

**TOWN OF SWANTON
DRAFT MINUTES
DEVELOPMENT REVIEW BOARD (DRB)
TOWN OFFICE BUILDING
One Academy Street
Swanton, VT 05488
In Person & By ZOO
January 23, 2025 6 pm.**

Present: Spencer LaBarge, Jim Pratt, Harold Garrett, Reg Beliveau Jr, Jenn Yandow, Brian Savage-Town Administrator/Deputy Zoning Administrator, Christian Jablonski, Michael Barrett, Brittany Shumway, David Winchester
Zoom: Suzie Kelleher, Renee Rainville, Nic Trpovski, Torrey Crossman, Lora Fresn, Susan, Josh, Don Bourgeois

- A. Call to Order
Mr. LaBarge called the meeting to order at 6:00 pm.
- B. Agenda Review
Mr. LaBarge reviewed the agenda, read the definition of interested persons, swore in applicants, board members and the members of the public.

Conflicts of Interest:

Mr. Beliveau received a phone call from Village Trustee Suzie Kelleher in support of Shumway projects in support of her business. They did not discuss the application, just an expression of support. Ms. Kelleher is also on Zoom for the meeting.
Mr. Pratt had a conversation with Arthur Boulerice and his son, they explained what the intentions were of the project and the land trust.

- C. Meeting Topics:
- 1) **DRB-40-2024: Arthur Boulerice**
 - 2) **DRB-01-2025: Arthur Boulerice**
 - 3) **DRB-02-2025: Michael Barrett & Tani Cornell-Barrett**

- 1) **#DRB-40-2024: Arthur Boulerice** request for preliminary plat approval for a 2-lot subdivision located at 410 County Rd. in the R1/Agricultural Residential district.

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The lot on the north side will be 2.9 acres.

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Mr. Jablonski asked the board if another meeting in February is needed. Yes, the final meeting for the subdivision will be in February.

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Mr. Barrett came before the board to share eight exhibits for his presentation to the DRB.

Mr. Barrett said the appeal is to the Deputy Zoning Administrator's letter providing the determination of exemption of agricultural activity. Mr. Barrett shared with his exhibits in his opinion the Shumway's by legal definition do not have a farm.

Mr. Barrett believed in his opinion if the evidence had been looked at in the farm determination, they would not have been given exemption and or rescind the determination.

Mr. Barrett shared all eight of his exhibits with an explanation and discussion for each exhibit. The eight exhibits are attached to these minutes.

Mr. Barrett is an abutting neighbor to the Shumway's.

Mr. Pratt asked what the concern is with the Shumway's farm is? Mr. Barrett wanted to continue his explanation. Mr. Pratt explained how a farm is determined and taxed as well as the Current Use program.

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Mr. LaBarge shared farmers are able to grow produce to sell as well as eat, even, for example, add a cow and sell cheese. Farmers are allowed to do things related to agriculture on their property.

Mr. LaBarge and the board agreed they follow the bylaws before them, and they are not in the position to say they are not a farm. Ms. Yandow said there are farms large and small all over the State that have farm stands with meat, eggs and logo items.

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Mr. LaBarge said that it is decided at the State level not by this board.

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Mr. LaBarge made a motion to enter deliberative session at 7:06 pm, seconded by Ms. Yandow. Motion carried.

Mr. Garrett made a motion to exit deliberative session at 7:13 pm, seconded by Mr. Beliveau. Motion carried.

Actions Taken:

- 1) **Ms. Yandow made a motion for DRB-40-2024: Arthur Boulerice request for preliminary plat approval for a 2-lot subdivision located at 410 County Rd. in the R1/Agricultural Residential district APPROVED AS WARNED, seconded by Mr. Pratt. Motion carried.**
- 2) **Ms. Yandow made a motion for DRB-01-2025: Arthur Boulerice request for Conditional Use Less 30% for the site setback for a 2-lot subdivision located at 410 County Rd. in the R1/Agricultural Residential district APPROVED AS WARNED, seconded by Mr. Pratt. Motion carried.**
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E. Minutes from December 12, 2024 & December 17, 2024

Mr. Pratt made a motion to approve the minutes from December 12, 2024 & December 17, 2024, as written, seconded by Mr. LaBarge. Motion carried.

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G. Public Comment

None

H. Set Next DRB Meeting Date

February 27, 2025

I. Adjournment

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Respectfully submitted by
Christina Candels-Assistant Town Administrator

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Mr. Barrett came before the board to share eight exhibits for his presentation to the DRB.

Mr. Barrett said the appeal is to the Deputy Zoning Administrator's letter providing the determination of exemption of agricultural activity. Mr. Barrett shared with his exhibits in his opinion the Shumway's by legal definition do not have a farm.

Mr. Barrett believed in his opinion if the evidence had been looked at in the farm determination, they would not have been given exemption and or rescind the determination.

Mr. Barrett shared all eight of his exhibits with an explanation and discussion for each exhibit. The eight exhibits are attached to these minutes.

Mr. Barrett is an abutting neighbor to the Shumway's.

Mr. Pratt asked what the concern is with the Shumway's farm is? Mr. Barrett wanted to continue his explanation. Mr. Pratt explained how a farm is determined and taxed as well as the Current Use program.

Mr. Barrett said in his opinion they do not meet the definition of a farm based on inaccurate information given to the agency of agriculture.

Mr. Barrett stated in his opinion the Shumway's property is not primarily devoted to farming, it's primarily devoted to a contractor's yard.

Mr. Barrett said the Deputy Zoning Administrator's letter was based on farm determination and the State general council assured him that if they presented them with evidence that the farm determination should not have been given, they would look at the evidence and possibly rescind that determination. Mr. Barrett would like the board to submit this evidence to the Agency of Agriculture so they can make an accurate determination. In his opinion the information they were given was not accurate.

Mr. Garrett asked exactly what they are contesting? Mr. Barrett said he is not against the strawberries; they do not want an ice cream stand with the roadside stand and that is what is before the environmental court.

Mr. LaBarge shared farmers are able to grow produce to sell as well as eat, even, for example, add a cow and sell cheese. Farmers are allowed to do things related to agriculture on their property.

Mr. LaBarge and the board agreed they follow the bylaws before them, and they are not in the position to say they are not a farm. Ms. Yandow said there are farms large and small all over the State that have farm stands with meat, eggs and logo items.

Mr. Barrett said his issue is with the farm exemption they are benefiting from.

Mr. LaBarge said that it is decided at the State level not by this board.

After discussion about the exhibits Mr. LaBarge open the discussion to public comment:

- **Mr. Crossman** on Zoom said he has a 4-acre cut flower farm in Fairfield, with several fields of flowers but his whole property is considered a farm. They grow seeds indoors, manage invasive species indoors. When you are doing a farm activity you use all of your land to manage it.

- **Ms. Shumway** read the statement at the bottom of the Notice of Meeting stating all applicants must attend the meeting and believed both Mr. & Ms. Barrett should have to attend, Mr. LaBarge said one applicant was sufficient.

Ms. Shumway shared a portion of the shop on the property that is used for her pesticide management that she is licensed to use in Vermont. All pesticides need to be in a locked facility. They are locked in the shop.

There is a large barn on the property, that barn is used for storage of straw used to cover the strawberries.

Ms. Shumway said her home office is where she does all her bookkeeping for her business, as well as ordering plants.

Ms. Shumway wanted to make it known the farm determination is a formality and not a requirement to be designated to be a farm in the State of Vermont unless a Town states in their bylaw this requirement. Swanton does not.

Mr. LaBarge said they do not regulate farms, and it is not even defined in their book/bylaws.

Ms. Shumway said the exemption letter from the Town is not loophole, Mr. LaBarge said it is allowed under Conditional Use.

Ms. Shumway said the noise concerns, they are surrounded by farm fields and there is noise 24/7 with farming. Mr. LaBarge reviewed the times permitted were 7am-5pm.

Mr. Barrett did not believe they should be allowed more than one mixed use on the property; Mr. LaBarge clarified it is allowed. Definitions were read.

Ms. Shumway said on her original permit she was approved, did include if she wanted to sell ice cream, and is she still permitted to do so if so she chooses? Yes.

- **Mr. Savage** said it is his decision being appealed. Mr. Savage said he has received nothing from the environmental court. Mr. Savage said the letter drafted to the Shumway's after her received the farming determination from the Agency of Agriculture. Mr. Savage said he knew agricultural use of a property was exempt from zoning. Mr. Savage then sent it to the Town of Swanton attorney. The Attorney drafted the letter Mr. Savage sent. (the letter is exhibit 1).
- **Mr. Barrett** requests that any future exemptions be filed in writing. Mr. LaBarge said they do not regulate how they will file.

D. Deliberative Session

Mr. LaBarge made a motion to enter deliberative session at 7:06 pm, seconded by Ms. Yandow. Motion carried.

Mr. Garrett made a motion to exit deliberative session at 7:13 pm, seconded by Mr. Beliveau. Motion carried.

Actions Taken:

- 1) **Ms. Yandow made a motion for DRB-40-2024: Arthur Boulerice request for preliminary plat approval for a 2-lot subdivision located at 410 County Rd. in the R1/Agricultural Residential district APPROVED AS WARNED, seconded by Mr. Pratt. Motion carried.**
- 2) **Ms. Yandow made a motion for DRB-01-2025: Arthur Boulerice request for Conditional Use Less 30% for the site setback for a 2-lot subdivision located at 410 County Rd. in the R1/Agricultural Residential district APPROVED AS WARNED, seconded by Mr. Pratt. Motion carried.**
- 3) **Mr. LaBarge made a motion for DRB-02-2025: Michael Barrett & Tani Cornell-Barrett appeal of administrative decision in regard to "Determination of Exempt Agricultural Activity" in relation to Shumway Property located at 200 Middle Rd. in the R1/Agricultural district be APPROVED, seconded by Mr. Pratt. ALL Board members voted NAY, DENIED as this appeal is not in the purview of the Development Review Board.**

E. Minutes from December 12, 2024 & December 17, 2024

Mr. Pratt made a motion to approve the minutes from December 12, 2024 & December 17, 2024, as written, seconded by Mr. LaBarge. Motion carried.

F. Any Other Necessary Business

Mr. Savage said the State of Vermont has passed new Ethics Legislation in regard to municipalities that all board members will be required to take. The Selectboard has appointed Ms. Candels at the liaison for the Town to the State. More information will come for the board members.

G. Public Comment

None

H. Set Next DRB Meeting Date

February 27, 2025

I. Adjournment

Ms. Yandow made a motion to adjourn the meeting at 7:20 pm, seconded by Mr. Pratt. Motion carried.

Respectfully submitted by
Christina Candels-Assistant Town Administrator