

**JOINT LEGISLATIVE BODY MEETING  
SWANTON VILLAGE COMPLEX  
120 FIRST STREET, SWANTON, VT**

**REGULAR JLB MEETING  
MONDAY, MARCH 25, 2013  
7:00 P.M.**

**PRESENT:** Ronald Kilburn, Village President; Chris Leach, JLB Chair and Trustee; Eugene LaBombard, Trustee; Adam Paxman, Trustee; John Lavoie, Selectman; Dan Billado, Selectman; Dick Thompson, Selectman, Kathy Lavoie, Selectwoman; Joel Clark, Selectman; David Jescavage, Town Administrator; Reg Beliveau, Village Manager; Joey Stell, Chief of Police; Rick King, Fire Chief; Mark Larabee, Mylan Technologies; Jim Hubbard, Planning Commission; Ed Daniel, Planning Commission; Ross Lavoie, Planning Commission; Dianne Day, Village Clerk; Andy LaRocque, Janet Hoague, and Channel 16.

Unless otherwise noted, all motions carried unanimously.

Chris Leach, Chairman, welcomed all to the Regular Joint Legislative Body (JLB) Meeting and called the meeting to order at 7:04 p.m.

**1. Approve Minutes of 1/9/2013 JLB Meeting:**

Adam Paxman made the motion to approve and accept Minutes as presented. Dick Thompson seconded. Discussion: Reg Beliveau stated he wasn't sure about the \$250,000 figure for the Fire Truck and stated they needed the correct figure. Chris Leach read the topics from the Minutes. Motion carried with three abstentions - John Lavoie, Dan Billado and Kathy Lavoie.

**2. Old Business:**

\* Update on 250<sup>th</sup> Celebration by Ron Kilburn - Postponed.

**3. Common Interest**

**\* Announcement by Kathy Lavoie**

Kathy Lavoie thanked the Trustees and the Village for hosting Operation Happiness. She stated this was a community wide effort and was a great success.

**\* Presentation by Mark Larabee of Mylan Technologies**

Mark Larabee informed the Board that Mylan Technologies wants to redo their sewer service on Jonergin Drive. He said it is giving them problems and they want to replace the sewer outside the buildings to the line in the street. He said Peter Cross with Cross Consulting has engineered the job and he has also met with Reg Beliveau and Mike Menard regarding this. Dan Billado asked about Act 250 permits. Mark stated they already have an existing permit so do not need a new one because they are replacing the old line with a new line. Mark stated this is an emergency repair. Reg stated he and Mike Menard as well as Harold Garrett from the Town have discussed the job. Chris Leach stated there is no expense to the taxpayers to do this repair and thanked Mark for bringing the Board up to speed and said they appreciate their business in Swanton.

**\* Discuss Tri-Town Sports Arena Revote**

John Lavoie stated this was on the agenda because the Tri-Town committee has petitioned for a re-vote to be held on May 14, 2013. He said the Swanton vote was defeated by 78 votes. He said the Arena is in dire need of repair and wanted to ask the Trustees what their thoughts were on

this topic.

Chris Leach stated he was in favor of it if they could show on paper that it could be self sustained. He said there are similar places in Vermont that are doing that just fine. He said with the right plan and execution it could be self sustained.

Adam Paxman said he has been asked why he thought it failed. He said he feels with the MVU budget increase, the new Town garage being built, and the Village Water Bond being approved he feels Swanton voters recognize that the infrastructure in Swanton was more important than the Arena in Highgate. He said they need to get away from saying Swanton taxpayers are paying 55% because everyone will end up paying \$30. He said they need to get the facts out so the taxpayers can make a good decision.

Eugene LaBombard said he supports the arena and wishes it was better located. He said the community will thrive with it, it's good for us and the young people need it.

Joel Clark stated he brought a copy of their feasibility study and said they need to really study these numbers. He said he would like to see it succeed for another 30 to 40 years but the numbers can't be met that are in the study. He said they need to look at other ways to raise money and need to look at the revenue and expenses very closely.

Dan Billado stated the Tri-Town Committee and MAHA did an awesome job but the concerns that Joel mentioned need to be looked at. Everyone needs to be educated and his concern as a taxpayer is that Highgate should own the Arena.

Dick Thompson stated they need a facility for sure but his contention is he doesn't mind supporting it but doesn't want to own it. He said the \$30 figure that Adam mentioned is on a home assessed at \$100,000 and said most homes in the Swanton area are assessed at \$200,000 to \$215,000. He said this would be a \$100 increase.

John Lavoie stated that between the Swanton Recreation Department and the Teen Center they give over \$100,000. He said this study has been going on for over three years now and needs work but what can they afford. He said the residents in Swanton are on the elderly side and wondered how many more increases they can take. He said he is not totally against this but wants the public to know the real numbers before they vote on it.

**Public Comment:** Ed Daniel stated he is on a fixed income and he supports it. He said his grandchildren don't live in this area and can't enjoy it but said he would support it for other kids to enjoy. He stated he would hate to see the kids have to travel to Rouses Point for practice.

Jim Hubbard said he supports what Ed stated. He said luxuries cost money but their young people need it. He stated this is a tough decision for the taxpayers and said the school was built as a Tri-Town and the rink is part of that.

Janet Hoague asked if the Tri-Town has a money shortfall are there any other plans on how to raise money. John Lavoie said he wasn't aware of any.

Dan Billado stated as a Selectboard they want the taxpayers 100% educated. He said there will be an informational meeting on this topic on May 6, 2013 at 7 p.m. at the Village Complex.

#### **\* Public Hearing on Zoning Bylaws Amendments**

Tabled briefly, moved to Item #5.

### **5. Appointments**

#### **\* Appoint 1 Planning Commission Member**

Jim Hubbard recommended appointing Andy LaRocque as the Planning Commission member and recommended Janet Hoague to the Development Review Board. Adam Paxman made the motion to appoint Andy LaRocque as a Planning Commission member. Joel Clark seconded. Motion carried.

**\* Appoint 2 Development Review Board Members**

Dick Thompson made the motion to appoint Joel Clark to the Development Review Board for a one year term. He appointed Kathy Lavoie to the Development Review Board to a term to expire on April 4, 2013. He also made the motion to appoint Janet Hoague to the Development Review Board to a term to begin on April 4, 2013. Dan Billado seconded. Motion carried.

**\* Appoint 2 Development Review Board Alternate Members**

Joel Clark made the motion to appoint Ed Daniel and Yaasha Wheeler to the Development Review Board as Alternate members for a one year term. Term expires March 31, 2014. Dick Thompson seconded. Motion carried.

Moved to Item #4.

**4. Law Enforcement**

**\* Update on Road Weight Limit Ordinance**

Chief Stell informed the Board that he has been working with the State on the correct language for this Ordinance. He also stated the Police Department has been working with the Department of Transportation this past week and said they wrote several tickets on overweight tractor trailer trucks. Dick Thompson asked if the Citizens Academy was on schedule. Chief Stell said only one person signed up so it has been cancelled until next year because of no participation. Dan Billado stated good job on the traffic detail.

Dick Thompson said Fire Chief Rick King would give an update on the Fire Department as well. Rick King said the fire calls have been slow so far this year and said motor vehicle accident calls have been keeping them busy. He said they are still waiting for the new Fire Truck and said it may be shown in the International Show. Chris Leach asked if there were any issues. Rick stated everything was going very good and said they have most of their new equipment for the new truck. Rick stated they could always use more help and said if anyone was interested to come in and sign up.

Moved to Item #7.

**7. Any Other Necessary Business**

**\* Request for Traffic Count on Lakewood Drive**

**\* Request for Use of ROW on Lakewood Drive**

Dan Billado stated these were Town issues and they would table until further notice. He also stated this was their first meeting of the new year and said they should reorganize the JLB Chair, etc. Chris Leach stated they will do that at their next meeting.

Moved to Item #2.

**2. Old Business**

**\* Update on 250<sup>th</sup> Celebration with Ron Kilburn**

Ron Kilburn stated their committee now has nine members as they added Rich Kelley, webmaster, to their group. He said they have met three times and their next meeting is scheduled for March 27<sup>th</sup>. He said things started out as a bunch of possibilities and now they have some realities. He said they will meet every other Wednesday from 4 to 5:30 p.m.; they now have a website which is Swanton250.org; the finances will be handled by the Village Office staff and said their logos and banners are in the works.

Ron stated their programs are called "Meal & Movie" and will be held in April, May and June. He said their kick off program will be held on Saturday, April 6 in the library at the Swanton Elementary School from 2 to 4 p.m. "Traces of the Past Mid 18<sup>th</sup> Century Antiques in New England." Ron stated that Fred Wiseman, local resident, historian and author will share pointers on 1740-1780 era antiques which will help us to identify Queen Anne and Chippendale style furniture construction, lighting devices, fat lamps and candleholders, ceramics and glass, flintlock, firearms and accessories. This is free and open to the public.

Ron stated that a Mini Film Festival will be held on Saturday evening April 6<sup>th</sup> from 7 to 9 p.m. at the Village Complex. This program includes: Swanton's 250<sup>th</sup> Anniversary Celebrations begin with a series which will celebrate Swanton's unique history and culture. They begin at the year of the Chartering of Swanton, 1763, while remembering that Swanton has evidence of human occupation for over 10,000 years. He said Fred Wiseman will show two films, "The Forgotten War," a documentary about the French and Indian War in the Champlain Basin and "The Changeling," a short film about Champlain Valley Abenakis and an Anglo child in the French and Indian World, partly filmed at the Missisquoi National Wildlife Refuge. Meet the producers and actors, Melody Walker and Walker Brook, stars of the film, who will be present to share in the celebration. This is also free and open to the public.

Ron stated other realities include "Old Home Week" to be held August 10-17<sup>th</sup>; Vermont Association of Business, Industry & Rehabilitation (VABIR) has agreed to provide a technical assistant for 26 hours per week; and the Chamber of Commerce has agreed that they can use their office space at no charge. He also stated Becky Rupp and Jason Barney will be guest speakers. Ron advised everyone to visit their website Swanton250.org for more information.

Moved to Item #3.

### **3. Common Interest - Public Hearing on Zoning Bylaws Amendments**

The Board decided to go through each proposed amendment presented by Jim Hubbard, Chairman of Planning Commission. Jim stated the Planning Commission has worked on these proposed bylaw amendments for over a year and said since the DRB was developed they've had time to do so. He said he is presenting the information tonight and they need one more meeting for approval.

**1. Adaptive Reuse of a Historic Barn** -- Proposed change: Changed to "Adaptive Reuse of a Historic Barn/Building".

**2. Recreation/Indoor** -- Proposed changes (to affect all districts in which recreation/indoor is listed as a permitted or conditional use): RC, SR, S2, R1, R5, CB, NCL

"Indoor recreational facilities allowed within this district are limited to recreation halls and similar indoor recreation facilities which are accessory to campgrounds and public parks." (Underlined phrase removed)

"Such facilities shall be located at a minimum of 200 feet from all lot lines and shall be effectively screened therefrom." (Underlined phrase removed)

It was noted that CB (Central Business) be removed from #2.

**3. Storage Containers** -- Proposed changes: "Generally meant to be so-called ocean shipping containers, Pods, truck freight units, and seasonal garages." Storage containers may be used for storage in all zones with conditional use permit, with the exception of the R5 district, the Central Business district, the Shoreland/River district, and the western side of Route 36 (Maquam Shore Road) and Lakewood Drive in the Shoreland Recreation district, in which such storage is not allowed.

Joel Clark stated there should be another term for "seasonal garages." Jim stated these storage containers have been popping up in several locations and need to be addressed.

**4. Contractor's Yard** -- Proposed change: Allowed under Conditional Use in RC Recreation Conservation District. Also allowed under Conditional Use in SR Shoreland Recreation, but not west of Maquam Shore Road (Rte. 36), Church Road, or Lakewood Drive, or south of Champlain Street.

**5. Accessory Structure** -- Proposed changes: If an accessory structure does not exceed 100 square feet or 10 feet in height, and meets all setback requirements, only a letter of intent and a plat are required. If the structure does not meet the setbacks for the district, it shall require Conditional Use Review by the Development Review Board.

Dick Thompson stated he didn't agree with this at all. He said the Planning Commission changed this about 8 years ago to a 5' setback and asked that they look at all structures placed because some of them are less than 3'. Jim stated a lot of work went into this and the issue they are facing is that a person could potentially place a structure directly in front of their neighbor's living room window. He feels there should at least be a permit so that a neighbor has the right to question placement of the structure.

**6. Value-Added Agricultural Enterprise** -- Proposed change (using language suggested by the Regional Planning Commission): Value-Added Agricultural Enterprises (VAAEs) allow producers or growers to earn a greater portion of consumer expenditures by processing, packing, and/or marketing/sales of crops, livestock, or other farm resources, and on property that was formerly an agricultural use.

Value-Added Agricultural Enterprise may be allowed in designated zoning districts in accordance with Section 5.4 Conditional Use Review and 5.3 Site Plan Review. Indoor recreation halls and outdoor recreation halls/areas located on a VAAE are to be located a minimum of 200 feet from all lot lines. The use of these facilities must be available as an accessory to the VAAE. A VAAE is allowed in the following districts: R1, SGD, NCL, RC, SR, S2, NASO, and R3 -- and prohibited in all other districts.

Jim stated an example of this would be a farm planting and selling flowers for weddings, hosting weddings and/or receptions, etc.

**7. Added Conditional Use in Southern Growth District** -- Proposed change: Add nightclubs, restaurants, movie theaters, places of worship, and auto sales under Conditional Use.

**8. Automobile Sales & Service Station** -- Proposed changes: Add under Conditional Use to Southern Growth District and Southern Growth Overlay.

Jim stated Ed met with St. Albans about the water and sewer and said they will get that back on track.

**9. Added Conditional Use to Industrial District** -- Proposed change: Add hotels, lodging facilities, auto sales, and slaughterhouse under Conditional Use.

**10. Pier, Dock, Boat Launch/Ramp (Permanent)** -- Proposed change: Remove from p. 10, Table 2.2 (SR district), CU #15. Remove from p. 11, Table 2.3 (S2 district), CU #13.

Jim stated they are only removing "Boat Launch" from this bylaw.

**11. References to Development Review Board (Throughout Bylaws)** -- Proposed change: All references to the Zoning Board of Adjustment shall be changed to reference the Development Review Board (DRB). Reason for change: To reflect the adoption of a Development Review Board to replace the Zoning Board of Adjustment.

**12. Storage Facility** -- Proposed change: Storage facility shall be added to the Shoreland Recreation district under Conditional Use.

Jim thanked the Board for their input on their bylaw amendments. Chris Leach stated a second meeting will be held for the approval of said amendments.

Moved to Item 8.

**8. Executive Session (if needed).**

None.

**9. Adjournment**

Dan Billado made the motion to adjourn the regular meeting of the Joint Legislative Body at 9:40 p.m. Adam Paxman seconded. There being no further business at hand, Chris Leach, Chairman, adjourned the meeting at 9:40 p.m.

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Cathy Fournier, Town Clerk

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Date

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Dianne Day, Village Clerk

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Date