

**MINUTES
TOWN OF SWANTON
SWANTON DEVELOPMENT REVIEW BOARD
Town Office Building
1 Academy Street, Swanton, VT 05488
Thursday, October 27, 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; Bob Kneebone; Daniel Pipes; Ronald Kaye; Cathy Montagne; Peter Mazurak; Daniel Comstock; Joshua Ramsdell; Denise Tuttle, Tuttle’s Trucking & Recycling, Inc.; Edwin Smith; Randy Livingston; Sally Greeno; David Chevalier; Jim Maxham for David Maxham; Maquam Bay of Missisquoi Abenaki, Inc.; Liz Curry; Nelson Martelle; John Lavoie

DRB-33-2022

James Foster
Nasrin Foster

DRB-39-2022

Joshua Ramsdell

DRB-34-2022

Daniel Pipes
Ronald Kaye

DRB-40-2022

Denise Tuttle
Tuttle’s Trucking & Recycling, Inc.

DRB-35-2022

David Montagne
Cathy Montagne

DRB-41-2022

David Maxham

DRB-38-2022

Daniel Comstock

DRB-42-2022

Maquam Bay of Missisquoi Abenaki, Inc.

*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-33-2022: James & Nasrin Foster** request for final plat approval for a 2-lot subdivision located at 19 Maple Grove Estates in the R3/Moderate Density Residential district.

Mr. Tetreault gave testimony on the final plat for Lot #25 saying the pins are marked. Mr. LaBarge asked if there were any questions from the board? There were no questions from the board.

Mr. Kneebone, a neighbor, returned to express issue with the isolation zone being on his property. Mr. LaBarge reminded Mr. Kneebone that this is an issue with the State of Vermont. Mr. Kneebone then shifted the concerns to blasting the ledge where the lot is located. Mr. Beliveau asked if the State permits were in place? Ms. Giroux responded yes that the wastewater permit is in place.

2. **#DRB-34-2022: Daniel Pipes & Ronald Kaye** request for final plat approval for a 2-lot subdivision located at 110 French Hill Road in the RC/Recreation/Conservation district.

Mr. Pipes reminded the DRB of the 130 acres that were purchased between himself and Mr. Kaye with the creek dividing the West and East parcel. There were no questions from the board.

3. **#DRB-35-2022: David & Cathy Montagne** request for final plat approval for a 3-lot subdivision located at 2615 Highgate Road in the SG/Southern Growth district.

Ms. Giroux reminded the DRB that they asked for a change in the lot numbering at the previous DRB meeting. Mr. Mazurak stated that the State of Vermont would like to retain the existing numbering system. Mr. Mazurak created notes on the mylar to address the concerns of the DRB and State of Vermont. Mr. Beliveau ask how many acres Lot #2 is? Ms. Montagne responded that it is about eight acres. Mr. Garrett asked about upgrading the road for future development? Mr. Mazurak responded that it wasn't a necessity at this time. Mr. LaBarge added that this road could be upgraded at any time.

4. **#DRB-38-2022: Daniel Comstock** request for conditional use less 30% for front and side setbacks to build a garage located at 6 Anderson Lane in the R1/Agricultural Residential district.

Mr. Comstock summarized his project saying he wants a bigger garage. Mr. LaBarge asked what the applicant was seeking? Mr. Comstock responded that he would like to apply the conditional use less 30% rule. Ms. Giroux said that the applicant meets this conditional use requirement. Ms. Yandow asked about the existing garage and whether it would be retained? Mr. Comstock responded yes, this would be an addition that matches the existing garage and dwelling.

5. **#DRB-39-2022: Joshua Ramsdell** request for variance (after-the-fact) for front setback to build a front porch located at 36.5 Greenwich Street in the R5/Residential district.

Mr. Ramsdell stated he reconstructed a deck longer than the original footprint without zoning approval. Mr. LaBarge stated that enlarging the footprint was a violation and expressed the difficulty of approving after-the-fact projects when they are for a variance. Ms. Giroux stated that the existing deck was already non-conforming. Mr. LaBarge asked if a condition use less 30% would qualify for this project? Ms. Giroux responded no.

6. **#DRB-40-2022: Tuttle's Trucking & Recycling, Inc.** request for conditional use approval to operate a contractor's yard located at 44 County Road in the R1/Agricultural Residential district.

Ms. Tuttle expressed wanting to rent the property at 44 County Rd. to store and repair their trucks. Mr. LaBarge asked if there was any welding or cutting associated with the use of this property? Ms. Tuttle responded no, saying that maintenance would be minimal. There would be some maintenance, but no ventures like State Inspections. Mr. Beliveau asked about hours of operation? Ms. Tuttle responded that they start their day at 7:00 AM. Mr. LaBarge recommended hours of operation between 5:00 AM to 9:00 PM seven days a week to cover employee arrival at the site in addition to vehicle maintenance. Ms. Tuttle agreed. Mr. Garrett asked for clarification on interior versus interior maintenance like oil changes? Mr. Smith stated no exterior maintenance, all maintenance would take place on the interior of the building.

Mr. Livingston asked about the dumpsters proposed on the site? Mr. LaBarge answered saying that this qualified under a contractor's yard. Mr. Livingston asked about the boundaries of the site? Mr. LaBarge stated that this isn't what the board is reviewing, their primary concern is allowing the petition for this business. Mr. Livingston responded that this type of business isn't congruent with the district and would be filing an appeal with the Environmental Court of Vermont.

Ms. Greeno asked how the dumpsters would be cleaned? Mr. LaBarge stated that the applicant has their process of doing these things, and the DRB is only reviewing the use of this site as a contractor's yard. Mr. Smith stated the dumpsters would be cleaned on site. Ms. Greeno had a follow-up question about the noise level in regards to tree trimming that was previously conducted in the area? Mr. LaBarge said for the record that noise is minimal, adding that the board is not concerned about previous tenants of this property. Ms. Greeno asked how this type of business would impact the assessment of neighboring properties? Mr. Pratt said this is the same type of consideration as manure pits which are already established in the area.

7. **#DRB-41-2022: David Maxham** request for conditional use approval to convert a seasonal dwelling to year-round use located at 312 Lakewood Drive in the SR/Shoreland Recreation district.

Mr. Chevalier representing Mr. Maxham stated that the owner is looking to sell the existing property that has been functioning as a year-round property. The applicant is seeking approval for year-round occupancy for the purposes of the sale. Mr. LaBarge

clarified that using the facility year-round is not an approved use without formal approval. Ms. Giroux clarified that all the septic and wastewater permits have been cleared by the State.

8. **#DRB-42-2022: Maquam Bay of Missisquoi Abenaki, Inc.** request for site plan approval to convert a storage shed to a community meeting room located at 100 Grand Avenue in the NCL/Neighborhood Commercial Light district.

Mr. Martelle gave testimony on behalf of the Abenaki Tribe to convert an existing detached shed into a kitchen, meeting room, and classroom. Mr. LaBarge stated that the shed is close to the abutting property lines. Mr. Martelle said there would be no expansion of the existing shed. Mr. LaBarge asked about pushback from the abutting neighbors? Mr. Lavoie stated that the neighbors have been very receptive to this idea. Mr. Beliveau asked about the number of families being serviced by the Abenaki Food Shelf? Mr. Lavoie said in the previous month, over 50 families were served. Mr. Beliveau said he appreciates everything the Abenaki do for the Swanton community. Mr. Garrett expressed wanting to see parking spots on the revised plan at the next meeting. Mr. Martelle responded that there are already five spaces associated with the main building, which is over the allotted parking requirement calculation, adding that there is a sixth parking space for handicap access.

Mr. LaBarge asked about additional parking? Nelson stated that three additional spaces could be allocated, but is hesitant to add anymore, otherwise it would congest the area. Mr. Lavoie added that during council meetings they use the elementary school across the street for overflow parking in addition to street parking along Grand Ave. where the funeral home is located. Mr. Garrett asked about site capacity and requested greater delineated parking on their site plan. Mr. Beliveau asked about snow removal for the site? Mr. Martelle responded that there is space on site, but they would look into it to create a more formalized plan. Mr. LaBarge asked if the Tribal Headquarters uses a formal contractor for snow removal? Mr. Lavoie said they would look into it. Ms. Curry said they could also push snow near the raised garden beds at the back on the lot since they're not used during the winter. Mr. Lavoie asked if they would need to come back to the board for secondary review? Mr. LaBarge stated they would discuss this during deliberative session.

D. Deliberative Session

Mr. Garrett made a motion to enter deliberative session at 7:19 p.m., seconded by Mr. LaBarge. Motion carried.

Mr. Pratt made a motion to exit executive session at 8:01 p.m., seconded by Mr. Beliveau. Motion carried.

Mr. Beliveau made a motion, seconded by Mr. Garrett to approve DRB-33-2022: James & Nasrin Foster request for final plat approval for a 2-lot subdivision located at 19 Maple

Grove Estates in the R3/Moderate Density Residential district as warned. Motion carried unanimously.

Mr. Garrett made a motion, seconded by Mr. Pratt to approve DRB-34-2022: Daniel Pipes & Ronald Kaye request for final plat approval for a 2-lot subdivision located at 110 French Hill Road in the RC/Recreation/Conservation district as warned. Motion carried.

Mr. Pratt made a motion, seconded by Mr. Beliveau to approve DRB-35-2022: David & Cathy Montagne request for final plat approval for a 3-lot subdivision located at 2615 Highgate Road in the SG/Southern Growth district as warned. Motion carried.

Ms. Yandow made a motion, seconded by Mr. LaBarge to approve DRB-38-2022: Daniel Comstock request for conditional use less 30% for front and side setbacks to build a garage located at 6 Anderson Lane in the R1/Agricultural Residential district as warned. Motion carried.

Mr. LaBarge made a motion, seconded by Mr. Pratt to approve DRB-39-2022: Joshua Ramsdell request for variance (after-the-fact) for front setback to build a front porch located at 36.5 Greenwich Street in the R5/Residential district as warned. Motion carried.

Mr. LaBarge made a motion, seconded by Ms. Yandow to approve DRB-40-2022: Tuttle's Trucking & Recycling, Inc. request for conditional use approval to operate a contractor's yard located at 44 County Road in the R1/Agricultural Residential district as warned with the condition the hours of operation are from 5:00 AM to 9:00 PM seven days a week. Mr. Beliveau, Mr. Garrett, Mr. LaBarge, and Ms. Yandow vote aye. Mr. Pratt voted nay. Motion carried.

Ms. Yandow made a motion, seconded by Mr. Pratt to approve DRB-41-2022: David Maxham request for conditional use approval to convert a seasonal dwelling to year-round use located at 312 Lakewood Drive in the SR/Shoreland Recreation district as warned. Motion carried.

Mr. Beliveau made a motion, seconded by Mr. Pratt to approve DRB-42-2022: Maquam Bay of Missisquoi Abenaki, Inc. request for site plan approval to convert a storage shed to a community meeting room located at 100 Grand Avenue in the NCL/Neighborhood Commercial Light district as warned with the condition to bring site plan showing adequate proof of parking and hours of operation to the Zoning Administrator for approval. Motion carried.

E. Minutes DRB September 22, 2022

Mr. Garrett made a motion to approve the minutes from the 9/22/22 DRB meeting, seconded by Ms. Yandow. Motion carried.

F. Any Other Necessary Business - None

G. Public Comment - None

H. Set Next DRB Meeting Date

Thursday, December 1, 2022 at 6:00 p.m.

I. Adjournment – Ms. Yandow made a motion to adjourn the meeting at 8:30 p.m., seconded by Mr. Pratt. Motion carried.

Respectfully Submitted,

Joseph Cava
Administrative Assistant

Spencer LaBarge, Chair

Reg Beliveau

Harold Garrett

Jim Pratt

Jennifer Yandow