

**SWANTON PLANNING COMMISSION
MINUTES**

Tuesday, September 10, 2024

Town Office Building

1 Academy Street, Swanton, VT

5:00 p.m.

Present: Ross Lavoie-Chair, Oliver Manning, Ed Daniel, Amy Giroux-Zoning Administrator, Christina Candels-Administrative Assistant, Corey Parent, Jim Pratt, Heidi Britch-Valenta, William Hancy, Julie Hancy, Gunner Brennan, Ellen Brennan, Howard Larose, Greta Brunswick,

Absent: Andy LaRocque

Zoom: No Attendance

1. Call to Order

Mr. Lavoie called the meeting to order at 5:10 pm.

2. Agenda Review

Mr. Lavoie reviewed the agenda.

Mr. Lavoie requested to add conversation on Southern Growth District under Other Necessary Business.

Ms. Giroux requested to add under Designated Neighborhood Development under Public Comment.

Mr. Lavoie said they will move Public Comment to number 4 on the agenda.

3. Review minutes of August 14, 2024

Mr. Daniel made a motion to approve the August 14, 2024, draft meeting minutes as written, seconded by Mr. Manning. Motion carried.

Mr. Manning said he was not present at the last meeting, asked if the fire chief gave a turning radius for fire trucks for cul-de-sacs. Ms. Giroux will email the Fire Chief for further details and report back to them. Mr. Lavoie said they also need to have a conversation with the Selectboard about who is checking these measurements vs. drawings or plans.

4. Public Comment

a) Bylaws in R1-William Hancy

Mr. Hancy came before the board as a resident of Rustic Walk. Mr. Hancy's concern is regarding a neighbor subdividing to build duplexes. Mr. Hancy would like clarification on what Residential R1, what is the meaning of Conditional Use, and comparing those to the goals published in the new Municipal Town Plan. Mr. Hancy read the definition of agricultural district. "To allow for low density residential development in a manner that's compatible with the maintenance and expansion of existing farm operations"

Mr. Hancy's has two questions.

- 1) Is how is building homes on prime agricultural land compatible with the maintenance and expansion of farms?
- 2) Acceptations of the character of an affected area.

These lots were previously part of a covenant that they could not be subdivided into less than 10 acre lots. This has since expired. The bylaw reads that these could not be subdivided if it was to cause harm to the surrounding neighborhood unless the impacts can be mitigated by changing the location, design, scale, operation, composition, and or intensity of developmental use.

Mr. Hancy said they were told it's their land they can do what they want, so why is there an R1 district if they can do what they want with nothing to do with farmland?

Mr. Hancy showed a map of the area in discussion.

Mr. Lavoie explained they are currently working to re-write the current bylaws to be in line with the State of Vermont legislature housing requirements.

Mr. Parent said the State has passed new housing rules and regulations to combat the housing crisis. Over 50% of Swanton is already conserved land, the area they can develop is already restricted. Mr. Parent said they are working towards two districts residential water/sewer district & residential non water/sewer district. Where there is no public water/sewer there looking at 1-acre minimum lots where they would currently allow a single-family home, they would be able to have a duplex. Where there is public water/sewer there looking at 1/5 of an acre. Where they allow a single-family home with municipal services, they would allow a 4-unit home. These incentives allow building dense housing districts. The State is going to continue to push for more housing and the State rules and regulations supersede municipalities. This may not be what the neighbors want to see but its out of the Towns control.

Mr. Lavoie said they are working on the current bylaws to make it easier to replace a single-family home in the Village with lot coverage to encourage Village growth vs. farmland. These changes will also lessen the applications being reviewed by the DRB. Mr. Parent said they are also looking at soil conditions to develop; sandy soil would allow for more density vs. farmland.

Mr. Manning said they are doing what they can to encourage growth in the Village but at the end of the day they can't force people to build. Especially people moving here from out of state housing developments here are less than they have in other areas.

Mr. Lavoie said the Southern Growth District is prime agriculture land but that is a designated growth area. Mr. Lavoie shared some of the changes they are proposing in the new bylaws to help growth.

Ms. Brennan said she bought her home for the same reason, peace and quiet. Is there anything they can do to protect their land?

Other than buying the neighbors land and subdivide it and sell to the land trust to conserve it. Ms. Brennan said they have been told it is incredibly rich soil and NRCS wants to conserve and protect it.

Mr. Parent said the State has wheeled back Act 250 and local zoning to promote housing.

Ms. Hancy asked if the person developing could access his property from their private road? This is already pinned; can he build a home with a driveway to access the private road? The developer has no right to access his land from a private road, someone else's land.

Mr. Parent also said if current deeds say you can only have single family homes the State of Vermont has said those are void.

b) Discussion on rebuilding after demolition of non-conforming property- Howard Larose

Mr. Larose owns a property he would like to take down and rebuild. The current bylaws state if he does not replace it within a year he has to go through permitting. This is currently a not conforming property that would be grandfathered. Mr. Lavoie said they plan to change this to two years. Ms. Giroux and Mr. Parent said that would be for a fire, this would be replacing a non-conforming structure, currently as the bylaws are written he would have to replace it within one year to keep the same setbacks. Mr. Larose supports extending it to more than two years because the process, inspections, permitting, contractors is a much longer time period.

Mr. Larose plans to take down the old restaurant, rebuild and move the liquor store to the space. He then can fix and rebuild the liquor store side and add apartments. This approach has been approved by the DRB. Mr. Daniel asked if they start the process can it be extended? Not the way the bylaws are currently written. Mr. Manning supports extending or removing the timeline, if the project is started. Mr. Lavoie said they just want to eliminate situations scene in other towns/cities where the project is not completed for multiple years. The discussion continued and the board agreed to address this in the bylaws.

c) Building Envelopes on Mylars-Jim Pratt

Mr. Pratt shared his concern that they should not remove the building envelopes from mylars, especially 1-acre lots. Mr. Pratt said if engineers went back to certify things like cul-de-sacs, driveways, pull offs, you would know they are correct to the mylar as approved. Having engineers certify these takes this off the Town.

d) Designated Neighborhood Development Areas-Heidi Britch-Valenta & Gretta Brunswick

Ms. Britch-Valenta & Ms. Brunswick came before the board to share the concept of Swanton becoming a Designated Neighborhood Development Area. This will make development easier in these desired areas. Ms. Britch-Valenta said Swanton Village is interested in this. Ms. Brunswick said this is a State designated program, they are still taking applications through 2025 so Swanton can apply. This would allow developers to use the new Act 250 exemptions as well as fee relief.

Housing developers like Champlain Housing Trust and Cathedral Square look for these development areas as a priority area.

Ms. Brunswick said Act 250 allows exemptions for 50-units or less housing projects on 10-acre parcels within a quarter mile of your Village Designation area, this program would allow up to 75-units to be exempt. They could also do priority housing projects withing a ½ mile radius with mixed income housing requirements.

Mr. Manning asked if this could be used in the Southern Growth District? No, it needs to be around the current Village designation area. Mr. Parent said these designations will be beneficial in the future.

Ms. Brunswick said they don't need to agree to the mapped area just that they want to move forward with the Village to apply. There are specific zoning requirements for this program that they could address in the bylaws now. Mr. Daniel asked how many homes would need to be taken down to do this? Ms. Brunswick said it does not need to be new housing, it can be used to rehab and create any form of new housing. Ms. Britch-Valenta can do the application, Ms. Brunswick said NWRP can prepare the maps.

Please see attached flyers for Designated Neighborhood Development Areas.

Mr. Manning made a motion to have Ms. Britch-Valenta & Ms. Brunswick work on behalf of the Town to expand the designated downtown to allow a larger designated development area, seconded by Mr. Daniel. Motion carried.

5. Set the next Planning Commission Meeting date.
September 24, 2024, at 5pm.

6. Any Other Necessary Business
None

7. Adjournment

Mr. Manning made a motion to adjourn at 7:24 pm, seconded by Mr. Daniel. Motion carried.

Respectfully submitted by
Christina Candels-Administrative Assistant

A handwritten signature in black ink, appearing to be 'RL', written above a horizontal line.

Ross Lavoie-Chair

Oliver Manning-Vice Chair

Andy LaRocque

A handwritten signature in blue ink, appearing to be 'Ed Daniel', written above a horizontal line.

Ed Daniel

Heather Buczkowski

