

SWANTON PLANNING COMMISSION

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8/21/13 PUBLIC MEETING

SWANTON PLANNING COMMISSION

The Swanton Planning Commission held a public meeting at 7:00 PM on Wednesday, August 21, 2013 at the Swanton Town Offices, 1 Academy Street.

Present:

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

Present:

Allison Stori

1. Continuation of Discussion by the Planning Commission regarding possible proposed changes to Swanton's Zoning Bylaws & Subdivision Regulations.

Ms. Stori passed out copies of the Land Use and Development Regulations. She explained that she planned to nitpick spelling, formatting, and grammar via e-mail, but would go over revisions and changes during meetings. She explained the color coding of the document and stated that the plan was for each section to have a link to page number.

Ms. Stori explained that she had changed the table to reflect the text, because of some discrepancies between the two. In Table 2.16, auction house was removed from R3, R5, and CLI, both permitted and conditional, because it was not listed in the text, although it showed in the table. Was that something the Planning Commissions wished to remain removed or to be put back in? The Planning Commission discussed areas in the districts where citizens had petitioned to have auction houses or where an auction house might be desired. The Planning Commission agreed to allow auction house as Conditional Use in the CLI and Industrial districts, but not in the R3 and R5 districts.

The Planning Commission, at Ms. Stori's recommendation, also removed community care facility from the Southern Growth District. Ms. Stori noted that "childcare homes" were often

referred to as “daycare facilities.” Conference centers, usually associated with lodging facilities, were listed in the tables, but not in the text. Mr. Jescavage noted that there was no definition of hotel in the bylaws. Ms. Stori recommended allowing conference centers in SG and CB as Conditional Use. Mr. Kilburn added that it might be worth keeping in R3, since the old Tyler House might be a possible Bed and Breakfast with a conference alternative in the future. Mr. Daniel pointed out that the house in question already had that option through “reuse as a historic building.” Mr. Kilburn agreed that the current bylaws allowed for the adaptive reuse of a historic building to have a conference center under Conditional Use. Mr. Jescavage pointed out a contradiction, in which Section 4.3 noted that “the following uses are allowed under Conditional Use” but then listed permitted uses for adaptive reuse. Ms. Stori added that adaptive reuse would allow for some uses that were not permitted, but allowed as conditional use. At Ms. Stori’s recommendation, conference centers were removed from the residential districts and allowed in the Southern Growth and Central Business districts.

Ms. Stori suggested removing “destination spa” from all the districts in the table, since it was differentiated from regular spas by requiring an overnight stay in a lodging facility, to which it would be an accessory use. It would be a conditional use in the Central Business, Neighborhood Commercial, and Southern Growth districts.

The Planning Commission agreed with Ms. Stori to include industrial retail sales as a permitted use in the industrial district.

The Planning Commission discussed funeral parlors and crematoriums. Ms. Stori noted that most people were comfortable with crematoriums in the industrial district, as Conditional Use. Mr. Lavoie noted that private land, if properly permitted, could be used as a burial site for an individual. Mr. Jescavage pointed out that the definition of a cemetery (but not a funeral parlor) excluded crematoriums. Ms. Stori said that not many people would want a large crematorium facility in the cemetery, and Mr. Jescavage responded that few would want one on Main Street either. Ms. Stori said that she could add a definition specifically for crematoriums or, instead of including it in uses like funeral parlors, it could be defined as its own use. Mr. Jescavage recommended looking at the state definitions and adding the Vermont statute that was referenced to allow for private burials.

Mr. Daniel suggested considering a lodging establishment as conditional use in the R3 and R5 districts.

Ms. Stori recommended allowing an office and professional service/business in the Southern Growth district as a permitted uses.

Ms. Stori recommended having a maximum setback, rather than a minimum setback, in the Central Business district, which would encourage buildings within a neighborhood to keep within the historical nature of the adjacent buildings. This created the potential for buildings to be built with setbacks from 0 feet to the maximum. Mr. Lavoie summed up that new buildings would align themselves with the front of the buildings already in place. Ms. Stori stated that the side setbacks would need to be sufficient to meet the fire code requirements. She recommended a front setback of 0 to 10 feet maximum, with side setbacks of 5 to 15 feet maximum. She did not

feel that rear setbacks would be an issue, but Mr. Kilburn noted that places such as Merchant's Row saw traffic from large trucks in very small back areas. Ms. Stori explained that the advantage of the maximum gave people the flexibility to build in a way that most resembled the historic settlement pattern of the neighborhood, without having to seek a variance.

Mr. Daniel brought up the request from Ms. Gamache and Mr. Spear to allow PUDs in the Central Business district. Mr. Jescavage explained that the units could not be sold as condominiums because the banks will not finance them. Mr. Daniel asked if this is a situation in which a waiver could be used and Ms. Stori said it was not. She agreed to reinvestigate PUDs when the Planning Commission reviewed Article 8.

Ms. Stori asked if the lot size in the Central Business district worked well and the Planning Commission agreed that no change was needed.

Mr. Daniel said that he would like to see more thought put into handicapped access and parking. Ms. Stori mentioned that Article 3 should include some specific ADA and state requirements. She believed the bylaws already referenced the need to be in compliance with ADA requirements in 3.10(7)A. Mr. Jescavage said he believed the rule was for there to be 1 handicapped space per 25 parking spaces, but many businesses in Swanton did not even have 25 parking spaces. Mr. Kilburn added that the issue was limited to those instances that would be subject to site plan review, which would not apply to Central Business anyway.

Mr. Kilburn asked Ms. Stori to look into the "abandonment by neglect" of foreclosed lots, and if there could be any way to regulate this.

Mr. Lavoie noted that the Planning Commission wished to change the minimum right-of-way width to 22 feet, and to substitute the requirement to have an A76 road designed and certified by a licensed engineer with a requirement for the road to be certified by a licensed draftsman, engineer, or surveyor.

Mr. Daniel added that the Development Review Board should have the option to substitute a hammerhead for a cul-de-sac.

Mr. Jescavage pointed out that 3.2(A)1 stated that "where existing rights-of-way traverse more than one landowner's property, the right to develop no more than three lots shall be available to each landowner." If 3 landowners each developed 3 lots, that would be 9 lots on a private right-of-way. In essence, only 3 lots total should be developed, and that would mean "first come first served." Mr. Kilburn suggested eliminating that entire sentence.

Mr. Daniel asked if 2 parking spaces per unit was enough parking for a multi-family dwelling and Ms. Stori said that, since a maximum had not been set, the development could include more parking spaces as needed.

Mr. Daniel said that he would like to see permits for non-conforming uses to be subject to review for more control. Some uses ended up snowballing over time into uses that were never intended originally. Mr. Jescavage noted that uses could not be reviewed unless they changed or

discontinued, and Mr. Kilburn said that the uses that morphed were violations, not legitimate uses.

Mr. Daniel questioned whether the sign requirements should be changed to allow for illuminated or flashing signs. Ms. Stori said that she could gauge the Planning Commission's comfort level with such signage at the next meeting.

Mr. Lavoie noted that the bylaw's on site wastewater requirements were redundant because the applicant would have to adhere to the state regulations anyway.

Ms. Stori agreed to incorporate the Planning Commission's suggestion to allow roadside stands to sell produce from Franklin and Grand Isle Counties.

2. Other Necessary Business

The Planning Commission would meet on September 11th for a working meeting to pre-discuss Articles 5 and 9. The meeting of September 18th with RPC representatives would have to be changed because of a conflict with another meeting; the Planning Commission would arrange for an alternative date.

Mr. Jescavage stated that he had received a request from the Selectboard to "fast-track" the deletion of the requirement for development in the Southern Growth district to require municipal water and sewer. The core overlay of the Southern Growth district would also be eliminated.

Mr. Kilburn stated that he knew of a situation in which an applicant in the R3 district wished to teach recreational dance classes, a use which was defined as neither a permitted nor a conditional use in the district. Since it a benign use of the property, he recommended adding it to R3 as a permitted or conditional use or to add it to the definition of indoor recreation. Mr. Jescavage said that it could be tagged onto the Southern Growth district matter to fast-track it as well. The Planning Commission was generally in favor of the idea of a dance classes, as Conditional Use. Ms. Stori recommended adding to the table for R3, as Conditional Use under indoor recreation.

Mr. Lavoie made a motion, seconded by Mr. Daniel, to accept the 8/7/13 minutes as printed. Motion carried.

Mr. Lavoie made a motion, seconded by Mr. Daniel, to adjourn the meeting at 9:33 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler

Ed Daniel

Ross Lavoie

Andy Larocque