

SWANTON PLANNING COMMISSION
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10/9/13 PUBLIC MEETING
SWANTON PLANNING COMMISSION

The Swanton Planning Commission held a public meeting at 7:00 PM on Wednesday, October 9, 2013 at the Swanton Town Offices, 1 Academy Street.

Present:

Jim Hubbard
Ed Daniel
Ron Case
Andy Larocque
Ron Kilburn, Zoning Administrator
Yaasha Wheeler, Secretary

Also present:

Marianna Gamache

1. Continuation of Discussion by the Planning Commission regarding possible proposed changes to the Swanton Zoning Bylaws & Subdivision Regulations, including Article 5 (Development Review) and Article 9 (Administration & Enforcement).

Mr. Hubbard opened the meeting at 7:06 p.m. Mr. Kilburn asked the Planning Commission for direction as to his role in the bylaw revision process, asking if he should be more active in keeping the momentum. So far, he had taken a hands-off approach since he was just an administrator. The members of the Planning Commission expressed respect for Mr. Kilburn's knowledge and input, even though they understood that the final decision was theirs. Mr. Kilburn reminded them to "gel" around the concept of process by not getting distracted by a single issue. He added that if there were an item for which the Planning Commission wanted counsel, they should inform him of their questions ahead of time, so that he could research it.

Mr. Kilburn added that it would be worthwhile to discuss the Planning Commission's direction with the Joint Legislative Body, to which the Planning Commission agreed. Mr. Hubbard stated that he had felt the most recent bylaw revisions had not been received well by the JLB, since concerns had been brought up at the final meeting. Mr. Kilburn recommended inviting a few representatives of the JLB to a future Planning Commission meeting, to ask if the JLB was satisfied with the way that the Planning Commission has proceeded so far and to ask for the JLB's assistance.

Mr. Hubbard felt that the municipal water and sewer issue in the Southern Growth district needed more clarification from the JLB before the Planning Commission could fast-track the issue. The Planning Commission also discussed having Ross Lavoie, as a member of both the Swanton Planning Commission and the Northwest Regional Planning Commission, share some of his information from the NRPC with the Swanton Planning Commission.

B71 versus A76 Road Standard

Mr. Kilburn summed up that B71 was a residential driveway (12 foot minimum width, with a 24 foot maximum road surface) or a commercial drive (24 foot minimum width, with a 40 foot maximum), as compared to the A76 standard. Mr. Case explained that the Swanton Planning Commission had used the A76 standard to refer only to the depth and type of stone, although the definition of A76 standard indicated that an A76 road should be paved. Mr. Kilburn recommended incorporating the town's definition of A76 in the bylaws. Mr. Case suggested requiring B71 for minor subdivisions and A76 for major subdivisions. The Planning Commission members were satisfied with this suggestion. Mr. Daniel wanted the road commissioner to ensure that the town bridge and road standards were consistent with the B71 and A76 standards, and Mr. Case replied that B71 applied only to roads that were essentially driveways. He added that the B71 standard was referenced in Section 3.10.

Junk and Clutter

The Planning Commission discussed the difficulty of defining "junk." Mr. Case was in favor of calling it "clutter" instead of "junk," and Mr. Hubbard felt that the containment of it could be dealt with by addressing lot coverage. Mr. Kilburn pointed out that the town could not tell someone what they could own, but could tell them where to put it. Mr. Larocque suggested that he considered that citizens have an inalienable right to own what they want, but they should screen it. Mr. Kilburn added that the one offended should take the initiative to screen the area on his own property, since requiring the owner of the "clutter" to screen his stuff could be considered taking property without due process. The Planning Commission noted that the Development Review Board had sometimes required screening on a major subdivision, although not on an individual property. Mrs. Gamache suggested that collectors who were renters could be addressed through the lease with the landlord; Mr. Hubbard added that many of the people collecting clutter were landowners themselves. Mrs. Gamache noted that other towns might be observed to see how they addressed the situation. Mr. Hubbard added that the Regional Planning Commission might have an answer for the problem.

Gross Vehicle Weight

Mr. Case explained that Allison Stori had wanted to know if the Planning Commission wished to lower or raise the gross vehicle weight (GVW) of the commercial vehicles allowed on residential lots, subject to Conditional Use; the current GVW allowed was 16,000 lbs. Mr. Kilburn mentioned that the issue was difficult to enforce, but it was not a common issue. After discussion, the Planning Commission agreed not to change the weight requirement.

Electronic Signs

Mr. Hubbard felt that electronic signs could be allowed under Conditional Use review and Mr. Kilburn suggested asking the Regional Planning Commission whether different districts could had different sign

regulations, since currently the sign regulations applied to all districts. Mr. Hubbard suggested also asking whether such signs might be allowed only for churches, schools, and municipal buildings. The Planning Commission agreed that, however such signs were allowed, they should require Conditional Use review.

Enforcement Options for Bylaw Violations

The two options were Environmental Court, which was a lengthy and potentially expensive process, or civil court, which involved a fine but had less “teeth,” because violators who paid the fine could continue in violation until it became ridiculous to continue to fine them.

Discussion turned to violations of Section 4.6 regarding the parking of campers on residential lots, which requires the camper to meet district setbacks, as well as the owner to obtain a permit. The trouble was enforcing the bylaws when camper owners refused to comply. Perhaps enforcing location was better than asking owners to remove their campers; however, on some lots, even campers that met the setbacks were inappropriately close to neighbors.

The Planning Commission felt that enforcement options was a matter best presented before the Joint Legislative Body, since the JLB decided whether or not to pursue a violation in environmental court.

Filing of Permits and Conditional Use Review of Permits

Mr. Daniel said that he wished for some way to know what permits had been issued to each property. Mr. Kilburn said that such permits could be looked up by owner name in the vault. The Planning Commission discussed that, if a use were terminated, it expired and therefore needed Conditional Use review to be renewed. Mr. Kilburn noted that a use permit was non-transferrable upon sale of the property. Mr. Hubbard felt that it was worthwhile to ask the Regional Planning Commission whether carryover permits (a conditional use that changes ownership) could be eliminated, requiring new Conditional Use review upon the sale of the property.

PUD in Central Business district

Mr. Hubbard did not feel that a PUD would be the best answer to Ms. Gamache’s situation, but added that the Planning Commission was definitely on her side. Mr. Kilburn noted that Mr. Jescavage had suggested zero setbacks. Mr. Case stated that his research had likewise made him feel that a PUD was not the best answer, because, while Section 8.4(5) allowed for zero lot lines at the Planning Commission’s discretion, the minimum project size was supposed to be 5 acres to allow for common land. Also, condominiums were not allowed in the districts, although they were defined in the definitions; however, multi-family units were allowed in almost all districts. The Planning Commission and Ms. Gamache discussed Mr. Spear’s situation, in which a change in the federal regulations regarding the financing of condos made it nearly impossible for Mr. Spear to sell his condos. Mr. Hubbard felt that Mr. Spear’s situation would take more consideration, but that he felt very comfortable with Ms. Gamache’s situation. Mr. Kilburn suggested that perhaps the question could be resolved by Ms. Gamache’s attorney, since a title search would reveal the fact that there were three separate buildings, even though they had been joined as one IGA years ago. Mr. Hubbard suggested that the attorney draw up three separate deeds and present them as a subdivision.

MOTION: Mr. Case made a motion, seconded by Mr. Larocque, to approve the Planning Commission meeting minutes of 9/25/13 as printed. Motion carried.

MOTION: Mr. Case made a motion, seconded by Mr. Larocque, to adjourn the meeting at 9:02 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler
Planning Commission Secretary

Jim Hubbard

Ron Case

Andy LaRocque

Ed Daniel