

## **SWANTON PLANNING COMMISSION**

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### **3/27/13 PUBLIC MEETING**

## **SWANTON PLANNING COMMISSION**

The Swanton Planning Commission held a public meeting at 7:00 PM on Wednesday, March 27, 2013 at the Swanton Town Offices, 1 Academy Street to cover the following matters:

**Present:**

**Jim Hubbard**

**Ed Daniel**

**Andy Larocque**

**Ross Lavoie**

**Yaasha Wheeler, Secretary**

**David Jescavage, Town Administrator**

**Ron Kilburn, Zoning Administrator**

**Present:**

**Greta Brunswick, Regional Planning Commission**

**Allison Stori, Regional Planning Commission**

Mr. Hubbard called the hearing to order at 7:08 p.m.

- 1. To meet with representatives of the Northwest Regional Planning Commission to discuss the Municipal Planning Grant which was recently approved to assist the Planning Commission in accomplishing a revision of Swanton's Zoning Bylaws & Subdivision Regulations.**

Mr. Hubbard explained that the Planning Commission had already spent some time going through the bylaws page by page, and had created twelve amendments that had been presented to the Joint Legislative Body on 3/25/13 and were now under consideration. He asked Ms. Brunswick and Ms. Stori to help the Planning Commission move forward with creating an updated, more modern bylaw structure. Ms. Brunswick stated that the format and table of contents were already set up in a modern way, but one concern at the moment was to ensure that all allowed uses were treated equally within a district. She added that the grant focused on stormwater management, low-impact development, flood hazard, and fluvial erosion hazard.

She recommended that each of those items could be further explored with a staff person from the Agency of Natural Resources.

Mr. Hubbard asked if the town was up to speed with the regulations and Ms. Brunswick replied that the flood hazard regulations needed to be brought to compliance with the standards of the National Flood Insurance Program regulations. She explained that Fluvial Erosion Hazard, which is funded by the state, addressed the health of rivers and streams, how they changed over time, and how those changes impacted stream stabilization and water quality. The geological assessment, with data collected by the Regional Planning Commission, was then used as a basis for developing varying setbacks from the streams, depending on the sensitivity of an area. The town could choose to use the data in a number of different ways, including in zoning. Mr. Kilburn suggested that it seemed more suitable for the town plan as opposed to the zoning regulations, and Ms. Brunswick replied that it would be regulatory, which involved the zoning bylaws more than the town plan. Mr. Hubbard noted that the town plan did not include reference to shoreline hazard and Ms. Brunswick explained that if the plan talked about water quality, then Fluvial Erosion Hazard could fall under that.

Mr. Daniel asked if the new regulations dealing with lakefront property would impact this discussion, and Ms. Brunswick said that she was not familiar with the current bill, but it was likely that an ANR staffperson would be knowledgeable about it.

Ms. Brunswick said that the current bylaws did not address stormwater, and proposed to develop local stormwater regulations that would incorporate low impact development options, by incentivizing them, requiring them, or otherwise encouraging them. The Regional Planning Commission could help Swanton to develop its own stormwater regulations. An ANR staff person would have information about when it would make sense for the town to review stormwater issues and when it was better to defer to the state. She recommended incorporating low-impact development for things that did not meet state threshold for stormwater permit. When Mr. Daniel showed concern about re-digging the streets to provide for better stormwater management, Mr. Lavoie pointed out that the regulations would apply only to future projects. Ms. Brunswick added that, after a developer has gained basic state approval, the town had the option to ask for more innovative low-impact development.

Ms. Brunswick asked what the town would like in regard to design review options for the historic district. Mr. Kilburn pointed out that the historic district extended beyond the downtown area to the area across the river, adjacent to the downtown. He felt that there was a reason to create a level of review in zoning regulations for historic preservation and design review. Mr. Daniel said that he saw commercial business as more important right now. Ms. Brunswick explained that zoning could only do so much in regard to economic development. She added that the historic preservation was not specifically mentioned in the workplan, but lip-service was given to it in the narrative of the grant, so they could get away with not focusing on that aspect; however, the water quality issue was specifically called out in the workplan, so that had to be focused on.

Mr. Hubbard said that the Planning Commission's biggest concern with the bylaws was to clean them up, update them, and make sure they were all consistent. Ms. Brunswick offered to put

together a table of contents with reorganized elements to it and to group siting standards to ensure that they were not scattered. Mr. Kilburn noted that the current table of contents only listed the headings, not the various articles. Ms. Brunswick added that the regulations currently had stormwater management for subdivisions, which she proposed moving so that those regulations would apply in a broader sense.

Ms. Brunswick asked how the notes were being collected; they were being written in red ink in Mr. Daniel's "master copy" and they were being compiled into notes by Miss Wheeler. After discussion, the Planning Commission agreed to let Ms. Brunswick and Ms. Stori go through the bylaws, recommend changes, and present them to the Planning Commission periodically, which would then review the recommendations. Copies would be sent to the Planning Commission for review just prior to the meetings, to ensure that any questions could be addressed at the meeting.

The Planning Commission asked Ms. Brunswick to keep separate pages for the district allowed uses, in addition to the table that provided an overview of all districts. Mr. Kilburn asked Ms. Brunswick and Ms. Stori also to look into the use of waivers as opposed to variances. Furthermore, he asked for provision of civil enforcement by ticket for the Zoning Administrator, to aid in enforcement. Ms. Brunswick said that she did not see many towns that allowed for ticketing of violations, but it was possible to do. Mr. Daniel added that he felt that expired conditional uses should not be renewed without further review. Ms. Brunswick agreed to check into how the courts looked at that. Mr. Hubbard mentioned a case in which a landowner revived multiple past conditional uses that ran with the land; Ms. Brunswick said that if the use had been abandoned, there could be a requirement for a new permit for a pre-established use, even if it was conforming. Mr. Jescavage suggested that the regulations should include that the motion should be recorded with the notice of decision and copied to the Zoning Administrator to let him know that he could issue the permit. Mr. Daniel added that he would like to see copies of permits in tax files, to show what permits were associated with a property. Mr. Kilburn explained that the listers didn't want their files cluttered with extra information, and Ms. Brunswick observed that there should be a way to reference a decision in a more concise format in the lister's files.

Mr. Daniel suggested various ideas for making the public aware of the bylaw revision process. Ms. Brunswick added that two public meetings were incorporated in the grant, which she felt should address stormwater management, low-impact development, and/or fluvial erosion hazard. *Planning Commission will work with NRPC to hold two community meetings focused on water quality, including Stormwater Management options using Low Impact Development and FEH overlay. Options and scenarios will be presented at two community meetings where small groups will have the opportunity to visualize and discuss the effect of the scenarios. The community meetings will be advertised by postcard mailing to all voters, posting around town, and the project website.* Ms. Brunswick suggested that perhaps one meeting could be in regard to the grant, and the other should be in regard to the adoption process. Mr. Jescavage said that all information produced in meetings would be on the website for public access.

The Planning Commission agreed to meet on the third Wednesday of every month; the next meeting would be April 17, 2013 at 7 p.m. These meetings would include discussions with ANR staff people. The next Joint Legislative Body meeting that would address the bylaw amendments would be April 22, 2013 at 6:30 p.m.

**2. Any other necessary business**

Mr. Lavoie made a motion to accept the 2/27/13 minutes. Mr. Daniel seconded. Motion carried.

Mr. Lavoie made a motion to adjourn. Mr. Daniel seconded. Motion carried. The hearing adjourned at 8:30 p.m.

Respectfully Submitted,

Yaasha Wheeler  
Planning Commission secretary

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Jim Hubbard

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Ed Daniel

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Ross Lavoie

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Andy Larocque