

**MINUTES OF PUBLIC HEARING
PLANNING COMMISSION
November 20, 2013**

***Swanton Town Office
1 Academy Street
Swanton, Vermont 05488***

Pursuant to Title 24, Sections 4441 and 4442, Vermont Statutes Annotated, the Swanton Planning Commission held a public hearing at 7:00 p.m. on Wednesday, November 20, 2013 at the Swanton Town Office, 1 Academy Street, to receive public comment and to consider for recommendation for adoption, proposed changes to the Swanton Zoning Bylaws and Subdivision Regulations.

The regulations affect the Southern Growth District (SG) and the Southern Growth District Core Overlay (SGO). The Planning Commission will consider a proposal to combine both districts into the Southern Growth District and to amend the permitted uses and conditional uses in the Southern Growth District by adding new uses and by deleting or changing several existing uses or requirements including deletion of the requirement that all new developments within the Southern Growth District Core Overlay District shall be served by municipal water and sewer.

The purposes of the zoning and subdivision regulations are to provide for orderly community growth, to further the purposes established in Section 4302 of the Act, and to implement the “Swanton Town and Village Municipal Plan” adopted by the Joint Legislative Body on August 31, 2010.

Following this scheduled public hearing on the proposed changes, the Swanton Planning Commission may take action to approve, deny, or propose additional changes to the Swanton Zoning Bylaws and Subdivision Regulations before forwarding them to the Joint Legislative Body for review at a public hearing and possible adoption.

Copies of the proposed changes are available at the Town Clerk’s Office and the Office of the Zoning Administrator. Questions may be directed to Ronald F. Kilburn, Zoning Administrative Officer by phone at (802) 868-3325 or by e-mailing at swanza@swantonvermont.org. Under NOTICES button in the left column of the Town’s website, a copy of the proposed changes may be viewed at www.townofswantonvermont.weebly.com.

Present:

**Jim Hubbard
Ed Daniel**

Andy Larocque
Ross Lavoie
Ron Kilburn, Zoning Administrator
Yaasha Wheeler, Secretary
David Jescavage, Town Administrator
Allison Stori and Greta Brunswick, Northwest Regional Planning Commission

Mr. Hubbard opened the hearing at 7:09 p.m. He explained that the purpose of the hearing was to present proposed changes to the Southern Growth District which were requested of them by the Swanton Joint Legislative Body. He read the notice into the record.

Greta Brunswick stated that the allowance of private water and sewer was in conflict with the regional plan, which required that the growth center must have a connection to municipal water and sewer. Mr. Hubbard responded that something could not be required if it was not available, and currently, municipal water and sewer was not available in that area. Mr. Jescavage added that the only projects which would conflict with the regional plan were projects that triggered Act 250, which Ms. Brunswick confirmed. Mr. Hubbard said that RPC probably assumed that those services would be obtainable, noting that the Planning Commission were only the messengers of the Joint Legislative Body, who felt strongly about the matter.

The Planning Commission discussed other possible changes to the Southern Growth District that would not be added to the fast-track items, but would be incorporated into the continuing bylaw rewrite for potential approval later in the process. Mr. Daniels suggested adding “dry cleaner” to “Laundromat” in the allowed uses of the Southern Growth District. Mr. Jescavage recommended caution because of the environmental aspects of drycleaning. Ms. Brunswick recommended determining if the use was identified in another district. Mr. Daniels suggested added a performing arts theater. Mr. Hubbard thought that might fall under recreation (indoor) and Ms. Brunswick considered that it might be combined with movie theater, since the two types of theaters had similar factors. Mr. Jescavage added that the definition of “movie theater” could be redefined to involve live productions.

Mr. Daniel made a motion, seconded by Mr. Larocque, to approve the proposed amendments as written and to forward them to the Joint Legislative Body for review in a public hearing for possible adoption. Motion carried.

Sections 6 and 7

Ms. Stori noted that she had added language in which historic features such as stone walls would fall under “protection of natural and cultural resources,” to encourage preservation and integration of such features.

Ms. Stori noted that stronger language had been added to Section 7.8(I) to require the subdivider to contribute to any or all expenses. She and Ms. Brunswick recommended having review standards that would be the same for site plan review, PUDs, and subdivisions, with

language and mechanisms of review similar for all articles. This would eliminate unnecessary duplication in review standards. The Planning Commission agreed that that was worth cleaning up.

Mr. Jescavage suggested including requirements that a CAD disc should be supplied for each approved subdivision, in order to help create the town maps.

Ms. Stori and Ms. Brunswick noted that there was a lot of “should” language (recommendations) but not “shall” language (requirements). This could create confusion when the DRB needed strong guidance on which to base a legally defensible decision. They felt that there could be more teeth without creating unnecessary hindrance to developers. The Planning Commission agreed to invite the Development Review Board to their December working meeting to discuss these needs. Ms. Brunswick said that she would look at the Georgia South Village language for comparison as well, since she felt they had good guidelines.

Mr. Hubbard left at 8:00 p.m.

The Planning Commission discussed the requirements for designing a small second story or a façade to give the impression of a second story, which were used to create continuity within the character of a neighborhood.

Ms. Brunswick mentioned that re-establishing a small core area in the Southern Growth District would help them to target the needs of a specific area from which to build outward.

The Planning Commission discussed that outdoor storage areas should be designated on applications.

Mr. Jescavage recommended a grammatical correction. Also, in relation to Section 6.5 (D), someone could not be required to bond in two municipalities (the town and the village were considered separate entities), so bonding should only be required in the area where the project is taking place (town or village); Ms. Brunswick suggested the language to “furnish the town or village as applicable.”

The Planning Commission agreed to meet on December 4th at 5 p.m. for a working meeting, to which the Development Review Board would be invited, and on December 18th at 5 p.m. with NRPC to review bylaw revisions.

Mr. Lavoie made a motion, seconded by Mr. Larocque, to accept the minutes of November 6, 2013 as written. Motion carried.

Mr. Lavoie made a motion, seconded by Mr. Daniel, to adjourn the meeting at 8:19 p.m. Motion carried.

Respectfully Submitted,

Yaasha Wheeler, Secretary

Jim Hubbard

Ed Daniel

Andy LaRocque

Ross Lavoie