

**DRAFT MINUTES
TOWN OF SWANTON
SWANTON DEVELOPMENT REVIEW BOARD
Town Office Building
1 Academy Street, Swanton, VT 05488
Thursday, April 20, 2023 @ 6:00 p.m.**

Present: Spencer LaBarge, Chair; Reg Beliveau, Harold Garrett, Jim Pratt, Jennifer Yandow, Members; Amy Giroux, Zoning Administrator; Joseph Cava, Interim Administrative Assistant; Christina Candels, Administrative Assistant; Meghan St. Pierre; Cristian Jablonski; Michael Gervais; Amanda St. Pierre; Brian Burns; Jeff Hubbard; Raymond Tardif; Delores Decker; Norman Tremblay; Peter Mazurak (Christopher & Joreen Hatin); William Hancy; Stephen Tetreault (Ryan Jordan); Milton Robison; Robert Root; Lisa Root; Lauren Weston, Franklin County Natural Resources Conservation District; Andre Leduc; Sam Ruggiano, Ruggiano Engineering, Inc.; Laura Napoli; Rose Napoli; John Bean; Sarah Paxman-Bean; Aron Ryan; Melanie Ryan; James Croft; Andrew Lopes; Shawn Cheney; Reg Beliveau (Swanton Village, Inc.)

DRB-05-2023

Meghan St. Pierre

DRB-09-2023

Christopher Hatin
Joreen Hatin

DRB-12-2023

Ryan Jordan

DRB-15-2023

Milton Robison

DRB-16-2023

Milton Robison

DRB-17-2023

Lauren Weston
Franklin County Natural Resources
Conservation District

DRB-44-2022

Andre Leduc
Nancy Leduc

DRB-18-2023

Andrew Lopes

DRB-19-2023

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

Ms. St. Pierre came forward to speak on the subdivision. Mr. Gervais spoke on the improved changes recommended by the DRB to address the culvert and proposed swales. The swales will be pitched to drain water into the vacant field beyond the proposed subdivision. Mr. LaBarge asked for clarification whether the drainage would be going across the road. Mr. Gervais responded no. Continuing, Mr. Gervais highlighted the implemented cul-de-sac and explained its advantages for fire and emergency services. Mr. Beliveau asked about the length of the driveway. Mr. Gervais responded that the driveway is roughly 300-feet in length. Mr. Garrett asked about the culvert that appears to be cutting through a mound system. Mr. Gervais explained that the swale diverts the water in either direction away from the mound system.

Ms. Decker commented that two of the properties have changed ownership and asked whether they would be notified? Mr. LaBarge responded that abutters receive notifications of these meetings but deferred to Ms. Giroux. Ms. Giroux said that the abutting property owners have been notified, but she would look into updating the information. Mr. Tardif expressed concerns of water in the swale draining to the north. Mr. Gervais explained that stormwater design is later on in the process would address the flow of water. Sketch plan will not adequately address this beyond following the contour of the land. Mr. LaBarge added that stormwater is addressed by a licensed engineer.

Mr. Burns expressed concern with the proposed exit from this development shining lights from the headlights into his property. Mr. Gervais explained that lights would shine between buildings across the road from this development, and the proposed development sits lower than surrounding properties which would limit light exposure. Mr. Hubbard expressed a concern with his right-of-way deeded access. Mr. Gervais explained that there is a proposed sixty-foot right-of-way, which shouldn't impede Mr. Hubbard's access. Mr. LaBarge added that at this time with sketch plan, the DRB cannot speculate.

Mr. Garrett pointed out a note on the sketch plan plat, that there is an area for potential development, but at this time, there are no plans to develop the area in question. Mr. Hubbard said Lot #7 will create issues with accessing this area, and a lot of this could have been avoided with more communication between neighbors and the developers. Continuing, Mr. Hubbard explained that the subdivision created non-conformities with the proposed lots. Mr. Gervais explained that Lot #7 will not have a legal use of this existing road as part of the development.

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

Mr. Mazurek came forward to present the adjustments made to the lots. Each lot has its own driveway off Donaldson Rd. In addition to the driveways, the lots also have two wells. Mr. Mazurek has submitted his driveway cuts for review and approval.

Mr. Hancy presented a letter from Mr. Kidder, who could not attend this evening's meeting, to Mr. LaBarge for review. The letter outlines the history of the Donaldson Farm explaining the drastic change of character by constructing duplexes. This will depreciate property values in the surrounding area. Continuing, the letter outlined that the proposed construction of the duplex rental units is a risky investment and it would be better if the development was constructed as single-family residences.

Mr. Hancy asked how duplexes are a congruent use of this district? Mr. LaBarge explained that duplexes are a conditional use according to the Swanton Land Use and Development Regulations. Continuing, Mr. Hancy raised a point about the agricultural uses of this land, and explained that there would be a disruption to the existing uses. Mr. LaBarge said he hears Mr. Hancy's testimony, but the applicant has a right to apply for this project as warned. Mr. Hancy said he didn't move to this area to look at duplexes. Mr. LaBarge again asserted that the DRB is bound to what the land use and development regulations say. Mr. LaBarge also added that if the land could not be developed following the fifty-year timeline that would have deterred development, then it should have been extended.

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

Mr. Tetreault came forward to present Mr. Jordan's plans. The conditional use was granted and the project now moves into preliminary review. The new plans show the driveways, well heads, and wastewater permitting which is in process. Hearing no additional comments or questions, Mr. LaBarge closed the hearing on this item.

4. **#DRB-15-2023: Milton Robison** request for boundary line adjustment located at 51 Woods Hill Road in the R3/Moderate Density Residential district.

Mr. Pratt made a comment that the ortho imagery needs to be removed from future plats. Mr. Jablonski explained that an existing well, spring, and right-of-way services one of the lots. Mr. Garrett asked about the road frontages? Mr. Jablonski explained that the second lot utilizes the 50-foot right-of-way. Mr. Gervais explained that the right-of-way is common land and is utilized by the Beebe's. Mr. LaBarge asked who owns the access? Mr. Gervais responded that the Beebe's own the access. Mr. Garrett explained that the proposed lots would still need road frontage. Mr. Robison explained that neighbors use the right-of-way as private property. Mr. LaBarge said they would explore this more during deliberative session. Mr. Garrett said that potential buyers of this lot would need a deeded easement to address this.

5. **#DRB-16-2023: Milton Robison** request for conditional use less 30% approval for a pre-existing building located at 51 Woods Hill Road in the R3/Moderate Density Residential district.

Mr. Jablonski explained that using this conditional use less 30% would reduce the rear setback of the trailer to the abutting property line at 35-feet. Mr. Pratt asked about the unidentified line shown in the plat? Mr. Jablonski explained that this is the original lot line from the previous subdivision, which would be eliminated. Ms. Giroux asked for clarification on the outbuildings. Mr. Jablonski said these would also be eliminated to address the non-conformities.

6. **#DRB-17-2023: Lauren Weston – Franklin County Natural Resources Conservation District** request for flood plain review for the Dead Creek small bridge removal located at 110 French Hill Road in RC/Recreation Conservation district.

Ms. Weston explained that there is a small 30-foot wide bridge that will be removed to address that this is two different parcels now. Ms. Weston explained that the river will be retained as it is following the bridge removal.

7. **#DRB-44-2022: Andre & Nancy Leduc** continuance of request for site plan & conditional use approval to construct three duplex buildings (6 units) located at 100 Lavoie Avenue in the R5/Residential district.

Mr. LaBarge reminded members of the DRB of the proposed changes as they review the revised plat. Mr. Ruggiano explained the changes include replacing the proposed hammerhead with a cul-de-sac, implementing sidewalks, improving the proposed drainage to drain east into the existing wetland. Other changes include exterior garage lighting in place of street lighting. Mr. Beliveau explained there is no hydrant because the static pressure is too low to service a hydrant. Mr. Ruggiano explained that he was confused by the recommendation for curbing. Mr. LaBarge said that curbing would address drainage concerns to channel water. Mr. Ruggiano explained that there is a catch basin at the entrance of the development that would divert water away from neighboring driveways. Mr. Beliveau recommended illustrating the flow of water on the next set of plats to settle concerns of where the water is draining.

Ms. Napoli said their basement is continually flooding and explained that nine months out of the year there is standing water equivalent to a pond in their yard. Ms. Napoli asked how this project will affect the existing drainage? Mr. Ruggiano explained that the culverts and swales divert water away from residences to the east away from neighboring residences. Mr. Ruggiano said the proposed development is raising the land four feet, which will improve drainage. Mr. Ryan, also expressed concerns about drainage and its relationship with the proposed curbs saying this would create standing water or swamplands. Mr. Ruggiano said the improved drainage trough would divert water away into the catch basin. Mr. Garrett added that there will be a pipe draining from the trough taking water further to the east.

Mr. Ryan continued expressing drainage concerns. Mr. LaBarge stated that the applicant can only address drainage from their development and stated that the measures proposed by the development would greatly improve drainage in the neighborhood. Mr. Ruggiano measured the existing drainage saying there is a 23-foot drainage access. Mr. Ryan asked if Mr. Ruggiano would address any future drainage issues? Mr. Ruggiano responded yes, saying that this is a good development, and they are committed to resolving existing drainage issues. Mr. Ruggiano said the existing plan would greatly improve drainage.

Mr. Croft expressed concern that these are existing wetlands and would be destroyed by the proposed development. Mr. Ruggiano said the Army Core of Engineers and the State of Vermont has signed off on the wetlands delineation including setbacks to protect any existing wetlands. Mr. LaBarge said that everything being proposed is in compliance with federal, state, local regulations. Mr. Croft asked if he could see the signatures of those that have signed off on this. Mr. LaBarge explained that this is a part of the process and is actively being pursued. Mr. Croft kept insisting continual concern. Mr. LaBarge explained that Mr. Croft's issues are with the State of Vermont. Mr. Ruggiano added that a wetlands consultant was hired at the beginning of this process before implementing engineering e confirm conformity with the area.

Ms. Croft explained that these drainage issues have been continual since 2007 when she first took up residence in this neighborhood. Mr. LaBarge explained that the DRB's purpose is judiciary and only reviews what the regulatory agencies have signed off on. Mr. LaBarge explained that there is a disconnect in what constitutes a wetland. Standing water does not constitute a wetland. Ms. Napoli said that when they purchased their property in 2008 that they were told this proposed parcel is a wetland. Mr. LaBarge said that he understands, but this is outside the DRB's authority.

Ms. Paxman-Bean lives nearby, and explained that she understands the local regulations, but asked for clarifications during the next round of review. Mr. Ruggiano provided additional feedback showing the flow of the water in response to the proposed development. Ms. Ryan asked about the proposed road and whether abutting property owners would lose land as part of the road improvements. Mr. Ruggiano responded no. Ms. Ryan asked about whether these would be owner occupied or rental duplexes. Mr. LaBarge said this is outside the DRB's review.

8. **#DRB-18-2023: Andrew Lopes** request for conditional use approval to operate a motor vehicle repair business located at 343 North River Street in the NCL/Neighborhood Commercial Light district.

Mr. Lopes expressed a desire to establish a small automotive repair shop. Mr. Lopes said he would construct a privacy fence to preserve the character of the neighborhood. Mr. LaBarge asked about the types of vehicles that would be stored at this location. Mr. Lopes responded with up to fifteen mixed trucks and racing cars. Mr. LaBarge expressed concern with the number of unregistered vehicles on the property at any

given time. Members of the DRB then explored the amount of unregistered vehicles allowable at any given time. Mr. Garrett clarified the nature of the property allows the excessive storage of vehicles. Mr. Garrett asked about the height of the proposed fence. Mr. Lopes responded that he'd like to construct an eight-foot-high fence. Mr. LaBarge asked Ms. Giroux about the permitting? Ms. Giroux responded anything over six-feet would require a permit.

9. **#DRB-19-2023: Swanton Village, Inc.** request for conditional use approval for flood hazard review for Missisquoi River Water Main Crossing located at 45 Ferry Street & 33 Canada Street in the NCL/Neighborhood Commercial Light & R5/Residential districts.

Mr. LaBarge made a motion to recuse Mr. Beliveau from his role on the DRB to present this project, seconded by Mr. Pratt. Motion carried.

Mr. Beliveau said a pipe would connect between Canada St. going under the river and connecting to another pipe on Foundry St. The existing pipe is connected underneath the bridge, which caused complications during the historic 2018 flood. The pipe would be sealed in a concrete vault, which could be shut off during inclement weather like the 2018 flood. Mr. Beliveau continued saying that this project requires DRB review because the work is proposed within a floodplain. Ms. Yandow asked about the direction of the boring? Mr. Beliveau responded that this is in process right now to secure the permitting for this project. Mr. Garrett asked how another flood would impact this project. Mr. Beliveau said they would evaluate it in the future for long term planning.

D. Deliberative Session

Ms. Yandow made a motion to enter deliberative session at 7:55 p.m., seconded by Mr. Pratt. Motion carried.

Mr. Beliveau made a motion to exit executive session at 8:49 p.m., seconded by Ms. Yandow. Motion carried.

Mr. Pratt made a motion, seconded by Mr. Garrett to approve DRB-05-2023: Meghan St. Pierre continuance of request for sketch plan approval for a 5-lot subdivision located at 2321 Highgate Road in the R1/Agricultural Residential district as warned. Motion carried unanimously.

Mr. Garrett made a motion, seconded by Mr. Beliveau to approve DRB-09-2023: Christopher & Joreen Hatin request for final plat approval for a 3-lot subdivision 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-12-2023: Ryan Jordan request for preliminary plat approval for a 5-lot subdivision located at Queens

Court in the SR/Shoreland Recreation & RC/Recreation Conservation districts as warned. Motion carried unanimously.

Mr. LaBarge made a motion, seconded by Ms. Yandow to approve DRB-15-2023: Milton Robison request for boundary line adjustment located at 51 Woods Hill Road in the R3/Moderate Density Residential district as warned, Mr. LaBarge, Mr. Beliveau, Mr. Garrett, Mr. Pratt, and Ms. Yandow voted nay due to lack of conformity with the 150-foot road frontage requirement. Motion carried unanimously.

Mr. LaBarge made a motion, seconded by Mr. Pratt to approve DRB-16-2023: Milton Robison request for conditional use less 30% approval for a pre-existing building located at 51 Woods Hill Road in the R3/Moderate Density Residential district as warned. Motion carried unanimously.

Mr. Beliveau made a motion, seconded by Mr. Pratt to approve DRB-17-2023: Lauren Weston – Franklin County Natural Resources Conservation District request for flood plain review for the Dead Creek small bridge removal located at 110 French Hill Road in RC/Recreation Conservation district as warned. Motion carried unanimously.

Mr. Garrett made a motion, seconded by Mr. Beliveau to approve DRB-44-2022: Andre & Nancy Leduc continuance of request for site plan & conditional use approval to construct three duplex buildings (6 units) located at 100 Lavoie Avenue in the R5/Residential district as warned with the following conditions:

- A swale is incorporated leading to the manhole cover
- The direction and flow of the water flow is established on future plats

Motion carried unanimously.

Mr. Beliveau made a motion, seconded by Mr. Pratt to approve DRB-18-2023: Andrew Lopes request for conditional use approval to operate a motor vehicle repair business located at 343 North River Street in the NCL/Neighborhood Commercial Light district as warned with the following conditions:

- Fence shall be constructed to shield stored vehicles with a minimum height of six-foot-height
- The placement of vehicles is restricted to two cars in the front yard for sale, and limitation of twenty cars stored behind the fence

Motion carried unanimously.

Mr. Pratt made a motion, seconded by Ms. Yandow to approve DRB-19-2023: Swanton Village, Inc. request for conditional use approval for flood hazard review for Missisquoi River Water Main Crossing located at 45 Ferry Street & 33 Canada Street

in the NCL/Neighborhood Commercial Light & R5/Residential districts as warned.
Motion carried unanimously.

E. Minutes DRB March 23, 2023

Mr. LaBarge made a motion to approve the draft minutes from the 3/23/23 DRB meeting, seconded by Mr. Garrett. Motion carried.

F. Any Other Necessary Business - None

G. Public Comment - None

H. Set Next DRB Meeting Date

Thursday, May 25, 2023 at 6:00 p.m.
Thursday, June 22, 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. Beliveau made a motion to adjourn the meeting at 8:59 p.m., seconded by Mr. Pratt. Motion carried.

Respectfully Submitted,

Joseph Cava
Administrative Assistant