

**SWANTON PLANNING COMMISSION**  
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**03/19/14 PUBLIC MEETING**  
**SWANTON PLANNING COMMISSION**

The Swanton Planning Commission held a public meeting at 5:00 PM on Wednesday, March 19, 2014 at the Swanton Town Offices, 1 Academy Street.

**Present:**

**Jim Hubbard**  
**Andy Larocque**  
**Ed Daniel**  
**Ross Lavoie**  
**Ron Kilburn, Zoning Administrator**  
**Yaasha Wheeler, Secretary**  
**David Jescavage, Town Administrator**

**Also present:**

**Greta Brunswick, NRPC**  
**Taylor Newton, NRPC**

Mr. Hubbard opened the meeting at 5:07 p.m.

- 1. To continue the discussion by the Planning Commission regarding possible proposed changes to Swanton's Zoning Bylaws & Subdivision Regulations based on discussions from previous public meetings and input from the Northwest Regional Planning Commission.**

**Building Design in Central Business District**

Ms. Brunswick stated that the Planning Commission should consider the compatibility of building design in the Central Business District. The Planning Commission agreed that the guidelines were important, but perhaps the most stringent option was not for Swanton at this time. Mr. Kilburn added that one of the sections in a survey from the Vermont Division for

Historic Preservation addresses the creation of a downtown area. Ms. Brunswick stressed the importance of standards having to do with size, scale, and placement, as well as alignment with existing setback patterns and additions with similar architectural designs to the primary structures. She noted that the DRB and an applicant could reference the historic district survey in that process. The Planning Commission agreed to keep the first sentence of Section 4A as proposed by Ms. Brunswick, but wished to eliminate subsections i-iv.

### **Junk**

Ms. Brunswick stated that she had used Burlington as a model in breaking out in detail what constituted junk and how it could be stored on a property. Junk could be dealt with through an ordinance, although there was always the issue of preexisting nonconformities, which would have to be proven to have increased since the adoption of the ordinance. Mr. Hubbard asked how the ordinance could be enforced without the Town having to tie up money in lawyer fees; Ms. Brunswick replied that there was no easy answer. Mr. Hubbard said he had many questions about how to put this into effect: How should violations best be cleaned up? How could the Town enforce the ordinance? What best could be done to store or screen the junk when permissible? Some issues did not even show up until the leaves were gone.

Mr. Newton stated that creating standards through an ordinance was perhaps most beneficial, since it does not allow for preexisting nonconforming issues, and nothing would be grandfathered. Stopping a violation might involve going through the Environmental Court, and a violation could be recorded in the land records.

Mr. Kilburn pointed out that the Burlington ordinance prohibited open storage in the front yard of any property, and asked that any Swanton ordinance provide clear language for the same. Mr. Hubbard added that junk motor vehicles should be limited to 2, as already limited in the regulations.

The Planning Commission discussed RV yards as well; unregistered RV yards were an increasing issue for Swanton.

### **Lighting and Signs**

Ms. Brunswick stated that she had added language to allow for internally illuminated signs in the TSA district, but had not changed any height requirements. Mr. Hubbard expressed that similar language could be added to the Southern Growth District regulations. The Planning Commission discussed whether or not to allow for higher elevations. Mr. Kilburn felt that 20 feet was more realistic, since 15 feet was short. Mr. Lavoie asked to know the difference between a sign with a business name and a gas pump canopy with a business name on it, at 18'6" clearance. Mr. Newton replied that a business sign was usually free-standing, and was therefore different than a canopy sign. Mr. Kilburn noted that the sign standards were currently at 10 feet high in the

Village and 15 feet high in the Town. The Planning Commission decided not to change height requirements; the DRB could grant a variance if a higher sign was needed.

### **Development**

Ms. Brunswick stated that she felt it was important to make site design and development standards more legally defensible by adding stronger language (“shall” instead of “should”); for example: “Site layouts shall meet the intent to establish an interconnected system of new roads, sidewalks, paths, and utilities.” She explained that buildings, for example, should have uniformity in their orientation to the road. The Planning Commission discussed the benefits and problems with requiring all parking to be in the back. What about large chain stores like Lowe’s, where parking was often in the front? Was parking in the back but entering in the front user-friendly? Ms. Brunswick explained that her proposed language allowed for parking on the side, to alleviate some of the problem, adding that parking lot location has a big impact on the character of development and the larger streetscape. The standards were dealing with an area that could potentially see much growth, so the Town had to plan for the infrastructure ahead of time. She asked the Planning Commission to carefully read the language she had proposed, to see how to best reconstruct the language in light of the goal of the district, as defined by the Town plan.

### **Hungerford Brook Buffer**

Ms. Brunswick stated that she understood the Planning Commission was most in favor of implementing the intermediate option. She and Mr. Newton showed PDF images of Hungerford Brook. The buffers shown were based on the fluvial erosion assessments. The proposed regulations limited new structures except for sewer, water, gas lines, and similar utility-type structures. The Development Review Board could approve enlargement of up to 20% of the square footage of existing structures, with any conditions they may feel advisable. Mr. Hubbard asked if that included 20% in increments, 20% now and another 20% 5 years from now. Ms. Brunswick replied that would be 20% in total expansion.

Ms. Brunswick listed prohibited activities: storage dumping, fill, disturbances to natural vegetation, tree removal, clearing, burning, and spraying. A waiver is available for hardship, in which an applicant could apply to the DRB for Conditional Use to modify the buffer requirement plans, provided the applicant comes up with a management plan that has equal protection as the buffer. Hungerford Brook would have a buffer width of 75 feet, based on geomorphic assessment and the fact that the 75 feet generally encompasses the recommended width for fluvial hazard zone. The buffer width for Missisquoi River was recommended at 100 feet, although the floodplain was larger than 100 feet. Mr. Newton added that the buffer was measured from the top of the bank and based off of the stream center line. The Planning Commission stated that the brook was very deep and expressed concern that 75 feet from the top of the bank might be too much. The Planning Commission discussed with Ms. Brunswick and Mr. Newton the areas where flooding has occurred in the past, and the locations of existing dwellings along the brook. Transportation infrastructure (such as a bridge) was allowed within the buffer zone. The

Planning Commission ultimately decided to agree to the 75 foot buffer zone for Hungerford Brook.

### **Missisquoi River Floodplain**

Mr. Newton stated that the goal of the buffer was to consider fluvial erosion. The bank might be quite high, but erosion could move the bank. Mr. Kilburn affirmed that certain areas along the bank had been eaten away in the last few years. The Planning Commission discussed how the proposed 100 foot buffer would impact existing or new structures along South River Street and Beebe Road. The Planning Commission agreed to a buffer zone of 100 feet.

### **Lake Champlain Floodplain**

Mr. Newton (certified flood plain manager) introduced three issues he wished to address. First: Development in the floodplain. Right now, Swanton permitted development in the floodplain and in the floodway (the most restricted area of the floodplain). Currently, there were no designated floodways in Swanton on the map, but to meet the NFIP standard, Swanton would need to adopt a floodway. The Planning Commission wished to continue permitting development in the floodplain, but to require houses to be elevated. It was noted that Swanton did not currently have regulations in terms of restricting or limiting amount of excavation or fill, although it did not explicitly permit the filling of land. Fill could be a problem in the village, where an elevated lot could create runoff onto other people's parcels, and change drainage patterns. Adding fill in the floodplain changed the nature of the floodplain and potentially changed where the floodplain existed and created flooding on a property that might not have been considered to be in the floodplain before. Fill was therefore considered development and had to be permitted, as part of the minimum NFIP standards.

Ms. Brunswick agreed that not allowing fill and new development within the floodplain would protect properties and allow for lower insurance rates. Mr. Newton explained that, to meet minimum NFIP standards, any amount of fill had to be permitted. Mr. Hubbard stated that he felt most comfortable with allowing the permitting of fill, so long as such permitting complied with NFIP standards. Mr. Daniel felt that landowners could make a decision as to how much risk they wanted to take. Ms. Brunswick agreed to draft language for the Planning Commission to consider.

Mr. Newton summed up that all development in the floodplain required Conditional Use approval from the Swanton Development Review Board, and the lowest floor had to be built above the base flood elevation. Mr. Hubbard was in favor of restricting certain types of structures within the floodplain, but not restricting new development itself. Mr. Newton recommended looking into requiring standards similar to coastal standards in the flood hazard area for the lakefront.

Ms. Brunswick stated her intent to have a full draft for the next meeting, reminding the Planning Commission that they must have a public meeting prior to May 16, 2014. On that date, a draft must be sent to the state to close out the grant; then the adoption process could be completed at the board's leisure. The Planning Commission agreed to meet for a working meeting on April 2, 2014, to meet with Ms. Brunswick and Mr. Newton on April 16, 2014, and to hold the public hearing on May 7, 2014.

**2. Any Other Necessary Business**

Mr. Kilburn noted a discrepancy between the Shoreland Recreation district requirements on page 10, and Table 2.16 on page 25. The first page indicated that the minimum front setback was 50 feet, but the table indicated that the minimum front setback was 75 feet. The Planning Commission agreed to resolve the conflict in favor of the 50 foot setback.

Mr. Lavoie made a motion, seconded by Mr. Daniel, to approve the Planning Commission minutes of 2/25/14 as written. Motion carried.

Mr. Lavoie made a motion, seconded by Mr. Daniel, to adjourn at 7:32 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler  
Planning Commission Secretary

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Jim Hubbard

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Ed Daniel

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Andy Larocque

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Ross Lavoie