

**TOWN OF SWANTON**  
**DRAFT MINUTES**  
**SPECIAL PLANNING COMMISSION MEETING**  
**Swanton Town Office Building**  
**1 Academy Street, Swanton, VT 05488**

*Tuesday, March 16, 2016 @ 7:00 p.m.*

**The Swanton Planning Commission held a public meeting at 7:00 p.m. on Wednesday, March 16, 2016 at the Swanton Town Offices, 1 Academy Street.**

*Present: Jim Hubbard, Chair; Ross Lavoie, Sara Luneau-Swan, Ed Daniel, and Andy Larocque, Planning Commission; David Jescavage, Town Administrator; Yaasha Wheeler, Secretary; Anthony Iarrapino, VERA Renewables; Travis Belisle; Patricia Rainville; John A. Smith.*

Mr. Hubbard opened at 7:06 p.m.

**1. Agenda Review**

Mr. Hubbard stated that this meeting's purpose was to briefly review all the responsibilities and planned projects in the multi-year implementation plan prior to the Joint Board meeting with the DRB, Selectboard, and Village Trustees.

The board would also review a paragraph on renewable energies submitted by David Jescavage, which would be forwarded to the Selectboard for review.

**2. Review municipal implementation plan – delegation of responsibilities for Boards (from Town & Village Municipal Plan)**

One of the most important goals is to follow the implementation plan, based on the goals and policies in Chapter 4, Swanton Vision. The Planning Commission shall reevaluate the plan every year to determine its progress.

***Land Use***

*Maintain Swanton Development Regulations that implement the goals and policies in the Swanton Municipal Plan – Responsible party: Planning Commission.*

*Maintain enrollment in the National Flood Insurance Program (NFIP). – Planning Commission and JLB*

*Amend the Swanton Development Regulations to require the development of multi-use paths/sidewalks during the subdivision and/or site plan approval process to provide increase pedestrian and bicycle connectivity to existing municipal infrastructure and to proposed development. – Responsible party: Planning Commission, Joint Legislative Body, and Development Review Board*

*Conduct a study of the 1<sup>st</sup> Street Corridor. This study shall assess the effectiveness of the Neighborhood Commercial Light District (NCL) and to gather public input regarding the future vision of this corridor. This study should focus on land use, parking, and streetscapes. – Planning Commission*

Mr. Daniel felt that there should be an ordinance that would prevent parking in the bicycle lane so that bicycles were not in the middle of the road.

### ***Historic and Cultural Resources***

*Establish a Village Historic District in the Development Regulations. The Development Regulations shall address issues related to exterior architectural and aesthetic guidelines. – Planning Commission and Joint Legislative Body*

*Identify and protect significant archeological sites by maintaining and encouraging communication between the municipalities, the Swanton Historical Society, and the Abenaki Community. Such communication may expedite various local projects because the issues and needs are of common interest. – PC, Municipal Staff, Historical Society, and Abenaki Community*

*Meet with Abenaki Community leaders to assess the effectiveness of the Native American Sites Overlay District and to discuss other relevant planning related topics. – Planning Commission*

Mr. Hubbard added that First Street should be looked at; should commercial projects extend along that corridor? The Planning Commission also suggested reaching out to the Abenaki community and discussing the archaeological overlay and their historic sites; where there any concerns or expectations? Also, it was noted that there is a historical district but, according to Mr. Daniel, “no one knows where it is.”

*Investigate becoming a certified local government (CLG) available through the National Park Service. This program could increase opportunities for funding and technical assistance for historical preservation projects in Swanton. – Planning Commission, Municipal Staff, Historical Society, and Joint Legislative Body*

*Identify and encourage local artists. Continue to communicate with the Swanton Arts Council to ensure that their efforts are effectively supported. – Joint Legislative Body*

### ***Economic Development***

*Investigate the creation of a local Economic Development Committee. – Joint Legislative Body*

Mr. Jescavage said he was already a representative for the current Economic Development efforts. Mr. Hubbard added that the Swanton Arts Council and Historic Society should be involved. Mr. Jescavage said there was an Economic Development Task Force currently.

*Conduct an area-wide plan, with the assistances of NWRPC, to identify and plan for the redevelopment of brownfields and underutilized properties located in Swanton. – Joint Legislative Body*

Mr. Jescavage said that he and Reginald Beliveau, Village Manager, were identifying those sites. Greta Brunswick was also available to help identify polluted sites.

*Investigate the creation of a part or full time position to promote and encourage economic development in the Village and/or Town.*

The Selectboard was currently investigating this item.

*Evaluate appropriate areas for the expansion of municipal services such as sewer and water.*

The Planning Commission discussed that a water line was being extended along Waugh Farm Road currently and across the river. Mr. Larocque had heard rumors that an industrial park might go in near the Highgate airport, so there may be water lines run along there at some point.

*Install one or more sign plazas (kiosks) in the center of the Village and other locations in the Town to promote local business, community activities, and places of special interest. – Village Trustees and Municipal Staff*

*Review, revise, and enact the Swanton Downtown Development Plan and actions steps in the Swanton Community Visit Report to guide future community development, enhancements, or improvements. – JLB and Planning Commission*

*Evaluate the idea of attracting, supporting, or developing a community restaurant downtown. – Swanton Enhancement Committee*

*Create a local business guide or a list of resources that can be shared with local businesses. – Swanton Enhancement Committee and Chamber of Commerce*

*Maintain Village Center designation and encourage private landowners to utilize benefits of the program. – JLB and Municipal Staff*

### **Public Facilities and Services**

*Adopt a Capital Budget and Program. – Town Selectbaord, Village Trustees, and/or JLB*

*Explore additional funding mechanisms for public facilities and services. – JLB, Planning Commission, and Municipal Staff*

*Continue mutual aid and cooperation among all emergency service groups including the Coast Guard, Vermont State Police, Missisquoi Rescue, and the Swanton Fire and Police Departments. – JLB and Municipal Staff*

*Seek grants to upgrade and improve the existing stormwater system. – JLB and Municipal Staff*

*Maintain representation of the Northwest Vermont Solid Waste District Board of Supervisors. – JLB*

*Identify areas for future public facilities. – JLB and Recreation Commission*

*Prepare a resource inventory map of existing public and private trails and proposed public trails in Swanton. – Planning Commission and Recreation Commission*

*Install public restrooms downtown. – JLB and Recreation Commission*

*Coordinate new partnerships with various groups and organizations including, but not limited to: Friends of the Library, Swanton Historical Society, the Swanton Chamber of Commerce, Friends of Missisquoi National Wildlife Refuge, Friends of Northern Lake Champlain, and the Abenaki Self Help Association to provide community activities and educational opportunities for young and old. - JLB*

Mr. Jescavage said that he, Mr. Beliveau, and Mr. Tim Smith were behind an effort to bring in a visitor center near the exit. The Planning Commission discussed that a common parking area and public restroom would be useful as well.

### ***Energy***

*Form a local Energy Committee. – Joint Legislative Body.*

*Participate in Regional energy planning and programming. – Joint Legislative Body (Energy Committee)*

*Identify and implement programs that promote energy efficiency in homes, businesses, and buildings. – Joint legislative Body*

*Attempt to identify locations in the community where new renewable energy resources should be sited. Amend the municipal plan to include such preferences. – Joint Legislative Body (Energy Committee)*

### ***Housing***

*Explore new partnership and funding options with groups and organizations including the Champlain Housing Trust, Vermont Housing and Conservation Board and the Vermont Housing Finance Agency to preserve and enhance the supply and diversity of housing opportunities and ownership options at all affordability levels. – Joint Legislative Body*

*Review zoning and subdivision bylaws to allow for higher density housing in appropriate locations in and near the Village. – Planning Commission and Joint Legislative Body*

Mr. Hubbard suggested that there might be opportunities for multi-story buildings in certain areas, or converting some of the less desirable homes on First Street into commercial lots or housing projects. The current Fourth Street property, for sale by the Town, might be ideal for a potential rest area or housing project.

*Develop incentives for the creation of accessory dwellings units as a strategy to create additional affordable housing the community.*

### **Natural Resources**

*Amend the Development Regulations to require and/or incentivize the use of Low Impact Development (LID) strategies and techniques. – Planning Commission*

*Identify the important vistas and scenic view of Swanton which are worthy of protection. – Planning Commission (Conservation Commission)*

*Establish a Conservation Commission (24 VSA 4407) to assist the Planning Commission in identifying important natural resources of Swanton and in reviewing applications that affect those resources. – Joint Legislative Body*

Mr. Hubbard felt that conservation could be handled by the Planning Commission, and then presenting the areas to be established to the Joint Legislative Body.

*Review river corridor maps created by the Vermont Agency of Natural Resources (ANR). Work with ANR to amend maps based on local knowledge and consider incorporating maps (and regulations) into the Swanton Development Regulations. – Planning Commission and JLB*

Mr. Hubbard said that this matter was just looked at extensively as far as looking at setbacks from various bodies of water; he felt that was pretty well covered.

### **Transportation**

*Improve and expand the sidewalk network in Swanton Village to ease pedestrian travel and safety in Swanton.*

*Develop and implement a plan for a town-wide network of pedestrian/bicycle paths connecting major destination points and linkages to similar facilities in adjacent towns. – JLB and Planning Commission*

Mr. Jescavage explained that Cross Consulting Engineers were working on two areas for sidewalk connectivity, from Lake Street to the Historical Museum on South River Street, and also along Grand Avenue toward Missisquoi Valley Road. There would be a public hearing about the sidewalk project on April 7<sup>th</sup> at 6 p.m. at the Swanton Municipal Complex. Mr. Hubbard felt that First Street and sidewalks should be a priority. Mr. Daniel wished for sidewalks on Spring Street, Route 78 west to the cemetery, and Route 7 to John's bridge. Mr. Jescavage added that sidewalks had been added along Bushey Street and Robin Hood Drive as well. The idea was to tie the areas to the Rail Trail.

*Collaborate with GMTA and CCTA to study public transit routes and to expand routes. – JLB and Municipal Staff*

Mr. Hubbard added that Swanton paid for GMTA for public transit, and felt that GMTA could be more heavily used. Either word was not getting out enough or there was not enough flexibility in the schedules to allow for more pick-up points. Mrs. Luneau-Swan suggested having GMTA come before the Planning Commission and explain their policies and schedules. Mr. Lavoie said that this was talked about extensively at the NWRPC meeting, and there was a current effort to “fill the gaps” and reach more outlying people.

Mr. Hubbard was in favor of more stops and flexibility, to make better use of the schedule.

*Complete a traffic and parking study for the town core and village area. This study shall focus on parking, circulation, and traffic safety (including bicycles and pedestrians). The study shall contain an inventory of existing parking and identification of possible future parking areas in the Village. – JLB, Planning Commission, and Municipal Staff*

*Improve enforcement of traffic laws and speeding in the village, install “No Engine Brake” signs, and increase truck inspections. – JLB & Police Department*

The Planning Commission was not aware of engine brakes being used in the Village; most truckers were respectful of village boundaries.

*Use a “speed trailer” and increased signage to improve pedestrian safety in the Village. – JLB & Police Department*

### **Other Necessary Actions**

*Continue the existing coordinated, comprehensive planning process and policy framework to guide decision by Swanton and Swanton Village and continue to encourage citizen participation at all levels of the planning process. – JLB and Planning Commission*

*Conduct a yearly meeting between the Planning Commission and the Development Review Board to ensure communication about planning and zoning issues in the community. Encourage attendance from representatives of the Joint Legislative Body. – Planning Commission, Development Review Board, and JLB*

*Adopt a local emergency operations plan for each community each year. – Selectboard and Village Trustees*

*Adopt a Hazard Mitigation Plan (HMP) for each community. – Selectboard and Village Trustees*

*Adopt Road and Bridge Standards in each community each year. – Selectboard and Village Trustees.*

Mr. Daniel mentioned that Darlene Marrier, Zoning Administrator, had an “idea file” that should be taken into account.

Mr. Daniel added that there would be flashing crosswalk lights along First Street to improve pedestrian safety. Mr. Hubbard’s safety concern was pedestrian crossing of the entrance and exit ramps for the interstate as well. Mr. Lavoie noted that the parking in front of Merchants Row should be rearranged; Mr. Jescavage said that Reginald Beliveau was looking into improving that parking.

### **3. Review of paragraph on renewable energies submitted by David Jescavage**

Mr. Hubbard said that this was in answer to the overwhelming support about appropriate renewable energy siting. Mr. Jescavage said that this was not a concept original to him, but the language was based from other communities’ language. Mrs. Luneau-Swan said that the natural resource section was in line with NWRPC findings and plan. The following language was suggested:

#### ***Proposed additional text for the energy section of the municipal plan***

*In the placement of industrial solar panels and wind turbines, consideration shall be given to aesthetics; health impacts, environmental impacts; disturbance of wildlife habitat, groundwater and streams; noise generation levels; scenic incongruity; and effect on the adequacy of the power grid to sufficiently handle the additional kilowatts proposed to be produced by the industrial solar and wind facilities. The solar panel and wind turbine structures shall be located at a sufficient distance from residences to avoid any conflict between the operation of these structures and the peaceful and healthful enjoyment of their properties by the occupants of the residences. Location preferences for industrial green energy projects should be given to brownfield sites, old quarry sites, and other disturbed land away from existing residential neighborhoods.*

*The use of prime ag soils for green energy projects should be discouraged. Ridges are scenic resources that enhance the natural beauty of the Town. All reasonable measures should be taken to avoid their industrialization with green energy projects or other high impact energy developments that alter the existing scenic character of the ridges. Critical wildlife habitats on ridge tops, in the lowlands, and in wetlands should not be considered for green energy projects where the negative impacts of the individual project disrupts the wildlife habitat or interferes with the migration patterns of the wildlife.*

Mrs. Rainville stated that Senator Kampton had visited the site of a wind farm in preparation for a bill on green energy that would be written, and came away with a better understanding of the negative impacts that such operations could pose.

Mrs. Luneau-Swan said that specific, definite language was not viewed by the PSB. Mr. Hubbard said that much of the input had stated the value of the scenic corridor. Mr. Iarrapino said that he worked with Mr. Travis Belisle, who owned the property on which the proposed industrial wind energy project. He brought up a number of questions:

- What is industrial? Is there a megawatt threshold? How do you define it? Is that consistent with other activities allowed in the town plan? For example, logging or sugaring could be considered industrial.
- What consideration is given to the existing context surrounding the project? Mr. Belisle had said that his property is a working landscape situated among other “working landscape” properties. Mr. Belisle said that the quarry was just down the road, trucking, a law firm, masonry. There were over 20 businesses in a 3 ½ mile stretch from this proposed project site. Mr. Iarrapino said he did not see in the language the consideration of context for any of these types of projects.
- Mr. Iarrapino did not understand how it was a town concern to address the adequacy of the power grid. Mrs. Luneau-Swan said that would impact the town people if the rate payers had to have higher rates; if the green energy went into the power grid, her own rates would go up.

Mrs. Luneau-Swan asked, “How do other businesses on Route 105 negatively impact the quality of life?” She felt that “industrial” was selling power to someone other than themselves. She said that they had been told that specific standards were not accepted by the PSB. Mr. Iarrapino stated that Scott & Melody McLane were only a few who had opposed the wind farms; there were a number of people living in the area who did not have the same negativity toward the wind project. Perhaps attitude influenced their perception.

Mr. Daniel said “industrial,” to him, was based on the number of megawatts. Mr. Hubbard clarified that this list of criteria was meant to be taken into consideration; it did not necessarily prohibit all development. He stated that it “showed tremendous Swanton concern” when the vote opposed the wind project. The Planning Commission had requested that public vote on Swanton Wind to learn the community’s input because they did not feel ready to take a strong stance. So the Planning Commission was trying to put language into the plan so that any project will be sited and scaled appropriately for Swanton.

Mr. Iarrapino expressed appreciation of the concern, and said that a lot of the answer that you get to a question depends on how you ask the question. He felt that the ballot was worded negatively. Also, he had mentioned to Mr. Jescavage that there was information on the town website about wind energy that was “demonstrably false,” because anyone could submit material for the wind forum page, regardless of credentials or lack thereof. He added that the Selectboard had written a letter to Travis stating opposition to his project



and alleging certain zoning violations that were later determined to be false. "There is a real effort to paint the project in the most negative way possible."

He asked to know the process that would be used to continue this language. Mr. Hubbard explained the process: the item would have been presented with due waiting periods and warning through a public hearing process with the Planning Commission, then moved on to the Selectboard with the same process. The process would take time. There would be opportunity to draw up written comments.

No zoning would be changed in the area. Mr. Hubbard said that they had applied for a municipal grant for green energy in their town; however, they had not received the grant. "That would have really helped guide us." Since learning about the project in June 2015, the Planning Commission members were trying to educate themselves on energy.

Mr. Jescavage said that, in whatever form this language was adopted for the town plan, they could follow up with zoning bylaws, but that would require the same process.

It was noted that the Swanton Wind project was not grandfathered. Mr. Belisle added that he had reserved the right to do various projects on his land, on the deeds of those people who had bought land in his development.

Mr. Daniel had requested modifying the energy language from Freedom, Maine.

Mrs. Rainville said that the two words to her that really mattered to her in this situation was "public good." She said she had signed the paperwork for Rocky Ridge. She was ready to make a deposit on the house, but seeing the reserved rights on the paperwork, she did not go through with the sale. She asked when a realtor was required to disclose that information, and was told by a realtor that it needed to be done within 36 hours of the time of the showing of the property. She knew that that 2 or 3 people who bought from Mr. Belisle did not know this until closing time. Mr. Hubbard said that this was the realtor's job; and, while well taken, the Planning Commission could not make decisions on things like that. He did not feel that Mr. Belisle could be held totally accountable for that.

Mr. Iarrapino said that there were signatures before the closing that allowed for "electrical wind generation facility." He added that Georgia had made the mistake of lowering the assessed value of three homes near their wind project. One of those homes had sold for a higher fair market value than the lowered assessed value.

Mr. Iarrapino stated that "the same five names came up" in opposition to wind projects. Mrs. Luneau-Swan responded that two people can be exposed to the same germs or environments, and one can be impacted and another may not be. Some choose to leave, some choose to stay. "There are a lot of impacted people who don't speak up. Thank God for those same six people." Mr. Iarrapino felt that "the same thing could be said of farming in this state."

Mr. Lavoie said that the Planning Commission was just trying to plan for the future. Mr. Iarrapino said they appreciated the opportunity to have a thoughtful discussion.

#### **4. Review minutes**

Mr. Lavoie made a motion, seconded by Mrs. Luneau-Swan, to approve the September 23, 2016 meeting minutes. Motion carried.

Mrs. Luneau-Swan made a motion, seconded by Mr. Lavoie, to approve the February 2, 2016 meeting minutes. Motion carried.

#### **5. Any other necessary business**

Mrs. Luneau-Swan asked if they had talked to a lawyer about using the Fairfax language. Mr. Hubbard said that no bylaws were being worked on, only a town plan. "It could be written any way we want." Any comments or concerns to the language as presented should be forwarded to David Jescavage, and they would later take action on it. Mrs. Luneau-Swan asked if there was a section for definitions in the town plan, and Mr. Hubbard replied that definitions were only included in the zoning bylaws.

Mr. Hubbard said that Darlene Marrier, Zoning Administrator, had not been able to be present, but the Selectboard was just going to do their three-month evaluation of her. He had spoken to her both as an applicant and a chairman, and he felt that it was unfair to totally evaluate her in three months and preferred to evaluate her in another three months. He felt she was doing an adequate job and should continue to work upon her transition. Mr. Hubbard noted that his big "pet peeve" was enforcement, and hoped to get Mrs. Marrier "out on the street" to address certain areas.

#### **6. Adjournment**

Mr. Lavoie made a motion, seconded by Mr. Daniel, to adjourn at 8:43 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

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Sara Luneau-Swan