

SWANTON PLANNING COMMISSION
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1/15/14 PUBLIC MEETING
SWANTON PLANNING COMMISSION

The Swanton Planning Commission held a public meeting at 5:00 PM on Wednesday, January 15, 2014 at the Swanton Town Offices, 1 Academy Street to cover the following matters:

- 1. To meet with representatives of the Northwest Regional Planning Commission and others to discuss proposed revisions to Swanton's Zoning Bylaws & Subdivision Regulations. The focus of discussion for this meeting will be on Article 8: "Planned Unit Developments and Article 10: "Definitions."**

Present:

Jim Hubbard
Ron Case
Ross Lavoie
Andy Larocque
Ed Daniel
Ron Kilburn, Zoning Administrator
Greta Brunswick, Northwest Regional Planning Commission
Yaasha Wheeler, secretary

Mr. Hubbard called the meeting to order at 5:10 p.m. Ms. Brunswick stated that she had noted a difference between the purpose of PUD development as described in Swanton's bylaws and as described in state statutes. She had therefore incorporated the seven state purpose statements for review. Her main concern was that #6 in the Swanton bylaws ("provide for the development of existing lots which because of physical, topographical, or geological conditions could not otherwise be developed") contradicted the intent of the state statute. Mr. Hubbard explained that the Swanton bylaw allowed for the Development Review Board to grant a waiver of some of the restrictions within a PUD, if deemed beneficial. Mr. Hubbard felt that the seven purpose statements were not significantly different from those already in the Swanton bylaws, but did "clean them up" and make them more "reader-friendly."

Mr. Case pointed out that #1 (“to encourage compact, pedestrian-oriented development...especially in downtowns and village centers”) referenced PUDs in village centers, which he felt was not feasible. Ms. Brunswick explained that PUDs could be allowed in village centers with adjusted regulations. Essentially, PUDs could have different standards in rural areas and in village centers. Mr. Case said that he liked the idea of that flexibility. Ms. Brunswick added that the village PUDs could also get certain density bonuses if the design included sidewalks, public park spaces, or other things appropriate for a village center. The PUD might also have no minimum lot size. The Planning Commission agreed that more flexibility was better, recalling cases where the bylaws restricted a kind of development that would have been beneficial for the town. The Planning Commission discussed one of the purpose statements which indicated that the intent of the PUD was to be more mixed-use. Ms. Brunswick clarified that the statement did not require mixed-use, but did encourage it.

Section 8.2 – Ms. Brunswick said she had aligned the language to be more consistent with the state language, although the intent of the language was the same. The language now stated that a developer “can vary density or intensity of land use otherwise applicable under the provisions of these Regulations in consideration of and in respect to the following:

- The location and physical characteristics of the proposed PUD;
- The location, design, type and use of the lots and structures proposed; or
- The amount, location and proposed use of open space.”

Section 8.4 – Ms. Brunswick asked to know what the bylaws meant by preserving “natural areas.” The term was too broad and generalized to allow for appropriate decision-making. The Planning Commission agreed to strike that language.

Ms. Brunswick also pointed out the language: “Minimum front, side and rear yard setbacks at the periphery of the PUD shall be as dictated for the particular district unless otherwise specified by the DRB.” What would guide the DRB in making that decision? Mr. Case felt that the next sentence in the bylaws answered the question, and could replace the previous sentence: “The DRD may consider within the project area other setback standards, such as zero lot lines, as part of its review under this Section.” Mr. Hubbard explained the importance of allowing the DRB to alter projects to allow for better development. Ms. Brunswick asked when it would be appropriate to have smaller setbacks and Mr. Hubbard replied that the PUD perimeter setbacks might be reduced from 100 feet. The Planning Commission and Ms. Brunswick agreed that the DRB would waive the 100 feet, but could not make the setback less than the district setbacks in the rural areas. Mr. Hubbard added that setbacks could be reduced to zero in the village areas.

Section 8.5 – Ms. Brunswick pointed out the following language: “An appropriate and compatible mix of permitted and conditional uses otherwise allowed in the district shall be included in the PUD.” She preferred the term “may be included,” since “shall” sounded like a requirement, when the intent was simply to allow for mixed uses.

In relation to the density and open space requirements, Ms. Brunswick asked if open space should have legal protection as enabled under Section 7.4(D)? If someone was given a density bonus, that open land should have a legal mechanism for its protection, to be tied to the deed

and the land use permit. Mr. Kilburn asked if the bylaws included a definition of “density bonus” and Ms. Brunswick said she could add one to the bylaws. She clarified that it was actually more properly referred to as “density increase.” She explained the difference between smaller lots and increased density. Smaller lots: the same number of lots are developed, but on a smaller amount of land. Density increase: More lots are developed on a small amount of land. It was noted that, although open land was required, common land was not specified.

Ms. Brunswick asked what would guide the DRB in waiving the minimum distance between buildings (30 feet)? What was the minimum distance for fire safety purposes? After discussing whether the waiver could apply to accessory structures, the Planning Commission decided that they could delete the ability to waive by the DRB, since variances and other avenues were available already.

Ms. Brunswick asked why cottage industries were not allowed in PUDs, and Mr. Lavoie questioned why units of less than 850 square feet were not allowed. Mr. Hubbard explained that cottage industries needed more parking, and the Planning Commission discussed with Ms. Brunswick the difference between cottage industry (up to 12 employees) and home business (up to 2 employees). Mr. Hubbard’s concern with cottage industries within PUDs was that parking might choke the PUD. Ms. Brunswick pointed out that lot size could limit a cottage industry anyway, but PUDs could expand gradually too, which was her concern with making a blanket statement about cottage industries in PUDs. Any cottage industry would have to come before the DRB for Conditional Use Review anyway. The Planning Commission agreed to remove the language excluding cottage industries from PUDs. The Planning Commission, upon discussion of the units that must be a minimum of 850 square feet, felt that the restriction was in conflict with the state’s goal for affordable housing and with the modern trend of small units.

The Planning Commission agreed to add similar wording to #10 as in #8, as to why DRB could waive minimum lot size (10,000 square feet) within the approved PUD.

Article 10 – Ms. Brunswick and the Planning Commission discussed the road standards/road base standards and ways to make the language less confusing. They agreed to incorporate both the A76 standards and the B71 standards to reduce confusion.

Ms. Brunswick agreed with the Planning Commission to give the flexibility to allow for hammerheads as well as for cul-de-sacs.

The Planning Commission informed Ms. Brunswick of their agreement to use only the term “lot coverage,” rather than both “lot coverage” and “building coverage,” and asked her to look into the specific percentages and requirements to ensure that they make sense with each individual district.

The difference between the definitions of “development road” and “private road” was discussed. Private road excluded “a private driveway servicing one or two lots” while development road served “3 or more lots,” which results in the same thing. The Planning Commission agreed to remove “development road” and use only “private road.”

Ms. Brunswick noted that future meetings should involve discussion of the river corridor and river buffers, incorporation of the flood hazard regulations, and more.

The next meeting was set for February 12th.

2. Any Other Necessary Business

Mr. Kilburn agreed to help create the Planning Commission annual report, including information about the total number of meetings, the addition of Andy Larocque to the board, the amendments to the bylaws approved in April, and the amendments to the Southern Growth District approved in December.

Mr. Lavoie made a motion to accept the meeting minutes of 10/23/13 and 12/04/13 as written. Mr. Case seconded the motion for 10/23/13, and Mr. Daniel seconded the motion for 12/04/13 (at which Mr. Case was not present). Motion carried.

Mr. Kilburn recommended visiting the new town website: www.townofswantonvermont.weebly.com.

Mr. Lavoie made a motion, seconded by Mr. Case, to adjourn at 6:51 p.m.
Respectfully Submitted,

Yaasha Wheeler
Planning Commission Secretary

Jim Hubbard

Ed Daniel

Ross Lavoie

Ron Case

Andy Larocque