

SWANTON PLANNING COMMISSION

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7/17/13 PUBLIC MEETING

SWANTON PLANNING COMMISSION

The Swanton Planning Commission held a public meeting at 7:00 PM on Wednesday, July 17, 2013 at the Swanton Town Offices, 1 Academy Street.

Present:

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

Present:

**Greta Brunswick
George Spear
Mariana Gamache**

The hearing opened at 7:10 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.

Ross Lavoie requested Miss Wheeler to send the Planning Commission copies of the Development Review Board agendas; Miss Wheeler agreed to do so.

Greta Brunswick stated that the Planning Commission should review the issues and opportunities report, which was organized by article. Underneath each article, she was trying to list the things that the Planning Commission wanted to focus their revisions on. For example, in Article 2, did the Planning Commission wish to make any changes to the zoning boundaries. The article could also be reviewed to modernize the uses in the use table (Table 2.16). Mr. Daniel explained that the Planning Commission had reviewed the bylaws up to about page 29, then had begun meeting with NRPC and veered onto other discussions, such as stormwater, floodplain,

and other issues. He suggested that each Planning Commission member could come up with 3-5 items in the article that might be worth more consideration.

Mrs. Brunswick mentioned that she was curious about the distinctions between Central Business District, the Neighborhood Commercial Light district, and R5, since those districts had remained the same for decades. Mr. Jescavage said that he recommended dealing instead with the Southern Growth district and the core overlay. The core overlay required new development to hook up to municipal water and sewer, which was not conducive to growth near St. Albans, which was better accomplished with on-site water and septic. Also in consideration of input from the Selectboard, he recommended doing away with the core overlay, since the differences in permitting requirements between the core overlay and the rest of the district was minimal and because the core overlay took up most of the district anyway. Mr. Hubbard explained that the core overlay was meant to encourage denser development, and noted that retail sales in the Southern Growth District allowed retail sales only up to 30,000 square feet, whereas the core overlay allowed retail sales over 30,000 square feet. Mr. Jescavage responded that the bylaws did not necessarily show a difference in density, but in the permitting process.

Mrs. Brunswick pointed out that removing the core overlay district would mean allowing larger commercial operations all over the Southern Growth District. Ross Lavoie stated that the retail sales would still require Conditional Use permitting, and Mr. Hubbard added that it would probably also require Act 250.

Mrs. Brunswick drew the Planning Commission's attention to her schedule for progress, and asked if they were interested in reviewing the language and recommendations as far as modernizing uses and updating language in Article 2. Each meeting, the Planning Commission would review 2 articles; the upcoming August meeting, for example, would focus on discussing changes to Articles 3 and 4, the September meeting would involve changes to Articles 5 and 6, and so on. She asked if, in the present meeting, the Planning Commission had requests for articles 1 and 2. She mentioned the Central Business and Neighborhood Commercial Light districts and noted that some towns have a mixed-use core for the village center. Mr. Hubbard noted that parking requirements, building height requirements, and lot coverage versus building coverage were worth more consideration.

Mr. Jescavage presented a graphic of the Southern Growth district with the core overlay and the Planning Commission and Mrs. Brunswick agreed that the core overlay covered 90% of the district and was therefore redundant. Mr. Jescavage suggested merging the requirements of 2.15.1 and 2.15 regarding the Southern Growth District. Mrs. Brunswick noted that all development in the Southern Growth District would still be reviewed by the Development Review Board.

Mrs. Brunswick agreed to review parking and to consider modernizing the standard from a low-impact development perspective. There were no major changes other than permit review sheet. She would also review a set of standards that would apply to structures on the historic register, which would include possible historic assessment prior to the demolition of a structure and rebuilding standards that might require the new structure to be built in a way that preserved the

historic character. Mr. Daniel was concerned that the requirements should not strangle activity. Mr. Kilburn noted that the real problem was “demolition by neglect,” in which property owners allow historic structures to decline to the point where demolition is necessary. Mrs. Brunswick felt that was a building code issue and Mr. Hubbard replied that it was difficult to address that issue when the property owner did not have the resources to keep the building up to code. The Planning Commission also discussed the fact that unused or unoccupied structures were also being neglected, but there was no way to handle that from a zoning perspective. Mr. Daniel was concerned that neglect could be encouraged if a property owner were pushed too hard to keep the building up to a certain standard. Mrs. Brunswick said that she would document how the historic standard works.

Mrs. Brunswick explained that the NFIP community floodplain review checklist, which was largely completed by Rebecca Pfeifer, the river corridor state employee, recommended the Vermont model flood hazard version as starting point to address both fluvial erosion and flood hazard inundation. There were various levels of standards, some which recommended not allowing new structures to be built within the floodplain, others which used coastal standards. One recommendation was to increase the standard to one foot above BFA, which was 103 feet above sea level. Mr. Hubbard questioned that was adequate and requested a recommendation from Mrs. Pfeifer. Mrs. Brunswick recommended a height of 104 ft. for non-residential structures.

Mrs. Brunswick noted that recommended language would require a damaged structure to acquire a zoning permit to repair it; Mr. Daniel wanted to ensure that the fee for doing so was not a hardship when rebuilding a destroyed home.

Mrs. Brunswick asked about the setbacks for the rivers and streams. Mr. Hubbard replied that he believed the setback was 50 feet for streams, adding that the Planning Commission might want to set different setbacks for different bodies of water. Mrs. Brunswick explained the levels of building restriction near streams and rivers, according to the NFIP standards. Some levels, for example, prohibited development along the floodplain, with setbacks for all streams. She noted that, once in the bylaw, the permitting would be administered by the town, not the state. Mr. Daniel pointed out that, if the setback were 50 feet from the body of water, any rebuilding along Maquam Shore Road would require new structures to be built across the road from the lake, resulting in a loss of useful land. Mr. Jescavage added that, for flood insurance purposes, if a home needed to be replaced or repaired for an amount that was equal to 50% or more of its fair market value, the home owner would have to comply with the current regulations. If less, then the home was grandfathered. If the whole house was lost, then the owner would have to comply with the current regulations, which, if adopted, would require a setback of 50 feet. Mr. Hubbard felt that more discussion was needed on that issue, since he hated to lose the building lots along the lake.

Mr. Hubbard agreed that the Planning Commission would meet prior to the August meeting, to discuss articles 3 and 4. The Planning Commission agreed to meet on Wednesday, August 7th, and then to meet with Mrs. Brunswick again on Wednesday, August 21st. Mr. Hubbard signed

the contract for the NRPC to work with the Swanton Planning Commission, a copy of which was retained for the Town records and a copy of which was given to Mrs. Brunswick.

2. Other Necessary Business

Mr. George “Ned” Spear came forward to request the Planning Commission to consider a change in permitted uses in the Central Business District, to allow for the redevelopment of existing structures as PUDs without having the site-size restriction. Currently, a PUD was not allowed in the Central Business district. He explained that he had developed a condominium in River Woods, but the mortgage crisis had restricted the amount of money that banks could lend out. A secondary market had grown up, in which companies bundled mortgages into packages of a million dollars or so, to sell on the mortgage market. The Federal National Mortgage Association and Federal Mortgage Assistance Corporation had changed the requirements regarding condos, so that, in order to get conventional bank financing of the condo and to sell the mortgage on the secondary market, half of the units had to be sold. Most buyers did not have enough cash on hand to make that possible, so sellers like himself could not sell because buyers could not get financing. PUDs could be financed conventionally like single-family houses could be financed.

Mr. Spear added that Mrs. Gamache owned commercial property on Merchant’s Row. The property originally consisted of three properties that had later been merged as one property. He felt that changing the Central Business district regulations to allow for redevelopment of existing structures would help to preserve the historic character of the neighborhood, would maintain existing neighborhoods, and would enhance the ability of people like himself and Mrs. Gamache to be able to merchandise what they have. People like the concept of ownership more than the cooperative condo-type approach. A PUD approach would be more attractive to potential buyers, would increase tax revenue, and the units would be worth more once separated. Also the use of the structures would not be changed.

Mr. Hubbard suggested perhaps changing the Central Business district to the historic district, since it was in an area with a great number of buildings historic to Swanton. Mrs. Gamache confirmed that the occupants of her commercial space had expressed interest in buying, adding that landowners were more invested in the maintenance of their buildings. Mr. Hubbard agreed that the matter would be discussed. Mr. Kilburn noted that allowing PUDs in the Central Business district would necessitate changing the 5-acre requirement. Parking in the common land and surrounding area was discussed. Mr. Hubbard also noted that growth in the village might have to go up eventually, which would need a change in the allowed height requirements. Mr. Spear and Mrs. Gamache thanked the Planning Commission for their consideration.

Mr. Daniel made a motion, seconded by Mr. Lavoie, to approve the Planning Commission meeting minutes of May 22, 2013. Motion carried.

Mr. Daniel asked Mr. Kilburn to update the Planning Commission periodically on the building and development that was occurring in the community. Mr. Kilburn distributed copies of his list, which included every Certificate of Compliance, building permit, Conditional Use permits, and more.

Mr. Lavoie made a motion, seconded by Mr. Hubbard, to adjourn at 9:04 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler
Planning Commission Secretary

Jim Hubbard

Ed Daniel

Ross Lavoie

Andy Larocque