

**MINUTES  
TOWN OF SWANTON  
SWANTON DEVELOPMENT REVIEW BOARD  
Town Office Building  
1 Academy Street, Swanton, VT 05488  
Thursday, March 23, 2023 @ 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; Cristian Jablonski (Meghan St. Pierre); Brian Burns; Jeff Hubbard; Raymond Tardif; Kelley Hall; Ralph Giroux, R. Giroux Repair, LLC; Katie Giroux; Randy Livingston; Dan Triggs; Christopher Hatin; Joreen Hatin; Peter Mazurak; Al Kinzinger; William Hancy; Stephen Kidder; Michael Lafarr; Diane Lafarr; Ryan Jordan; Stephen Tetreault; Paul Martin (Kari Tremblay); John Champagne; JoAnne Champagne Shawn Cheney; Phil Montgomery; Carl Stone; Kim Stone

DRB-05-2023

Meghan St. Pierre

DRB-12-2023

Ryan Jordan

DRB-08-2023

R. Giroux Repair, LLC

DRB-23-2022

Ryan Jordan

DRB-09-2023

Christopher & Joreen Hatin

DRB-13-2023

Kari Tremblay

DRB-10-2023

Christopher & Joreen Hatin

DRB-14-2023

Shawn Cheney

Phil Montgomery

DRB-11-2023

Michael & Diane Lafarr

Ryan Jordan

\*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-05-2023: Meghan St. Pierre** request for sketch plan approval for a 5-lot subdivision located at 2321 Highgate Road in the R1/Agricultural Residential district.

Mr. Jablonski came forward to present the project on Ms. St. Pierre’s behalf. There are five lots proposed with a mixture of shared water and sewer accesses across the

abutting lots with easements. There is also an approved access point coming off of Route 207. Mr. LaBarge asked about State permitting. Ms. Jablonski responded that they will be pursuing this after sketch plan if approved. Mr. Garrett expressed concern with a sixty-foot right-of-way as presented cutting through a lot. Mr. Jablonski asked if there was an alternative zoning requirement to prevent dividing this lot. Mr. Jablonski added that this right-of-way is essential for any future expansions to the sixteen acres included in this subdivision. Mr. Garrett recommended splitting the access across lot five. Mr. Pratt added that the current access would make it difficult for the owner to develop that lot. Mr. Beliveau recommended adding a cul-de-sac to the plan to address access for emergency services. Mr. Pratt requested that the mylar be reformatted from color to black and white.

Mr. Hubbard asked if this is the first septic design proposed for this development. Mr. LaBarge clarified that the State of Vermont has the governing authority of septic design and implementation. Mr. Hubbard followed up by asking about the fifteen-foot easement and its impact to water runoff and drainage? Mr. LaBarge responded this is the next step of the process. Mr. Hubbard said that there is an existing forty-foot right-of-way access to their property, and asked how this development will affect their property? Mr. LaBarge said the proposed development is within their property boundaries. Mr. Pratt said that the neighbor's use of this right-of-way to access their property would impact any proposed development over three lots. Ms. Giroux said the easement is in Mr. Hubbard's deed. Mr. LaBarge said they would consider this during deliberative session. Mr. Hubbard followed up by saying that there is a concern of drainage. Mr. Jablonski said the property is contoured towards the stream for drainage. Mr. Hubbard asked about the impacts of ACT 250. Mr. LaBarge and Ms. Giroux responded that they were unsure and would have to do additional research.

Mr. Burns expressed concern over the location of the exit from the development, which would cause light pollution to their property from traffic exiting the development. The other concern was water backing up in the existing culverts and flooding the proposed mound systems. Mr. LaBarge stated they would evaluate this during the next stage of the review for this development. Mr. LaBarge reminded interested parties that drainage and septic are governed by the State of Vermont. Mr. Tardif said his question was on drainage, but was already answered. To clarify, Mr. Tardif would like to ensure that drainage continues going to the brook because this is a wet site.

2. **#DRB-08-2023: R. Giroux Repair LLC** request for conditional use approval to operate a motor vehicle repair shop located at 44 County Road in the R1/Agricultural Residential district.

Mr. Giroux described that his work is on heavy duty truck equipment like excavators, dump trucks, and tractor trailers. Mr. LaBarge asked if personal vehicles would be serviced here. Mr. Giroux responded yes. Mr. LaBarge recommended amending the application to address this. Mr. Garrett mentioned issues with the driveway. Mr.

Giroux responded that he has spoken with the neighbors and they are fine with this plan. Mr. LaBarge recommended having something in writing like an easement to address this. Mr. Giroux said the proposed hours of operation are from 7:00 AM to 6:00 PM (Monday thru Friday) and 7:00 AM to 1:00 PM (Saturday). Mr. LaBarge recommended amending the hours of operations on Saturdays to 8:00 AM to 2:00 PM to be courteous to the surrounding neighbors.

Mr. Triggs, an attorney representing Mr. Livingston, asked if a site plan was submitted for the project. Mr. LaBarge responded no. Mr. Triggs said that the authority of administrative mechanisms under Section 5.4 dictates the submission of a site plan as part of review standards. Ms. Giroux added that the building is pre-existing, and the GIS map satisfies the site plan requirement. Continuing, Mr. Triggs said under Section 5.1, site plan review is needed for additional clarification. Mr. Triggs added that Section 5.4 (D & E) also dictates the need for screening and landscaping to meet performance standards, which is also highlighted in Section 3.1. Mr. Triggs said his client is concerned with noise, vibration, and smells from the large mechanical equipment. Another problem is the properties location to a wetland buffer zone which requires a fifty-foot setback requirement. Ms. Giroux clarified that the wetlands were delineated and set further back from the existing property. Section 3.14 (E) also supports this concern of wetland buffers. Mr. Livingston stated that the natural vegetative needs to be retained to address wetland concerns. A previous owner installed a gravel drive which encroaches on the wetland buffer. Mr. Triggs said that under Section 5.2 another meeting needs to be held for site plan for review. Mr. Livingston asked whether work could commence before approval. Mr. LaBarge said no and asked the applicant if work was commencing. The applicant responded yes, that he was working on vehicles.

Ms. Stone said her daughter owns the property and has concerns about the right-of-way access. This property has been in existence for over twenty years and asked about the need for an easement or other written feedback. Mr. Stone said they can use the access driveway behind the trailer. Mr. Garrett said that the driveway is not the owner which is why an easement is needed. Ms. Stone asked why this is an issue now? Mr. Pratt said a septic system failed in this area and the survey that was completed addressed prior discrepancies in property boundaries. Mr. Stone asked for clarification on the use of the driveway. Mr. Pratt responded that they could use the driveway, and the question is concerning adverse possession. Mr. Giroux asked about approaching the neighbor about the easement. Mr. LaBarge said written permission would need to be prepared and brought to the Zoning Administrator for review.

- 3. #DRB-09-2023: Christopher & Joreen Hatin** request for sketch plan approval for a 3-lot subdivision located at 93 Donaldson Road in the R1/Agricultural Residential district.

Mr. Mazurek came forward to speak on this application. Mr. LaBarge asked if this application should be reviewed continuously with DRB-10-2023. Ms. Giroux responded yes. Mr. Mazurek summarized the eleven-acre parcel with an existing

single-family home. The proposal is to subdivide this into three lots with two duplexes constructed on the two lots not containing the single-family residence. Lot two has a driveway for the existing house and the proposal has a spur connecting the two duplexes. Mr. LaBarge asked if there is a turnaround for emergency vehicle access? Mr. Mazurek responded that they could implement this and asked if the DRB had a preference? Mr. Garrett recommended the Donaldson Rd. rather than cutting through Rustic Walk. Mr. LaBarge asked if this was attainable. Mr. Mazurek responded yes.

- 4. #DRB-10-2023: Christopher & Joreen Hatin** request for conditional use approval to build two-family dwellings on two lots located at 93 Donaldson Road in the R1/Agricultural Residential district.

Mr. Mazurek said that there would be two parking spaces for each unit with a total count of eight spaces. Mr. Garrett recommended considering an additional space depending on the family structure of those occupying these duplexes. Mr. Beliveau asked about the relationship of lots with lot coverage? Mr. LaBarge said they could explore this further after sketch plan.

Mr. Hancy asked for clarification of the uses in the R1/Agricultural Residential district and whether this use was appropriate for the agricultural uses of this district? Mr. Garrett clarified that his experience with this site is that the location of the proposed duplexes is not sited on prime agricultural land. Mr. Hancy followed up about concerns of drainage. Mr. LaBarge clarified that this would be part of the next stage of review.

Mr. Kidder said he is an adjacent property owner and expressed concerns over the original subdivision that was permitted in the 1970s and said that the fifty year timeline preventing development is about to end. In light of the stipulation ending, the neighbors would like to preserve the character of the neighborhood. Mr. Kinzinger asked if there were plans for future development on the remaining land? Mr. Mazurak said not at this time.

- 5. #DRB-11-2023: Michael & Diane Lafarr & Ryan Jordan** request for site plan approval for a boundary line adjustment located at 181 Lakewood Drive in the SR/Shoreland Recreation and RC/Recreation Conservation districts.

Mr. Tetreault and Mr. Jordan came forward to present their plans. The boundary line adjustment will consolidate the land tied to the Lafarr home. The sheds shown in the plans would not meet setback requirements if adjusting the boundary back to what it was. The dashed line in the plans represents the original configuration before the lot was subdivided. Mr. Jordan added that this is a fair arrangement to split land with the Lafarr's. Hearing no additional feedback, Mr. LaBarge recommended moving onto the next item.

6. **#DRB-12-2023: Ryan Jordan** request for sketch plan approval for a 5-lot subdivision located at Queens Court in the SR/Shoreland Recreation & RC/Recreation Conservation districts.

Following the finalization of the boundary line adjustment, Mr. Tetreault discussed the sketch plan for the five lot subdivision including the proposed cul-de-sac using the existing right-of-way. Mr. Tetreault explained that there were tests done to ensure proper septic standards. Mr. Beliveau asked about driveway lengths? Mr. Tetreault explained that the length of the access drive is 250 ft. Mr. LaBarge asked about whether the proposed duplexes would be rented or owned? Mr. Jordan responded that they would be rented. Mr. Pratt asked about the right-of-way. Mr. Tetreault responded that it is its own access not owned by any one lot.

7. **#DRB-23-2022: Ryan Jordan** continuance of request for conditional use approval to build four duplexes located at Queens Court in the SR/Shoreland Recreation & RC/Recreation Conservation districts.

Mr. Tetreault is asking for conditional use approval because duplexes are not a permitted use in the SR/Shoreland Recreation district. Mr. LaBarge asked Mr. Jordan if he would construct single-family residences if not approved? Mr. Jordan said that it would not be a feasible option.

8. **#DRB-13-2023: Kari Tremblay** request for site plan approval for a 28-unit PUD located at 3 Bachand Road in the R3/Moderate Density Residential district.

Mr. Martin came forward to represent Ms. Tremblay. Ms. Giroux said this project was approved back in 2014, but the mylar was never recorded. Another mylar was brought in, but Ms. Giroux stated it was recorded as land only, no buildings. Mr. Martin said they had an interested buyer for the parcel to develop it contingent upon approval. Mr. Pratt asked if the board was treating this as site plan review? Mr. Martin asked for clarification. Mr. Pratt said the mylar needs to address water and sewer infrastructure from the State permitting to address this. Ms. Yandow asked about whether this would be rentals or resale. Mr. Martin said he would need to check with Ms. Tremblay.

Ms. Champagne asked whether the impending sale of the land is contingent on approval. Mr. LaBarge said that additional details are needed about future development and whether it would be rental units or resale properties. Ms. Champagne asked about the target audience for this development being seniors and asked if this was still the case? Mr. LaBarge said the demographic catered to is dependent on the owners wishes. Ms. Giroux added that the prospective owner does not have an interest in low-income/senior housing at this time.

9. **#DRB-14-2023: Shawn Cheney & Phil Montgomery** request for conditional use approval to sell pre-built Amish sheds located at 325 North River Street in the NC/Neighborhood Commercial district.

Mr. LaBarge specified that Mr. Montgomery is Mr. Garrett's nephew and the record shows that this is not a complication. Mr. Cheney specified that the site would be a showroom of sheds and chicken coops near Young's farm stand and the old Blue Ford motel. Mr. Garrett asked about hours of operation? Mr. Cheney specified that there would be a sign with a phone number to address sales. Mr. LaBarge recommended 24/7 operation to address people dropping by to check out the sheds. Mr. Garrett asked about the number of sheds that would be placed on site? Mr. Cheney said there would be between eight to ten sheds set up in a staggered alignment. For the purpose of sale, no sheds will be placed beyond the existing building. Ms. Giroux asked if this is a year-round operation highlighting that this is a flood zone? Mr. Cheney responded yes.

Ms. Giroux recommended alternative times of operation or anchoring the displays in place. Mr. LaBarge stressed that anchoring would be needed if the DRB approved the application. Ms. Giroux also highlighted that if year-round this would require flood hazard review. Mr. Cheney asked for clarification. Mr. LaBarge said the State of Vermont would review the property and impose their own conditions. Mr. Cheney said their goal is begin operations on April 1. Mr. Pratt mentioned the eighty foot setback from the center of the road and mentioned the upcoming widening of Route 78 in 2024 and the complications it could cause for this project. Mr. LaBarge recommended placing smaller sheds closer to the front to make movement easier if the road widening impacts this project. Mr. LaBarge said that this application would need to come back for additional review. Ms. Giroux asked about the operational timeline? Mr. Beliveau recommended April thru December since the historic flood in 2018 occurred in January. Mr. Cheney said that St. Mary & Sons would be added as applicants on this project since they are handling the delivery.

#### D. Deliberative Session

Ms. Yandow made a motion to enter deliberative session at 7:56 p.m., seconded by Mr. Pratt. Motion carried.

Mr. Garrett made a motion to exit executive session at 9:18 p.m., seconded by Ms. Yandow. Motion carried.

Mr. LaBarge made a motion, seconded by Mr. Beliveau to continue DRB-05-2023: Meghan St. Pierre request for sketch plan approval for a 5-lot subdivision located at 2321 Highgate Road in the R1/Agricultural Residential district as warned with the following conditions:

- 60-foot road right-of-way access being deeded to Lot 7 as its own entity
- Need to have a cul-de-sac placed on lot seven serving lots 5 & 6.
- Confirmation of Hubbard deed for the number of lots that can be accessed by the deeded right-of-way
- Sketch plan that shows drainage to the brook from existing State culverts

- The roads are constructed to A-76 standards, not B-71 standards

Motion carried unanimously.

Mr. Beliveau made a motion, seconded by Mr. Pratt to approve DRB-08-2023: R. Giroux Repair LLC request for conditional use approval to operate a motor vehicle repair shop located at 44 County Road in the R1/Agricultural Residential district as warned with the following conditions:

- Written approval is secured from the property owner of 60 County Rd. to use the access
- Operational hours are amended to 7:00 AM to 6:00 PM (Monday thru Friday) and 8:00 AM to 2:00 PM (Saturday)

Motion carried unanimously.

Mr. Garrett made a motion, seconded by Mr. Beliveau to approve DRB-09-2023: Christopher & Joreen Hatin request for sketch plan approval for a 3-lot subdivision located at 93 Donaldson Road in the R1/Agricultural Residential district as warned with the following conditions:

- The driveway right-of-way is accessed from Donaldson Road for both lots.
- Pre-approval for driveway cuts are approved by the Town Road Foreman

Motion carried unanimously.

Mr. Garrett made a motion, seconded by Mr. Beliveau to approve DRB-10-2023: Christopher & Joreen Hatin request for conditional use approval to build two-family dwellings on two lots located at 93 Donaldson Road in the R1/Agricultural Residential district as warned. Motion carried unanimously.

Ms. Yandow made a motion, seconded by Mr. Pratt to approve DRB-11-2023: Michael & Diane Lafarr & Ryan Jordan request for site plan approval for a boundary line adjustment located at 181 Lakewood Drive in the SR/Shoreland Recreation and RC/Recreation Conservation districts as warned. Motion carried unanimously.

Ms. Yandow made a motion, seconded by Mr. Pratt to approve DRB-12-2023: Ryan Jordan request for sketch plan approval for a 5-lot subdivision located at Queens Court in the SR/Shoreland Recreation & RC/Recreation Conservation districts as warned. Motion carried unanimously.

Ms. Yandow made a motion, seconded by Mr. Garrett to approve DRB-23-2022: Ryan Jordan continuance of request for conditional use approval to build four duplexes located at Queens Court in the SR/Shoreland Recreation & RC/Recreation Conservation districts as warned. Motion carried unanimously.

Mr. Pratt made a motion, seconded by Mr. Beliveau to approve DRB-13-2023: Kari Tremblay request for site plan approval for a 28-unit PUD located at 3 Bachand Road in the R3/Moderate Density Residential district as warned with the following conditions:

- Contingent on applicant recording new mylar with the Town based upon the approved sketch from August 20, 2014
- Updated State permits

Motion carried unanimously.

Mr. Beliveau made a motion, seconded by Mr. Pratt to approve DRB-14-2023: Shawn Cheney & Phil Montgomery request for conditional use approval to sell pre-built Amish sheds located at 325 North River Street in the NC/Neighborhood Commercial district as warned with the following conditions:

- Operational times are seasonal operating from April 1 until December 1
- Hours of operation are 24/7

Motion carried unanimously.

E. Minutes DRB February 23, 2023

Mr. Garrett made a motion to approve the minutes from the 2/28/23 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, April 20, 2023 at 6:00 p.m.  
Thursday, May 25, 2023 at 6:00 p.m.  
Thursday, June 15, 2023 at 6:00 p.m.  
Thursday, June 29, 2023 at 6:00 p.m.  
Thursday, July 27, 2023 at 6:00 p.m.  
Thursday, August 24, 2023 at 6:00 p.m.  
Thursday, September 28, 2023 at 6:00 p.m.  
Thursday, October 26, 2023 at 6:00 p.m.  
Thursday, November 16, 2023 at 6:00 p.m.  
Thursday, December 14, 2023 at 6:00 p.m.

I. Adjournment – Mr. Pratt made a motion to adjourn the meeting at 9:27 p.m., seconded by Mr. Beliveau. Motion carried.

Respectfully Submitted,

Joseph Cava  
Administrative Assistant

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Spencer LaBarge, Chair

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Reg Beliveau

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Harold Garrett

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Jim Pratt

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Jennifer Yandow