

**TOWN OF SWANTON
DRAFT MINUTES
DEVELOPMENT REVIEW BOARD (DRB)
TOWN OFFICE BUILDING
One Academy Street
Swanton, VT 05488
Thursday, October 25, 2018 @ 7:00 p.m.**

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

DRB-44-2018

DRB-45-2018

DRB-46-2018

Normand Stanislas

Chad Bonanni

Richard F. Hamlin, P.E.

Kimberly Lyford

Timothy Wellinger

Bryan Bourgeois

John Kralik

Steve Bourgeois

DRB-47-2018

DRB-48-2018

Candy Thomas

Mark Thomas

DRB-49-2018

DRB-50-2018

Tracy Erickson

Tom Lonergan

Susan Erickson

- A. Call to Order – Chair LaBarge called the meeting to order at 7:00 p.m.
- B. Agenda Review – Chair LaBarge informed those present he had asked Ms. Giroux to provide the board with documentation on previous T & M Construction & Development Corporation applications for this project. Chair LaBarge also stated he has spoken with those involved with the original application, but those discussions were “superficial.”

C. Meeting Topics:

- 1. #DRB-44-2018: T & M Construction & Development Corporation**
continuance of 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. Bonanni, Mr. Stanislas’s attorney, informed the board the current request for a variance has been withdrawn.

2. #DRB-45-2018: T & M Construction & Development Corporation

continuance of 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 had conducted a site visit prior to the public hearing and that the board had taken measurements while at the site.

Mr. Hamlin provided the board with the background information upon which the data provided at the previous hearing had been based to help frame the character of the neighborhood.

Chair LaBarge asked for clarification on the October 5, 2018 letter submitted by Mr. Stanislas regarding the structure previously on the lot. It was determined the date in question should be 2017, not 2018.

Mr. Beliveau asked if an analysis of building heights was done. Mr. Hamlin stated he did not but that the heights appear to fall within regulations.

Mr. Kralik asked for clarification on the proposed occupancy on the site and whether a new certificate of occupancy was necessary each time the occupant changed. Ms. Giroux informed Mr. Kralik that because a camper had previously occupied the site a Certificate of Occupancy was not necessary.

Mr. Kralik noted the Environmental Court's concern with the height of the trees as they relate to possible obstruction of the solar panels in its original decision. Mr. Hamlin provided a photograph of the site and clarified what trees are located where on the lot.

Ms. Lyford commented that she is more concerned with what is happening now versus what happened in the past.

Mr. B. Bourgeois believes this project has three concerns 1) the narrow lot size; 2) the proposed structure would be the tallest house thereby affecting the character of the neighborhood; and 3) the side setback variance. Mr. Bourgeois noted the lots subject to the data set were grandfathered, which should be considered during deliberation on the structure in question.

Mr. Hamlin responded that the data presented is meant only to reflect the character of the neighborhood. Chair LaBarge stated it was worth bearing in mind that many of the structures on surrounding lots had been grandfathered when zoning was first established.

There was discussion about the nature of the previous dwellings/structures on the lot, including the definition of a travel trailer and the length of previous structures. Mr. Stanislas noted a Building Permit and Certificate of Occupancy was issued previously for a single-family home in 2002.

Mr. S. Bourgeois asked if the bylaws specify whether a property has to be used as a primary residence versus “speculation” or for resale. Ms. Giroux noted the Zoning Bylaws do not address when a structure must be built nor do the bylaws distinguish between when that structure is used as primary residence or sold.

Chair LaBarge made a motion, seconded by Mr. Garrett, to approve DRB-45-2018: T & M Construction & Development Corporation continuance of 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. Motion failed. Mr. Beliveau abstained. Chair LaBarge stated the board finds that as they related to this application *The Town & Village of Swanton Land Use & Development Regulations Zoning Bylaws and Subdivision Regulations* Section 3.8(B)(3) – moot;

Section 5.4(D)(2) – The existence of one conditional use in a residential neighborhood will not necessarily be interpreted as justification for another similar conditional use to be located there ... Activities that would have an undue adverse effect [on] the character of the area shall not be approved unless the impacts can be avoided or mitigated through changes to the location, design, scale, operation, composition and/or intensity of the proposed development or use. The board concludes the proximity of current project would have an adverse effect on neighboring properties, including water drainage and outdoor lighting. In addition, the board the scale of the project is not in keeping with the scale of nearby structures; Section 5.4(D)(5) – The board concludes the height and proximity of the proposed development would interfere with the sustainable use of renewable energy resources, specifically neighboring solar panels.

3. **#DRB-46-2018: T & M Construction & Development Corporation** request for conditional use for Flood Hazard Review to build a single-family dwelling within the Floodplain located at 154 Maquam Shore Road in the SR/Shoreland Recreation district.

Mr. Stanislas stated Ms. Giroux informed him earlier in the day that he did not need to request the Flood Hazard Review.

4. **#DRB-47-2018: Mark & Candy Thomas** continuance for request for variance to place a mobile home on a non-conforming lot located at 360 North River Street in the S2/Shoreland River district.

Mr. and Mrs. Thomas came before the board. Mr. Thomas brought a permit issued in 2006 by a previous Zoning Administrator to build a single-family home on the lot; while the dwelling was not constructed the 16' x 16' garage was. Mr. Thomas also provided a Certificate of Compliance that was issued by Ms. Marrier, the Zoning Administrator prior to Ms. Giroux.

Mr. Thomas noted the camper is 37.5 ft., which he believes does not require a variance.

Mr. Thomas stated the slab needs to be replaced due to HUD requirements and will be 4' x 4' larger than the existing slab.

Ms. Drennen made a motion, seconded by Mr. Beliveau, to approve DRB-47-2018: Mark & Candy Thomas continuance for request for variance to place a mobile home on a non-conforming lot located at 360 North River Street in the S2/Shoreland River district as warned and presented. Motion carried.

5. **#DRB-48-2018: Mark & Candy Thomas** request for conditional use for Flood Hazard Review to place a mobile home within the Missisquoi River Floodplain located at 360 North River Street in the S2/Shoreland River district.

Mr. and Mrs. Thomas came before the board. Mr. Thomas provided an elevation certificate, which noted the base elevation is 102 ft.; the home will sit at an elevation of 109.40 ft.

Ms. Drennen made a motion, seconded by Mr. Garrett, to approve DRB-48-2018: Mark & Candy Thomas request for conditional use for Flood Hazard Review to place a mobile home within the Missisquoi River Floodplain located at 360 North River Street in the S2/Shoreland River district based on provided documentation. Motion carried.

6. **#DRB-49-2018: Tracy Erickson** request for conditional use to convert a garage into an accessory dwelling located in the R3/Moderate Density Residential district.

Mr. Lonergan and Ms. Erickson came before the board. Originally the mother-in-law apartment was going to be a second-story addition above the garage but having decided that stairs would not be the best long-term

option the plan now before the board is to convert the existing garage. Ms. Erickson stated the footprint will not change.

Mr. Garrett made a motion, seconded by Mr. Beliveau, to approve DRB-49-2018: Tracy Erickson request for conditional use to convert a garage into an accessory dwelling located in the R3/Moderate Density Residential district as warned. Motion carried.

- 7. #DRB-50-2018: Tracy Erickson** request for variance for front set back of 35 feet to build a 28' x 28' garage located in the R3/Moderate Density Residential district.

This proposed structure would replace the existing garage which is being planned as a mother-in-law apartment. The driveway would move to go around the house to the new structure.

There was discussion about whether a variance was needed as Assid Dr. is a road or a shared drive.

Mr. Garrett made a motion, seconded by Mr. Beliveau, to approve DRB-50-2018: Tracy Erickson request for variance for front set back of 35 feet to build a 28' x 28' garage located in the R3/Moderate Density Residential district as warned. Motion failed. The board found no variance was needed because the lot is located on a private drive.

- D. Minutes DRB September 27, 2018 – Ms. Drennen made a motion, seconded by Mr. Beliveau, to approve the minutes as written. Motion carried.
- E. Any Other Necessary Business – None
- F. Public Comment – None
- G. Deliberative Session

Mr. Beliveau made a motion at 8:05 p.m., seconded by Ms. Drennen, to enter Deliberative Session. Motion carried.

Mr. Garrett made a motion at 8:52 p.m., seconded by Mr. Beliveau, to exit Deliberative Session. Motion carried.

- H. Set Next DRB Meeting Date – November 29, 2018 at 7:00 p.m.
- I. Adjournment – Ms. Drennen made a motion at 9:00 p.m., seconded by Mr. Beliveau, to adjourn. Motion carried.