

February 6, 2013

Report from Shaftsbury Planning Commission on Proposed Zoning Bylaw Amendments Submitted by Chris Williams, Chair

General

Pursuant to 24 VSA Chapter 117 Sections 4441 and 4442, as part of the Zoning Bylaw amendment process, the planning commission is required to submit a report to the legislative body. “ The report shall provide a brief explanation of the proposed bylaw amendment ... and shall include a statement of purpose ... and shall include findings regarding how the proposal: (1) Conforms with or furthers the goals and policies contained in the municipal plan ... (2) Is compatible with the proposed future land uses and densities of the municipal plan. (3) Carries out, as applicable, any specific proposals for any planned community facilities.”

Village Residential 2 District and Associated Zoning Map Change

Process

Before attempting to write any draft bylaw, the commission undertook an investigative phase. This included a mountain bike survey of the present Village Residential District looking at every lot. This exercise revealed fifteen open parcels of which about eight seemed suitable for development. The others lacked street frontage or appeared too wet to support on-site septic systems. None were for sale. Members of the Commission also walked the Lear and Howard parcels east and south of the present VR District. The Commission met with Water Department Superintendent Joe Herrmann to understand the layout and capacity of the public water system. A soils map was produced by the Bennington County Regional Commission assessing the suitability of the proposed parcels to support on-site septic systems.

Bylaw

The purpose of this bylaw and zoning map change is to facilitate compact residential development in areas immediately adjacent to the historic village settlement of South Shaftsbury. Utilizing existing streets, sidewalks and water supply, the new VR2 District would allow children to walk to school, ride bikes to the store or playground and would provide a pedestrian friendly environment. The present 10,000 square foot minimum lot size will not accommodate the required isolation distances mandated by changes to State septic requirements. After an exercise in diagramming lot layout, the Planning Commission concludes that 20,000 square feet (or slightly less than one half acre) is required. This is twice the density of the present Rural Residential 40 zoning. The Planning Commission could not agree on one optimal parcel. Therefore three options are being put forth with the final decision being left to the Selectboard.

The Commission sees this change in a long time horizon. Presently we are not aware that any of this land is for sale. Housing demand is low at the moment. The capacity of the water system can only service about thirty more residences. However over a twenty to thirty year timeframe, this zoning change could dramatically reshape South Shaftsbury village.

Now to the questions posed by Chapter 117

- (1) Conforms with or furthers the goals and policies in the Town Plan.

Concentrating growth in the existing village centers is a theme that runs thru the entire Town Plan. This is a central planning principle in the Smart Growth strategy.

In Town Plan Section 6.1.1 Village Residential (VR) District we read

Controlled development should be encouraged in this area, relieving pressures to develop rural areas of the Town, promoting efficiency of infrastructure and delivery of municipal services, and reinforcing historic development trends.

These districts are serviced by the North Bennington water system. Very little land in the VR districts remains to accommodate new growth at the densities permitted, and lack of a municipal sewer system renders increased densities a non-viable option. The expected continued demand for new residential development in Shaftsbury, therefore, suggests that, to avoid scattered development, it may be appropriate to encourage additional village-type development by expanding a VR district or establishing a new VR district where access to the public water system is possible.

- (2) Is compatible with the proposed future land uses and densities of the municipal plan. See Section 6.1.1 above.
- (3) Carries out specific proposals for planned community facilities. Not applicable.

Multifamily Housing in Village Residential District

Process

The Planning Commission was unaware of this contradiction in our zoning bylaws until it was pointed out by a developer assessing the feasibility of constructing multifamily housing in the Village Residential District.

Bylaw

The Planning Commission sees this bylaw change as furthering the goals articulated in the section above. Presently multifamily housing is permitted in the Rural Residential districts but not in Village Residential. This makes no sense and contradicts the goals articulated in the Town Plan. The Zoning Bylaws should be aligned with the goals of the Town Plan.

- (1) Conforms with or furthers the goals and policies in the Town Plan.
In Town Plan Section 6.1.1 Village Residential (VR) District we read
There are two VR districts in Shaftsbury, one in South Shaftsbury Village, and another abutting North Bennington near Lake Paran. Permitted uses include single and multi-family dwellings This is an incorrect statement.
- (2) Is compatible with the proposed future land uses and densities of the municipal plan. See Section 6.1.1 above.
- (3) Carries out specific proposals for planned community facilities. Not applicable.

Home Occupations in Rural Residential and Village Residential Districts

Bylaw

The changes to this bylaw are minimal and are more in the nature of clarifications. In both districts home occupations are designated as a conditional use meaning that the applicant must go thru a hearing and obtain an approval from the Development Review Board in a defined process. In the Rural Residential district, the area for home occupations has been expanded to allow use of one thousand square feet of outbuildings in addition to the presently allowed five hundred square feet in the dwelling. In the Village Residential district, the use of outbuildings is

limited to five hundred square feet. The thinking of the Planning Commission here is to make opportunities for self-employment more viable especially in the present recession economy while at the same time clarifying an approval process to insure minimal impact on surrounding residential neighborhoods.

- (1) Conforms with or furthers the goals and policies in the Town Plan.

While the Town Plan is silent on home occupations, a couple of general statements can be found in the Town Plan that gives a sense of intent. Section 2.2 Effectively Manage Future Growth reads

Because local businesses are critical to the Town's economic future it is critical that their needs and challenges be understood and to consider public policies and investments that will support them.

In Section 6.5.2.b Land Use and Development Policies and Recommendations, Commercial Development we find

New Commercial development should be relatively small in scale and consistent with the Town's rural character.

- (2) Is compatible with the proposed future land uses and densities of the municipal plan.
Not applicable because home occupations are permitted in all residential districts.
- (3) Carries out specific proposals for planned community facilities. Not applicable.