

**MINUTES
TOWN OF SWANTON
SWANTON DEVELOPMENT REVIEW BOARD
Town Office Building
1 Academy Street, Swanton, VT 05488
Thursday, August 25, 2022 @ 6:00 p.m.**

Present: Spencer LaBarge, Chair; Reg Beliveau, Harold Garrett, Jim Pratt, Jennifer Yandow, Members; Amy Giroux, Zoning Administrator; Joseph Cava, Administrative Assistant; James Foster; Nasrin Foster; Stephen Tetreault; Gary Longe; Michael Markus; Ryan Washburn; Pamela Cook; Jeff Barber; Matt Luneau; Ilze Luneau; Devon Sanborn; Macey Bevins; Peter Mazurak; Corey Bertrand, Bertrand Property Management; David Manning, Shadee Acres Farm; Cristian Jablonski; Earle Rogers, Jr., Green Mountain Welding, Inc.; Mark Deso

DRB-23-2022

James Foster
Nasrin Foster

DRB-13-2022

Devon Sanborn
Macey Bevins

DRB-24-2022

James Foster
Nasrin Foster

DRB-29-2022

Corey Bertrand,
Bertrand Property Management

DRB-25-2022

Gary Longe

DRB-30-2022

Shadee Acres Farm

DRB-26-2022

Ryan Washburn

DRB-31-2022

Earle Rogers, Jr.,
Green Mountain Welding, Inc.

DRB-27-2022

Pamela Cook

DRB-32-2022

Buvy Gamache

DRB-28-2022

Marika Luneau

*All motions carried unanimously unless stated otherwise.

- A. Call to Order – Mr. LaBarge called the meeting to order at 6:00 p.m.
- B. Agenda Review – Mr. LaBarge read the definition of interested persons and swore in applicants, interested persons, and the board members.
- C. Meeting Topics:

1. **#DRB-23-2022: James & Nasrin Foster** request for sketch plan approval for a 2-lot subdivision located at 19 Maple Grove Estates in the R3/Moderate Density Residential district.

Mr. LaBarge asked if there were any questions from the board members.

2. **#DRB-24-2022: James & Nasrin Foster** request for conditional use less 30% approval for the east side setback of a pre-existing building for a 2-lot subdivision located at 19 Maple Grove Estates in the R3/Moderate Density Residential district.

The Foster's bought Lot #6 from the Hemond's and the goal is to subdivide the pre-existing sugarhouse from the remainder of the property. Mr. Garrett asked for clarification on the setbacks for this property? Ms. Giroux explained that there is a setback on Maple Grove Estates and a setback from the shared driveway for the two proposed lots. Mr. Tetreault explained that there were other land features impacting the subdivision including large trees and a wastewater system. Mr. LaBarge asked if there were any questions from the board or the public?

3. **#DRB-25-2022: Gary Longe** request for conditional use less 30% approval for side and rear setbacks to build a shed located at 4 Covey Drive in the R3/Moderate Density Residential district.

Mr. Longe explained that he would like to replace a previously existing 10 ft. x 10 ft. shed with a 12 ft. x 28 ft. shed. Mr. LaBarge asked if the shed would be pre-built or built on site? Mr. Longe responded that it would be a manufactured Amish shed. Mr. Longe added that other factors of consideration for the placement of the shed are healthy trees on the property that he doesn't want to remove.

Mr. Markus, a neighbor, expressed concern that the proposed project infringes upon the 30-foot side setback. Mr. LaBarge deferred to Ms. Giroux for clarification on this. Ms. Giroux responded that the proposed shed is within the qualifications for a conditional use less 30%. Mr. Markus continued saying that there were concerns of Mr. Longe trespassing on his property in spite of there being a fence in place. Mr. LaBarge asked about where the fence is located? Mr. Markus responded that it is setback a significant distance from the property line. Mr. Pratt added that the fence should be located on the property line and not setback as it currently is. Mr. Markus presented a letter for DRB board members to review. After reading the letter, Mr. LaBarge asked how the letter was pertinent to the proceeding about the shed. Mr. Markus again expressed concern that the proposed shed is too close to the property line.

4. **#DRB-26-2022: Ryan Washburn** request for variance approval (after-the-fact) for the front setback for a porch located at 12 Middle Road in the R3/Moderate Residential district.

Mr. Washburn described that the previous porch was 4 ft. x 6 ft. and was replaced by a 6 ft. x 8 ft. porch. Continuing, Mr. Washburn said that the previous porch needed to be replaced because it was rotten and deteriorated and the direction of the stairs was also changed during the rebuild.

Mr. LaBarge was able to discern that the single-family home is an pre-existing non-conformity, and the new porch only encroaches on the front setback by two feet. Before dismissing the applicant, Mr. LaBarge commended the applicant on their honesty.

5. **#DRB-27-2022: Pamela Cook** request for variance approval for the north and south side setbacks to build a single-family dwelling located at 25 Moreau Drive in the R1/Agricultural Residential district.

Ms. Cook bought property almost two years ago assuming that a single-family home could be built on a 100 ft. wide lot with 50 ft. wide setbacks. Mr. LaBarge asked for clarification on the location? Ms. Giroux drew the board members attention to the GIS map showing the project's location nearby to Swanton Beach. Mr. LaBarge recommended continuing this agenda item so the applicant's aren't rushed into a decision. Mr. Pratt asked where the proposed house would be located. Ms. Cook showed the proposed the location on a copy of the plat map.

6. **#DRB-28-2022: Marika Luneau** request for conditional use approval to operate a wedding & events venue (after-the-fact) located at 2956 Sweet Hollow Road in the R1/Agricultural Residential district.

Ms. Luneau's parents were representing her in her absence. Ms. Luneau expressed that there is no physical construction as part of the project. Mr. LaBarge asked about the other buildings on the property? Ms. Luneau said the other buildings were pre-existing cabins that could be rented out to venue guests. Mr. LaBarge clarified that this is an after-the-fact because a non-personal event has already been hosted on the site. Mr. LaBarge continued saying that this stems beyond personal property because it requires permitting on the local and state level. Ms. Giroux added that the property is permitted as a camp, but has not yet been approved for larger scale events like a wedding venue.

Mr. Pratt said that the existing bunk beds within the cabins needed to be assessed accordingly to meet life safety requirements. Mr. Beliveau asked Ms. Giroux whether this is a change of use or conditional use? Ms. Giroux responded that this is a conditional use. Mr. Garrett raised the point that there is no timeline established for operational capacity, time of use, and scheduled events per proposed timeline. Mr. Jablonski raised a concern from a state permitting perspective on indoor versus outdoor catering and size of events. Mr. LaBarge said these were also good points for consideration.

7. **#DRB-13-2022: Devon Sanborn & Macey Bevins** request for final plat approval for a 3-lot subdivision located at 125 Woods Hill Road in the R3/Moderate Density Residential district & the R1/Agricultural Residential district.

Mr. Mazurak reminded the board that the plan is to subdivide over seven acres into three lots for single-family residences. At a previous DRB meeting, there was a concern over road frontages in the subdivision. Mr. Mazurak explained that the roads were extended to meet road frontage requirements and widened to 20 ft. throughout including the cul-de-sac. Mr. Garrett asked about the water for the property? Mr. Mazurak said there are two wells proposed. The lot in back has a private well and another well is shared by the front two lots in the subdivision.

8. **#DRB-29-2022: Corey Bertrand – Bertrand Property Management** request for conditional use approval to build an 80' x 36' garage located at 580 St. Albans Road in the R3/Moderate Density Residential district.

Mr. Bertrand said that he needed to expand the existing electrical business. Mr LaBarge asked about on-site manufacturing as part of this expansion? Mr. Bertrand said he wants a large bay door to service company electrical vehicles.

9. **#DRB-30-2022: Shadee Acres Farm** request for conditional use less 30% approval for the front setback to build a single-family dwelling located at 170 Viens Road in the R1/Agricultural Residential district.

Mr. Jablonski reminded the board that this is a two lot subdivision, and needed the conditional use less 30% approval in order to build the proposed single-family dwelling in place of the existing residence.

10. **#DRB-31-2022: Earle Rogers, Jr., Green Mountain Welding, Inc.** request for conditional use approval to operate a welding shop located at 516 St. Albans Road in the R3/Moderate Density Residential district.

Mr. Rogers responded that this is a customized welding shop for constructing prefab construction elements. Ms. Yandow asked about the power supply needed to operate this business? Mr. Rogers said it would be too expensive to upgrade to a Tier 3 system. Ms. Yandow recommended contacting the state to help reduce the \$60,000.00 price tag associated with upgrading the existing system. Mr. Garrett. asked about hours of operation. Mr. Rogers responded that the existing shop would operate 24 hours a day, 7 days a week.

11. **#DRB-32-2022: Buvy Gamache** request for conditional use approval to operate a neighborhood store located at 5 Church Road in the SR/Shoreland Recreation district.

Mr. Deso for Mr. Gamache said the goal is to use the land to display Amish sheds. Ms. Giroux reminded members of the DRB that the site was previously used as a flea

market. Mr. Deso continued saying there is no proposed retail use of the existing building on site. Only a sign advertising the business and a phone number to call.

Mr. LaBarge expressed blocking off the entrance along Route 78 for safety with the primary entrance being off Church Rd. Mr. Beliveau asked about hours of operation? Mr. Deso said the hours of operation would be 8:00 AM to 7:00 PM. Mr. Beliveau recommended 24 hours a day, 7 days a week so it doesn't infringe upon non-traditional operating times.

D. Deliberative Session

Mr. Pratt made a motion to enter deliberative session at 7:23 p.m., seconded by Ms. Yandow. Motion carried.

Mr. Beliveau made a motion to exit executive session at 8:40 p.m., seconded by Mr. Pratt. Motion carried.

Mr. Pratt made a motion, seconded by Mr. Garrett to approve DRB-23-2022: James & Nasrin Foster request for sketch plan approval for a 2-lot subdivision located at 19 Maple Grove Estates in the R3/Moderate Density Residential district as warned. Motion carried.

Mr. Pratt made a motion, seconded by Mr. Beliveau to approve DRB-24-2022: James & Nasrin Foster request for conditional use less 30% approval for the east side setback of a pre-existing building for a 2-lot subdivision located at 19 Maple Grove Estates in the R3/Moderate Density Residential district as warned. Motion carried.

Mr. Garrett made a motion, seconded by Mr. Pratt to approve DRB-25-2022: Gary Longe request for conditional use less 30% approval for side and rear setbacks to build a shed located at 4 Covey Drive in the R3/Moderate Density Residential district as warned. Motion carried.

Mr. Beliveau made a motion, seconded by Mr. Pratt to approve DRB-26-2022: Ryan Washburn request for variance approval (after-the-fact) for the front setback for a porch located at 12 Middle Road in the R3/Moderate Residential district as warned as a pre-existing non-conforming use. Motion carried.

Mr. LaBarge made a motion, seconded by Ms. Yandow to approve DRB-27-2022: Pamela Cook request for variance approval for the north and south side setbacks to build a single-family dwelling located at 25 Moreau Drive in the R1/Agricultural Residential district as warned with the following conditions:

- The proposed structure does exceed the maximum dimensions of 30 ft. x 50 ft.
- The structure doesn't exceed the 25 ft. side setback requirements

Motion carried.

Mr. Beliveau made a motion, seconded by Mr. Beliveau to continue DRB-28-2022: Marika Luneau request for conditional use approval to operate a wedding & events venue (after-the-fact) located at 2956 Sweet Hollow Road in the R1/Agricultural Residential district with the following conditions to be addressed:

- Applicant must cease and desist venue operations until local and state permitting is approved and addresses life safety codes
- Meet the criteria under Section 4.11(B) Cottage Industry provisions 1-14 if the cottages and house on site are made available for overnight stays
- Statement of catering through outside permitted caterers showing conformity with separate entity
- Hours of operation presented at the time of reapplication

Motion carried.

Ms. Yandow made a motion, seconded by Mr. LaBarge to approve DRB-13-2022: Devon Sanborn & Macey Bevins request for final plat approval for a 3-lot subdivision located at 125 Woods Hill Road in the R3/Moderate Density Residential district & the R1/Agricultural Residential district as warned. Motion carried.

Ms. Yandow made a motion, seconded by Mr. Pratt to continue DRB-29-2022: Corey Bertrand – Bertrand Property Management request for conditional use approval to build an 80' x 36' garage located at 580 St. Albans Road in the R3/Moderate Density Residential district as warned with the condition that a surveyor verifies the land recording as a single lot with a boundary line adjustment. Motion carried.

Mr. Garrett made a motion, seconded by Mr. Beliveau to approve DRB-30-2022: Shadee Acres Farm request for conditional use less 30% approval for the front setback to build a single-family dwelling located at 170 Viens Road in the R1/Agricultural Residential district as warned. Motion carried.

Mr. Pratt made a motion, seconded by Ms. Yandow to approve DRB-31-2022: Earle Rogers, Jr., Green Mountain Welding, Inc. request for conditional use approval to operate a welding shop located at 516 St. Albans Road in the R3/Moderate Density Residential district as warned with the condition that screening is applied for materials stored outside. Motion carried.

Mr. Beliveau made a motion, seconded by Mr. Pratt to approve DRB-32-2022: Buyy Gamache request for conditional use approval to operate a neighborhood store located at 5 Church Road in the SR/Shoreland Recreation district as warned with the following conditions:

- Hours of operation are 24 hours a day, 7 days a week
- Primary access be off Church Rd. with no entrance from Route 78

Motion carried.

E. Minutes DRB July 28, 2022

Mr. Pratt made a motion to approve the minutes from the 7/28/22 DRB meeting, seconded by Mr. Beliveau. Motion carried.

F. Any Other Necessary Business - None

G. Public Comment - None

H. Set Next DRB Meeting Date

Thursday, September 22, 2022 at 6:00 p.m.

Thursday, October 27, 2022 at 6:00 p.m.

I. Adjournment – Ms. Yandow made a motion to adjourn the meeting at 8:51 p.m., seconded by Mr. Beliveau. Motion carried.

Respectfully Submitted,

Joseph Cava
Administrative Assistant

Spencer LaBarge, Chair

Reg Beliveau

Harold Garrett

Jim Pratt

Jennifer Yandow