

Any questions, comments or concerns about the minutes should be addressed to Amy Giroux, Zoning Administrator at (802) 868-3325

**MINUTES
TOWN OF SWANTON
SWANTON PLANNING COMMISSION & DEVELOPMENT REVIEW
BOARD JOINT MEETING
Town Office Building
1 Academy Street, Swanton, VT 05488
Wednesday, March 8, 2023 at 6:30 p.m.**

Present: Ed Daniel, PC Chair; Ross Lavoie, PC Vice Chair; Andy LaRocque, Oliver Manning, Heather Buczkowski, PC Members; Amy Giroux, Zoning Administrator; Spencer LaBarge, DRB Chair; Reg Beliveau, Harold Garrett, Jim Pratt, Jennifer Yandow, DRB Members; Joseph Cava, Administrative Assistant; Jason Cross, Fire Chief; Daniel Chevalier, Assistant Fire Chief; Richard Cummings; Cathy Cummings; Shawn Cheney

1. Call to Order

Mr. Daniel called the PC meeting to order at 6:31 p.m.

Mr. Beliveau consecutively called the DRB meeting to order at 6:31 p.m., seconded by Mr. Pratt. Motion carried.

2. Agenda Review

3. Discussion on The Town & Village of Swanton Land Use & Development Regulations

Ms. Giroux reminded members of the joint boards that the Planning Commission (PC) and Development Review Board (DRB) prepared updates to the Zoning Bylaws and Subdivision Regulations to address matters of concern. The Swanton PC and DRB are proposing the following minor changes to the Land Use & Development Regulations for the Town of Swanton, Zoning Bylaws & Subdivision Regulations, which were first adopted on July 18, 2001 and last amended on October 22, 2022:

A. Section 7.8 (C) (2) “T” or other configuration suitable to topography and adequate for emergency vehicles to turn around efficiently to be removed.

Ms. Giroux stated that the purpose of removing “T’s” from by land use and development regulations would make it easier for emergency vehicles to turnaround in the event of an emergency response. Mr. Cross supporting this and said it is easier for an emergency response vehicle(s) to loop around in a cul-de-sac.

B. Section 3.2 (E) (5) Hammerhead to be removed.

Continuing, Ms. Giroux stated that the removal of hammerheads or “T’s” is a response of emergency vehicles ability to quickly turnaround in the event of an emergency. Mr. Lavoie asked for clarification on the roads in question this would

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apply to? Ms. Giroux directed Mr. Lavoie to the land uses and planning regulations for new developments with three or more units. The goal would be to remove “T” and hammerheads in regard to new developments.

Mr. Lavoie said his concern would be on the impact on two or less residential unit developments. Mr. LaBarge stated that this bylaw change wouldn't impact developments of two units or less. Mr. Garrett said that the State is changing road width requirements which aren't accommodating to larger emergency service vehicles. Mr. Lavoie presented concern of developers and landowners being priced out of development projects over road widths and life safety issues.

Mr. Manning stated that the cost of development is minimal when compared to ensuring life safety. Mr. Daniel added that there was a proposal years ago to remove hammerheads from the bylaws, but it never was. Mr. Lavoie raised another point on the length of a driveway servicing two houses. Mr. Beliveau expressed the contingency of driveway length in relationship to a two unit development. Mr. LaBarge expressed the importance of getting these details down as part of the proposed changes.

C. Section 3.2 (E) (1) B-71 standards changed to A-76 standards.

Ms. Giroux deferred to Mr. Garrett to explain the changes in road standards. Mr. Garrett spoke on the State of Vermont adopting A-76 road standards to meet the load and widths of modern emergency service vehicles which are larger. A twenty-foot wide road without shoulders under the previous standards is not consistent with getting rescue service vehicles in to address an emergency situation. In addition to access, Mr. Garrett also explained that the average length of hose line is 600-800 feet. If the proposed development is adhering to the current standards then rescue won't be able to access the development with their hoses in an emergency situation. To conclude this point, Mr. Garrett said it's not a question of if someone will die, but when someone will die.

Mr. Daniel asked for clarification on whether or not inspections are done to ensure that the developments, including roads are constructed according to the conditions of approval? Mr. Pratt expressed a need to inspect the final results to ensure compliance. Mr. Garrett said the engineer's designs would address this, but the final inspection only takes place on roads serviced by the Village/Town. Mr. Lavoie expressed that projects of this size would also have other parties ensuring compliance including engineers and project vehicles like concrete trucks that weigh as much as an emergency service vehicle like a fire truck. Mr. Cross said that these inspections are also completed by the fire department to ensure the ability to get a truck into a development. Mr. Beliveau added that inspections are also carried out for underground utilities like electrical lines before they are buried.

D. Section 3.2 (A) (1) Access by right-of-way to lots without frontage shall be at least twenty-six (26) feet in width, twenty (20) foot traveled portion, to serve up to three

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(3) dwelling units and at least fifty (50) feet in width, twenty-four (24) foot traveled portion, to serve four (4) or more lots or dwelling units.

Ms. Giroux explained that the proposed change is increasing the existing regulations to address larger vehicles. Many of these regulations are also discussed above in upgrading roads to A-76 standards. Mr. Daniel recommended based on the conversation above that additional conversation is needed to correlate the details. Focusing on the broader thought of uniformity, Mr. Lavoie said that the verbiage needs to be clearer. Mr. Garrett added that the size of the proposed development also impacts the permitting required. Mr. Cross stated that ultimately, these standards comes down to the fire and emergency services being able to efficiently and effectively save lives.

- E. Section 4.22 Add (7) All new commercial buildings will require a Knox box for the fire department.

Ms. Giroux deferred this change to Mr. Beliveau for explanation. Mr. Cross explained that the purpose of a Knox box would eliminate the need for the fire department to kick down a door in the event of an emergency situation. Without a Knox box, the only way for the fire department to determine if there is an emergency situation is occurring is if smoke and flames are pouring out of a building. Mr. Lavoie explained that a Knox box is a steel box with access keys to the building that the fire department has a key to. If a building isn't showing evident signs of smoke or fire, then a Knox box alleviates causing property damage to gain entry into a building. In addition to entering a property in the event of a fire emergency, Mr. LaBarge spoke to his EMT experience for entering a building where someone is experience a medical emergency like cardiac arrest.

- F. Section 4.22 Add (8) Sprinklers will be required for all new multi-family dwellings.

Ms. Giroux deferred to Mr. Beliveau concerning this change. Per the State NFPA, Mr. Beliveau said that sprinkler systems are needed for developments where the water pressure isn't adequate enough to install a fire hydrant near the end of new developments. This would apply to new developments with three or more housing unit developments. Mr. Lavoie expressed concern over changing the bylaws for one new development. Mr. Beliveau answered saying that this bylaw revision would apply to many existing developments within the Village. Continuing, Mr. Beliveau said the importance of this is for life safety to give occupants the chance to safely exit a building in the event of an emergency.

- G. Add to the NCL/Neighborhood Commercial district, NCL/Neighborhood Commercial Light district and IND/Industrial district: Conditional Uses: *Retail Sales will only be a conditional use if the hours of operation are not the same as the previous business.

Ms. Giroux said this would remove the conditional use permit requirement in these three zoning districts if retail operations were retained as retail under the same

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operational hours. Mr. LaBarge summarized this change by limiting the time it takes for the Zoning Administrator, Ms. Giroux, to issue a permit based upon DRB review. Ms. Giroux asked about the retail cannabis component? This point was raised because the Town has approved retail cannabis sale operations, but the Village has not.

To summarize, Ms. Giroux said that each applicant would still be reviewed on a case by case basis to determine the applicability of DRB review. Mr. Lavoie stated what it all comes down to in the end is enforcement like mentioned in previous meeting topics. Mr. Pratt added to Ms. Giroux's point by saying that retail to retail has specific regulations in place. If a grocery store went out of business, then a liquor store couldn't fill its place without the proper State permitting and Selectboard signoff.

- H. Section 10.2 Definitions: Apartment Building: Apartment buildings are those structures containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as apartments houses or condominiums.

Mr. Daniel talked about the establishing a definition of an apartment building. Mr. Lavoie expressed concern with varying types of verbiage being used. Ms. Giroux said the verbiage could be changed. Mr. LaBarge stated that at the end of the day the boards are trying to clean up the language to promote greater understanding. Ms. Giroux agreed stating that there aren't any definitions clearly defining multi-unit dwellings. Mr. Pratt added that any new proposed multi-unit dwellings must adhere to State regulations. This also includes the adaptive reuse of historic buildings.

- I. Section 7.6 All new commercial construction with an alarm will be wired into a central reporting station.

Ms. Giroux raised the importance of an alarm that is wired into a central reporting system for more efficient emergency responses. Mr. Cross echoed this point citing a recent example of an alarm going off for a majority of the day, and it took until the evening for someone to report it. If this was a legitimate emergency that could have led to fire, then this not only impacts that unit, but all other units sharing the same building. This is especially dangerous for many buildings in the Swanton community which has mixed use buildings with commercial/retail operations on the first floor with residential tenants above.

4. Public Comment

Mr. Cummings came forward to discuss expanding the Southern Growth district into portions of the R1/Agricultural Residential district. This would allow the expansion of affordable housing with greater density. Mr. Lavoie asked about the design of a Planned Unit Development (PUD) to better address this? Mr. LaBarge added that the area in question is over five acres which would meet the requirements of a PUD. This brought up the topic of ACT 250 on development. Mr. Cummings responded that he did a PUD, but because the area was less than ten acres it did not trigger ACT 250. Ms. Buczkowski asked the design of these PUDs. Mr. Cummings said he intends the PUDs to be cottages.

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Mr. Lavoie asked Mr. Cummings about what he was seeking from the PC/DRB in terms of this master plan? The reason why this was brought up was because ACT 250 requirements are changing to spur more dense development. Mr. Garrett brought up that mitigating the agricultural land would then become an issue. Mr. Cheney commended the joint boards on their decision making this evening. He did however recommend making the guidelines less restrictive to spur development in the Village and Southern Growth district.

5. Any Other Necessary Business

To conclude, Mr. LaBarge said a lot of good ideas were discussed and it is important now for the DRB to pass along their recommendations to the PC to discuss and deliberate on. Mr. Daniel thanked Ms. Giroux for her time and thought in putting together this meeting this evening.

Mr. Manning discussed ideas for change and asked the PC how they'd like to proceed. Ms. Buczkowski recommended postponing the bylaw changes until after the rewrite of the Municipal Plan is completed later on this year. Mr. Lavoie recommended talking with the Town Selectboard to discuss these ideas for the best solution to move forward.

6. Adjournment

Mr. Beliveau made a motion to adjourn the DRB portion of the joint meeting at 8:17 p.m., seconded by Mr. Pratt. Motion carried.

Mr. Lavoie made a motion to adjourn the PC portion of the joint meeting at 8:36 p.m., seconded by Mr. LaRocque. Motion carried.

Respectfully Submitted,

Joseph Cava
Administrative Assistant

Ed Daniel, Chair

Ross Lavoie, Vice Chair

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Andy LaRocque

Oliver Manning

Heather Buczkowski