

SWANTON PLANNING COMMISSION

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9/25/13 PUBLIC MEETING

SWANTON PLANNING COMMISSION

The Swanton Planning Commission held a public meeting at 7:00 PM on Wednesday, September 25, 2013 at the Swanton Town Offices, 1 Academy Street to cover the following matters:

Present:

Ed Daniel

Ron Case

Andy Larocque

David Jescavage, Town Administrator

Yaasha Wheeler, Secretary

Also present:

Allison Stori, Regional Planning Commission

Marianna Gamache

Mr. Case opened the hearing at 7:06 p.m.

1. To meet with representatives of the Northwest Regional Planning Commission and others to discuss proposed revisions to Swanton's Zoning Bylaws & Subdivision Regulations.

Ms. Stori passed out revisions that she had recommended for Articles 3 and 4, as well as recommendations from the board. She stated that she had added a table to clarify the access requirements, since she felt that the text was difficult to read. She asked the board to clarify the right-of-way and travel width. Mr. Case explained that he understood that the right-of-way width should also be 50 feet, with the travel portion at least 16 feet, but the Selectboard had asked to make the travel portion 22 feet in width, so that there was a wide travel portion plus a 3 foot shoulder. When the Planning Commission asked for things to be built to A76 standards, they only meant that they wished for an A76 base. Ms. Stori pointed out that the standard for residential driveway was B71. She asked the Planning Commission to look over the A76 and B71 standards and consider how to best use those in the bylaws. Mr. Jescavage added that the widths indicated in the town road and bridge standards were only binding on the town (for the purposes of obtaining grant money for Class 2 road work), not on private developers. Mr. Daniel

noted that the standards could be used as a condition, though. Mr. Case advised the Planning Commission members to familiarize themselves with the state B71 standard.

She noted that she had updated the sight distance requirements in Section 3.2(I) according to the VTrans construction standards, with 550 feet for 50 mph, 440 feet for 40 mph, and 330 feet for 30 mph zones.

She added that she would add a definition for junk in Article 10. Mr. Case had concerns that defining junk too narrowly would be problematic, since one man's junk is another man's treasure. The discussion would be continued in January.

In Section 3.10(B)3, she asked the Planning Commission to consider adding a certain percentage of commercial parking spaces as compact spaces (9' x 18' r 8' x 16' instead of the standard 9' x 20'). The Planning Commission was agreeable to designating 10 to 15% of commercial parking spaces as compact car spaces.

Ms. Stori asked to know the gross vehicle weight for Section 3.10(B)5 regarding the parking of commercial vehicles on residential lots. The Planning Commission discussed the parking of tractor trailers and school buses on private properties, as well as the increase in contractor's yards. Mr. Case considered that 26,000 to 34,000 lbs. would be a good cut-off, but felt that was a matter better reviewed with the full board.

Ms. Stori indicated that she had consulted the Green Book, the International Engineers Handbook, and other sources and regulations to determine how to make the minimum parking requirements have a lower impact. Part of that was by changing the standards from evaluating square footage to gross floor area. The Planning Commission was comfortable with her recommendations.

At Mr. Daniel's suggestion, Ms. Stori increased roadside stand parking to a minimum of 4 spaces. Mr. Daniel asked whether the warehouse parking language should be "1 per 1000 square feet and 1 per employee at largest shift" or "1 per 1000 square feet or 1 per employee at largest shift, whichever is greater." Ms. Stori felt that "or" was more appropriate. Ms. Stori added that the language regarding the loading dock space line up well with the recommended language. She had also added Figure 3.1 to explain shared parking, and had increased the number of feet allowed from the property from 200 feet to 500 feet.

Ms. Stori stated that she had added language recommending screening around parking areas, and also suggested that, wherever feasible, loading zones and docks shall be located at the rear of properties.

Ms. Stori stated that she had added stronger language to Section 3.15 regarding wastewater systems, to indicate that developers should contact the state permit specialist.

Mr. Daniel asked the Planning Commission to reconsider allowing electronic signs in Swanton. Mr. Case said he was fine with the idea, so long as the signs did not move or flash. Ms. Stori said

that the conversation should continue about what kind of parameters the Planning Commission wanted to put in place regarding electronic signage.

Mr. Jescavage noted that Section 3.15 should include a statement that, where applicable, the state of Vermont subsurface system regulations shall be complied with. Also, the current statement that “no building or structure may be erected unless there is adequate wastewater disposal” did not apply to storage facilities. There was nothing that the Zoning Administrator could enforce. Ms. Stori noted that she would flag the item, since Mr. Ron Kilburn, Zoning Administrator, had indicated his wish for some form from the applicant to indicate that the permit specialist had been contacted.

Ms. Stori stated that she had set the hours of operation for childcare facilities at 12 hours per day, 5 days per week. Mr. Case was concerned that this would prevent such facilities for providing childcare for parents working third shift. Ms. Stori replied that extended hours could be available under Conditional Use.

Ms. Stori stated that she would include the flood hazard standards to make the bylaws NFIP standard compliant.

Mr. Jescavage stated that he had familiarized the Joint Legislative Body with the Southern Growth district requirement to develop with municipal water and sewer, which was inhibiting development in the area. However, the Regional Planning Commission had stated that anything considered to be of substantial regional impact under act 250 would require municipal water and sewer. Anything under that threshold could be considered as Conditional Use and allow for privately owned water and wastewater systems. He added that options could be added to allow a developer to create a decentralized system that could then be offered to other people in the area. Ms. Stori said that she would look into the definition for “substantial regional impact” and draft language regarding what would be considered as conflict between local and regional regulations.

The Planning Commission discussed the possibility of adding PUDs to the Central Business District. Ms. Stori stated that the two questions that must be asked are: (1) Do PUDs make sense in the Central Business district? (2) Do the purposes of PUDs and the Central Business district align? If PUDs were added, perhaps the acreage requirements should be reduced. Mr. Case suggested making this item “homework” and considering what scenario would work best for the district. The Planning Commission and Ms. Gamache familiarized Ms. Stori with Ms. Gamache’s situation, in which three businesses separated by fire walls were combined into one IGA, and were now unable to be sold separately, even though they were three separate spaces. Mr. Jescavage suggested that perhaps the problem could be resolved by allowing for zero lot line zoning. Ms. Stori said that zero setbacks for the front had already been added to the changes, but she could look into the same zoning for the sides. She stated that because PUDs were designed for compact development, the Regional Planning Commission recommended that the purposes of PUDs and the Central Business district aligned. Mr. Jescavage stated that one of the purposes of a PUD is to preserve open land, but the purpose involving Ms. Gamache’s situation was different.

The Planning Commission set the next meeting for October 9, 2013, and the following evening (to meet with the Regional Planning Commission) with October 23, 2013.

Ms. Stori asked the Planning Commission to consider options for enforcing the bylaws and dealing with violations. The civil option had more limitations and was not as heavy-handed as going to the Environmental Court; however, you could collect the fees up front. Mr. Daniel said that the burden of collecting proof and evidence was not so great for civil penalties, which also allowed the violator a chance to talk with the zoning administrator before the matter escalated. Mr. Jescavage mentioned using a mark against a landowner's collateral as a way of enforcement. Ms. Stori advised them to consider the pros and cons of each process before deciding.

Mr. Daniel mentioned that he would like to find a way to file every permit with the associated land. Also, Conditional Uses should be reviewed upon the sale of the land.

2. Any other necessary business

Mr. Daniel made a motion, seconded by Mr. Larocque, to approve as printed the September 11, 2013 Planning Commission minutes. Motion carried.

Mr. Daniel made a motion, seconded by Mr. Larocque, to adjourn at 8:56 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler
Planning Commission Secretary

Ron Case

Andy Larocque

Ed Daniel