drennen asked whether the study considered changes in zoning regulations to which Mr. Hamlin replied the zoning regulations had not changed during the time the target structures were constructed.

Mr. Beliveau asked for clarification on the state of the existing lot. The proposal is to use existing water/wastewater infrastructure. Mr. Hamlin described the proposed change in the existing seawall, which is meant push out the existing wall to join with the seawalls on either side. The wall would be behind the required 98 feet elevation limit.

Mr. Hamlin provided proposed screening of the site should solar panels be installed in the future.

Mr. Hamlin addressed each criterion in Section 5.4(E) 1-11, some of which he contends do not apply to the proposed construction and use.

Mr. Hamlin stated Mr. Stanislas does not believe Section 3.11 as referenced in Section 5.4(E)(11) applies to this project as they are not requesting a site plan approval but a Conditional Use; however, each criterion was addressed for the board.

Mr. Hamlin stated Mr. Stanislas would agree to conditions regarding shielding outdoor lighting.

In response to a question from the board, Mr. Hamlin stated the proposed structure would be a 2½-story single-family dwelling (42' x 20.5') not including decks on the east and west sides.

Mr. Bourgeois asked for clarification on pg. 5.10, Section 5.4(D): General Standards, specifically, do all conditions need to be met or is it an “or” situation. Chair LaBarge noted all conditions must be met.

Mr. Bourgeois asked about pg. 3.9, Section 3.7(K), specifically the definition of “adverse, undue effect of adjacent property.” One of his outbuildings is on the property line along the project property and he is

concerned about the effect a fire or some other event could have on this structure.

Mr. Bourgeois stated 154 Maquam Shore was always meant to be a right-of-way for properties across Maquam Shore Rd. but there is still an easement on the north side of 158 Maquam Shore Rd. Mr. Hamlin stated the proposed structure would not encroach on the easement. Mr. Stanislas stated he is fine with Ms. Lyford and Mr. Wellinger continuing to use the easement.

Mr. Bourgeois stated the existing retaining wall is failing and is not meant to support the current weight. He believes the Army Corp. of Engineers needs to be involved given where the footings need to be for the additional wall. He does not believe the additional wall would be an improvement as he has not seen the plans. Mr. Bourgeois further believes the retaining wall is evidence of a failing septic system. He asked if the board has seen the drawings upon which the original permit was granted as “no one has seen them” despite them being referenced.

In response to the conformance comparison Mr. Hamlin provided, Mr. Bourgeois stated many of the properties were grandfathered having been built prior to zoning.

Mr. Bourgeois believes the roof height and other dimensions are skewed due to changes in grade over time. Mr. Hamlin clarified that the height was determined from the median of the grade under the structure. Mr. Hamlin pointed to pg. 10-10 in the zoning bylaws that defines “height,” which is the guideline Mr. Stanislas followed. In response to a question from Ms. Drennen, Mr. Stanislas stated there would be a total of three baths, including one in the cellar. There would be a door on the westerly side due to the elevation.

Mr. Bourgeois referenced 3.9, Section 3.7(K)(3) and questions whether the plan “will represent the least deviation possible from the bylaw.”

Mr. Kralik asked about percentage of coverage and whether that includes desk. It does. Based on documents Mr. Kralik received the total coverage would be 14%.

Ms. Lyford stated she was under the impression that the property was meant to be a right-of-way, which is written into the deed for her property across the road. Ms. Lyford also expressed concerns with the validity of the study on the number of non-conforming lots. Ms. Lyford also has

concerns about the availability of parking for loading and unloading kayaks. Mr. Hamlin stated there is adequate parking.

Ms. Lyford stated she also has concerns about the retaining wall, the septic system, and provided the board with pictures of the property.

Mr. Kralik stated his belief that the structure would change the nature of the area.

In response to concerns about the actual lot size Mr. Stanislas responded that the lister card was amended to reflect a lot size of .16 acres.

Mr. Hamlin clarified that the new retaining wall would replace the existing wall. Mr. Stanislas would agree not to attach to the neighboring retaining wall(s) if that was a preference.

Ms. Drennen asked whether the board can request the state's involvement on the retaining wall. Ms. Giroux stated Mr. Stanislas currently is working with the Army Corp. of Engineers.

Mr. Beliveau made a motion, seconded by Ms. Drennen, continue DRB-40-2018: T & M Construction & Development Corporation request for variance to build a single-family dwelling on a non-conforming lot located at 154 Maquam Shore Road in the SR/Shoreland Recreation district to conduct a site visit on Thursday, October 25, 2018 at 6:00 p.m. Motion carried.

- 5. #DRB-41-2018: Taber & Ty Gagne** request for conditional use to operate an automobile repair shop located at 2596 Highgate Road in the SG/Southern Growth district.

Messrs. Gagne came before the board. In response to a question from the board the plan would include painting cars on-site. Upon a recommendation of the board Messrs. Gagne agreed to extend the hours of operation to 7:00 a.m. to 7:00 p.m. Monday through Saturday to cover unforeseen circumstances. There are no plans to add additional lighting as the existing lighting is sufficient.

Ms. Drennen made a motion, seconded by Mr. Garrett, to approve DRB-41-2018: Taber & Ty Gagne request for conditional use to operate an automobile repair shop located at 2596 Highgate Road in the SG/Southern Growth district upon receipt of a copy of the amended hours of operation and confirmation the applicants have received sign permit information from the Zoning Administrator. Motion carried unanimously.

6. **#DRB-42-2018: Richard & Peggy Wimble** request for variance to add an addition 15' x 27' to an existing camp on a non-conforming lot located at 398 Maquam Shore Road in the SR/Shoreland Recreation district.

Mr. and Mrs. Wimble came before the board to add an addition to the back of the camp. They meet all the setbacks and coverage is 1.3% higher than that permitted.

Mr. LaBarge made a motion, seconded by Mr. Beliveau, to approve DRB-42-2018: Richard & Peggy Wimble request for variance to add an addition 15' x 27' to an existing camp on a non-conforming lot located at 398 Maquam Shore Road in the SR/Shoreland Recreation district noting the irregularity of the lot is exaggerated by the road frontage thereby creating a hardship on the applicants. Motion carried.

7. **#DRB-43-2018: Mark & Candy Thomas** request for variance to place a mobile home on a non-conforming lot located at 360 North River Street in the SR/Shoreland River district.

Mr. and Mrs. Thomas came before the board. Mr. Thomas stated they meet all the setbacks. Mr. Thomas provided answers to each of the five questions necessary for a variance. There is an existing camper on the property and the plan is to replace the camper with a mobile home. Mr. and Mrs. Thomas stated the structures were not damaged during the flooding. Mr. Beliveau has concerns about adding a structure in an area that flooded recently, noting while this property did not flood many of the adjacent properties did. Mr. Thomas stated he and Mrs. Thomas are aware of the risk. In response to a question from Ms. Drennen, the property is in the flood plain, but Mr. Thomas does not expect to purchase flood insurance.

The previous owner, Mr. Coburn, noted the proposed structure does not change the character of the neighborhood.

Ms. Drennen made a motion, seconded by Mr. LaBarge, to continue DRB-43-2018: Mark & Candy Thomas request for variance to place a mobile home on a non-conforming lot located at 360 North River Street in the SR/Shoreland River district to grant applicants time to provide a flood hazard review application as required under Section 5.5 of *The Town and Village of Swanton Land Use and Development Regulations Zoning Bylaws and Subdivision Regulations*. Motion carried unanimously.

- D. Minutes DRB August 23, 2018 – Mr. Garrett made a motion, seconded by Ms. Drennen, to approve the minutes of the August 23, 2018 DRB meeting as written. Motion carried.
- E. Any Other Necessary Business – The board was reminded of the joint meeting with the Planning Commission on Wednesday, October 24, 2018 at 7:00 p.m.
- F. Public Comment - None
- G. Deliberative Session

Mr. Beliveau made a motion at 9:30 p.m., seconded by Ms. Drennen, to enter Deliberative Session. Motion carried.

Mr. Garrett made a motion at 10:12 p.m., seconded by Mr. Beliveau, to exit Deliberative Session. Motion carried.

- H. Set Next DRB Meeting Date – Thursday, October 25, 2018 at 7:00 p.m.
- I. Adjournment – Ms. Drennen made a motion at 10:19 p.m., seconded by Mr. Garrett, to adjourn. Motion carried.