

Town & Village of Swanton
MINUTES
JOINT LEGISLATIVE BODY MEETING
MONDAY, APRIL 22, 2013 at 6:30 p.m.
Swanton Town Offices
1 Academy Street, Swanton, VT 05488

Present: John Lavoie, Selectboard chair; Joel Clark, Kathy Lavoie (arrived later), and Dick Thompson, Selectmen; Adam Paxman and Eugene LaBombard, Village Trustees; Reginald Beliveau, Village Manager; Ronald Kilburn, Village President; David Jescavage, Town Administrator; Yaasha Wheeler, Secretary; Jim Hubbard, Andy Larocque, Ed Daniel, Ross Lavoie, Planning Commission; Julie Moore, Paul Madden, Denise Smith, Friends of Northern Lake Champlain.

A. Call to Order & Roll Call

John Lavoie called the hearing to order at 6:35 p.m., in the absence of both the chair (Chris Leach) and the vice chair (Dan Billado).

B. Pledge of Allegiance

Mr. Lavoie led those present in the pledge of allegiance.

C. Meeting Topics:

1. Minutes

- Approve Minutes of 3/25/2013 JLB Meeting

Mr. Thompson made a motion, seconded by Mr. Paxman, to approve the Joint Legislative Body meeting minutes of March 25, 2013. Motion carried.

2. Old Business

- Reorganization for 2013

Mr. Lavoie nominated Dick Thompson as chair for the Joint Legislative Body. Mr. Clark seconded. Motion carried. Mr. Lavoie turned the meeting over to Mr. Thompson, who asked for vice chair nominations.

Mr. Paxman nominated Mr. LaBombard for vice chair. Mr. Lavoie seconded. Motion carried. Mr. LaBombard and Mr. Thompson abstained.

- Adoption of Rules of Procedure

Mr. LaBombard made a motion, seconded by Mr. Lavoie, to adopt Roberts Rules of Order. Motion carried.

Mr. Lavoie made a motion, seconded by Mr. Paxman, for the Town Administrator and Village Manager to put together each Joint Legislative Body agenda jointly. Motion carried.

3. Public Hearing for Zoning Bylaw Amendments

Mr. Thompson thanked the Planning Commission for an excellent review. Mr. Clark made a motion, seconded by Mr. LaBombard, to open the public hearing for the zoning bylaw amendments. Motion carried. The hearing opened at 6:40 p.m.

Mr. Paxman asked if there were any changes since the last presentation and Mr. Jescavage replied that the current paperwork reflected the changes made at the last

meeting. Mr. Clark stated that he was still uncomfortable with Item #5 regarding accessory structures, since he felt that it was not the Development Review Board's job to police where storage sheds should be placed on the lots, and that the board should not be referee for two neighbors who aggravate each other by abusing the bylaw as currently written. He added that Item #12, regarding storage facilities, needed clarification, since he felt that such facilities might not be the sort of use that would be wise in the Shoreland Recreation district. Such facilities were already allowed in the R3 district, and there had recently been a case before the DRB in which several people wondered why it was allowed in the district at all. Mr. Lavoie agreed, stating that he was concerned that storage facilities would interfere with the aesthetics of the neighborhood.

There was discussion to clarify the difference between a storage shed or garage and a storage facility, as proposed in the bylaw amendments. Mr. Hubbard explained that #5 was added because of a case in which a landowner had intentionally alienated a neighbor by placing his accessory structure in such a way as to block the view from the neighbor's window. Mr. Thompson said that he had originally worked on the current language and felt that regulating the location of a small accessory structure in this way was impractical. Mr. Hubbard replied that the bylaw amendment, as proposed, would give neighbors a chance to review any changes on the other neighbor's property prior to the construction of structures that might cause contention.

Mr. Thompson noted that there was already a 14-day appeal period for a permit. Mr. Clark asked how much was charged for a Conditional Use permit, and Mr. Kilburn answered that the current fee was \$175. Mr. Clark said that that seemed like too much for a shed of less than 100 sq. ft. Mr. Hubbard said that he felt that the incident was not isolated and could happen again someday, and wanted to create language in the bylaws that allowed for a more neighbor-friendly approach. Mr. Kilburn stated that there was no permit required for a structure under 100 sq. ft., but that the permit for 100+ sq. ft. was \$60. Clark summed up that for a structure of 100 sq. ft. or under, the applicant needed only to bring in a sketch showing the location of the structure.

Kathy Lavoie asked if there was any way to stop a project at the sketch level if the sketch showed a potential problem with the location. Mr. Thompson said that the bylaws could be written to allow for that. Mr. Kilburn said that he felt that the level of tension experienced by the citizen who made the initial request regarding accessory structures was an anomaly. Mr. Clark asked how many 100 sq. ft. sketches Mr. Kilburn got a year, and Mr. Kilburn replied that he could count them on one hand. Mrs. Lavoie said that she understood how, at such close distances, even a structure with a small height could block a lot of view. Mr. Clark pointed out that the bylaws did not regulate the planting of trees, which could obstruct the view just as much. LaBombard added that fencing presented the same problem.

The Joint Legislative Body discussed the concerns with Item #12, regarding storage facilities. Mr. Hubbard stated that, with so much activity along the shoreline, people were looking for places to store their fishing shanties, boats, and other possessions at a reasonable distance from the lake. These facilities were intended not to be allowed on the lake side. Mr. Lavoie said that he disagreed, since such facilities could negatively impact the aesthetics of the neighborhood. Mr. Paxman noted that the facilities could be regulated with aesthetics in mind. Ed Daniel added that the area already included contractor's yards, and, with proper screening, storage facilities could look as good or better than the contractor's yards.

Mr. Clark made a motion to approve the bylaw amendments as presented, with the exception of Items 5 and 12. John Lavoie seconded. Discussion: Mr. Paxman stated that he felt that Item 12 was legitimate. Kathy Lavoie agreed, adding that she was sorry that Item #5 was controversial and that the Planning Commission and Development Review Board should discuss that type of amendment ahead of time. Mr. LaBombard said that he supported the motion, because if the Planning Commission decided to pursue the rejected items due to continued need for those changes, the PC could always come back before the JLB with their requests. All but Kathy Lavoie and Adam Paxman supported the motion; those two opposed. Motion carried.

4. Discuss Award of Transportation Alternate Grant for Town & Village

Mr. Jescavage stated that he had received noticed that the feasibility study for sidewalks along South River Road up to the historic museum, and Route 78 near McDonalds and the school had been awarded—with a catch. The state was now requiring a 50% match from Swanton Village and Town, instead of a 10% match. This would result in a match totaling \$14,000. A decision was needed by May 4th on whether or not Swanton wished to accept the grant under these conditions.

The Joint Legislative Body discussed the need for sidewalks, the difficulty of getting right-of-way acquisition along Route 78 near the interstate, and the option of extending the sidewalk along Route 78 gradually on their own. Mr. Lavoie suggested budgeting for the grant match next year; right now, there was nothing in the budget to allow for it. Kathy Lavoie asked if the state had changed the match for the actual construction grant, and Mr. Jescavage replied that the towns that had applied for the construction grant had had their funds capped at a certain amount, so they did not receive the full amount that they had applied for. Mr. Beliveau said that it was disconcerting that the feasibility study had been done once before, and had to be repeated.

Mr. Paxman made a motion, seconded by Kathy Lavoie, to decline the grant offer. Paxman motion to decline grant offer. Motion carried.

5. Discuss Stormwater Management Plan for Town & Village

Denise Smith, executive director for Friends of Northern Lake Champlain; Paul Madden, former executive director for FNLC; and Julie Moore from Stone Environmental, Inc., came forward. Ms. Smith stated that they had received a grant from the Ecosystem Restoration Program from the Department of Environmental Conservation, which would cover 6 towns, two of which could be Swanton Village and Swanton Town. Stone Environmental had put together an informational report, which indicated potential projects in each municipality that could have a great impact on stormwater quality. ERP money was available for the implementation projects, so the state was looking to FNLC and municipalities to implement the plans as indicated in the report.

Ms. Moore explained that the report was an executive summary for work done in the last 1 ½ years. FNLC had hired Stone Environmental, Inc., to look at water quality reports by the Department for Environmental Conservation, the Regional Planning Commission, and other agencies, and to pull information from those reports regarding anything relating to stormwater, such as undersized culverts or bridges, erosion, and other problems. Stone Environmental, Inc., had also collected input from public works, the town administrators, and others, and had visited each problem area to visually inspect it. Some of the identified problems had been corrected, but some were ongoing. Each problem was ranked with a score from 1 (least severe) to 4 (most severe). The problems ranking at 3 or 4 were investigated through GIS to determine the area that was draining to that point and to develop a conceptual solution. They had combined the report for Swanton Town and Village, identifying 4 potential projects in the town. The two most promising were as follows:

(1) At the corner of Brooklyn Street and Route 78, stormwater drained from the industrial park and the surrounding roads, where the catch basin discharged the water under Route 78 and directly into the Missisquoi River. The project would offer the opportunity to improve the stormwater prior to its entry into the river, by removing dirt, debris, and trash.

(2) The many impervious surfaces around the elementary school, the supervisory union offices, and the recreation path contributed to erosion, low water quality, and other problems.

Ms. Moore recommended reviewing pages 14 and 15, and pages 106 and 109 of the report for more details.

Ms. Smith stated that the Ecosystem Restoration Grant Program, offered through the Department of Environmental Conservation, should be released May 15th, with applications due mid-June. The Town had the option to put together an application on

its own, or to participate in the FNLC's multi-grant application, which currently included construction grants for Highgate, Georgia, and Enosburg Falls, and which they hoped would include Sheldon and Fairfield as well. Mr. LaBombard asked if the grants would be available yearly and Ms. Moore replied that they were, and that the current capital budget was \$2.25 million for FY14 and FY15, which was down from \$2.5 million in FY13. Mr. LaBombard asked if the funds were focused on improving Lake Champlain and Ms. Moore replied that they historically had been.

Mr. Thompson summed up that the Town and Village should pick one project out of the four presented in the study and apply for it. He asked if the Town and Village each should pick one project, resulting in two total projects. Ms. Smith said that that would be ideal. Ms. Moore said that she recommended the Brooklyn Street project. Mr. Thompson said that he was in favor of participating in the multi-grant process through FNLC. He asked who was responsible for the actual construction, and Ms. Moore explained that the municipality might offer construction support as an in-kind service, and the materials could be part of the grant budget. Applications that offered in-kind service generally tended to fare better than those that did not. Mr. Madden gave examples of community in-kind service in Enosburg and Georgia.

Mr. Clark asked if the projects required permitting from the, and if there would be an annual requirement to inspect or maintain the area once completed. Ms. Moore said that no permits were associated with the projects, but that there was an expectation that it would be maintained, although there would be no official regulation. She added that VTrans' concern would be with the percentage of stormwater from the road infrastructure that might be their responsibility; the greater the percentage, the more they would be willing to help. Mr. Madden noted that an excavator could pull the debris out without much expense. Ms. Moore summed up that the main issue involved the access and legal agreements associated with the project. Mr. Beliveau noted that the Village vector needed to be upgraded.

Mr. Madden informed the board that a letter of support would help to keep the process moving along.

6. Public Comments—None.

7. Any Other Necessary Business

Mr. Paxman asked if the Town had considered charging impact fees when businesses came into the Southern Growth area. Mr. Thompson said that the Town did not, since most people were opposed to it. Mr. LaBombard reminded that it required a comprehensive program to set it up. Mr. Jescavage pointed out that it had to be tied to a capital improvement plan, and if there was not much new growth in the municipality, there was not much reason for impact fees.

8. Executive Session

Mr. Paxman made a motion, seconded by Mr. Clark, to go into executive session to discuss real estate at 7:48 p.m. Motion carried.

Mr. LaBombard made a motion, seconded by Mr. Lavoie, to exit executive session at 8:07 p.m. Motion carried.

9. Adjournment

Mr. Paxman made a motion, seconded by Mr. Clark, to adjourn at 8:08 p.m. Motion carried.

Typed on April 23, 2013
Minutes by Yaasha Wheeler
Received and filed by:

Cathy Fourier, Swanton Town Clerk

Date

Dianne Day, Swanton Village Clerk

Date