

Notice of East Montpelier Planning Commission Public Hearing

May 7, 2015 • 7:00 p.m.

East Montpelier Municipal Building, 40 Kelton Road • East Montpelier, Vermont

The East Montpelier Planning Commission (PC) will conduct a public hearing at the East Montpelier Municipal Building at 7:00 p.m. on May 7, 2015 to hear comments on proposed revisions to the Land Use and Development Regulations adopted by the town January 6, 2009 and last amended December 19, 2011. The PC will present their proposed revisions and take questions and comments from the public. Following the hearing and based on comments received, the PC may consider modifying the proposed revisions. The PC will then forward their recommended revisions to the Town Selectboard. The Selectboard must hold at least one additional public hearing before adopting the revisions.

Copies of the regulations containing the proposed revisions are available at the Town Clerk's office in the Municipal Building at 40 Kelton Road and by visiting the East Montpelier website at <http://eastmontpeliervt.org>

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East Montpelier Planning Commission Reporting Form Proposed Revisions to the Land Use & Development Regulations

This report is in accordance with 24 V.S.A. §4441 (c), which states: "When considering an amendment to a bylaw, the Planning Commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments."

A. Brief explanation of the proposed bylaw, amendment, or repeal and statement of purpose as required for notice under section §4444 of this title.

The revisions to the Land Use and Development Regulations summarized below are recommended by the Planning Commission. Proposed revisions can be viewed in their entirety on the Town website (<http://eastmontpeliervt.org>). The proposed changes support the goals and recommendations in the 2013 East Montpelier Town Plan and make the regulations consistent with state law. In addition they clarify language and address technical changes recommended by the Development Review Board and the Zoning Administrator. A number of formatting and grammatical changes have been made including changes to section numbers, and are noted below.

Significant changes include:

- Major revisions to Flood Hazard Area regulations (Article 9) and the associated Regulated Flood Hazard Areas Map;
- Revisions to the Conservation Overlay Districts (Table 2.6) and the associated Conservation Overlay Districts Map;
- Revised groundwater withdrawal permit threshold (Section 4.7);
- Provisions for Administrative Amendment (Section 5.2);
- Provisions for Conceptual Site Plan and Conditional Use Review (Sections 5.4 and 5.5); and
- Revised procedures for Certificate of Compliance (Section 7.4).

The Planning Commission recommends changes to the following sections:

Article 1

- Table 1.1: Site plan approval – Conditional uses require site plan review; section reference updated. Conditional use – section reference updated. Planned Unit or Planned Residential Development Approval – section reference updated. Other – Add potable water supply.

Article 2

- Section 2.1(A): Conservation Overlay Districts is now plural.
- Section 2.1(B): References to maps for Floodways, Special Flood Hazard Areas are updated, and reference to map for River Corridors is added. Reference is updated to “regulated flood hazard area maps.”
- Section 2.1(C): Sentence edited for clarity.
- Section 2.2(F): Reference to section on conditional use review is updated.
- Section 2.3(D): References to sections on conditional use review and site plan review are updated.
- Table 2.1(B)(8) and (9): Section references are updated.
- Table 2.1(C)(8), (9), (10), (13), (14) and (18): Section references are updated.
- Table 2.1(E)(1): Reference to section on conditional use approval is updated.
- Table 2.1(E)(3): Reference to section on site plan approval is updated.
- Table 2.1(E)(5): Reference to section on planned unit developments is updated.
- Table 2.2(A): Sentence edited for clarity.
- Table 2.2(B)(5), (6) and (7): Section references are updated.
- Table 2.2(C)(6), (7), (8), (9) and (14): Section references are updated.
- Table 2.2(E)(1): Reference to section on conditional use approval is updated.
- Table 2.2(E)(2): Reference to section on site plan approval is updated.
- Table 2.2(E)(4): Reference to section on planned unit developments is updated.
- Table 2.3(B)(12), (13), (14) and (15): Section references are updated.
- Table 2.3(C)(6), (7), (8), (9), (10) and (14): Section references are updated.
- Table 2.3(E)(1): Reference to section on site plan approval is updated.
- Table 2.3(E)(3): Reference to section on PRDs and PUDs is updated.
- Table 2.4(B)(11), (12) and (13): Section references are updated.
- Table 2.4(C)(5), (6), (9), (10), (12) and (14): Section references are updated.
- Table 2.4(E)(1): Reference to section on conditional uses is updated.
- Table 2.4(E)(3): Reference to section on site plan approval is updated.
- Table 2.4(E)(5): Reference to section on PRDs is updated.
- Table 2.5(B)(8), (9) and (10): Section references are updated.
- Table 2.5(C)(4), (5), (6) and (7): Section references are updated.
- Table 2.5(E)(2): Reference to section on site plan approval is updated.
- Table 2.5(E)(4): Reference to section on PRDs is updated.
- Table 2.6: New Conservation Overlay District table completely replaces previous table.

Article 3

- Section 3.2(A): Sentence edited for clarity.
- Section 3.3(A): Sentence edited for clarity.
- Section 3.3(B)(3): Sentence edited for clarity.
- Section 3.4(A)(1): Reference to section on site plan approval is updated.

- Section 3.4(A)(2): Reference to section on conditional use approval is updated.
- Section 3.5(A): Reference to section on mobile home parks is updated.
- Section 3.6(C): Reference to section on telecommunication facilities is updated.
- Section 3.7(A): References to sections on conditional use approval, site plan approval and subdivision approval are updated.
- Section 3.7(B): Reference to section on conditional use approval is updated.
- Section 3.8(A)(4): Reference to section on PRD and PUD approval is updated.
- Section 3.8(A)(1): Reference to section on mixed uses is updated.
- Section 3.8(C): Reference to section on PRD and PUD approval is updated.
- Section 3.10: Reference to article on Flood Hazards is updated.
- Section 3.10(A)(4): Reference to section on conditional use review is updated.
- Section 3.10(B)(3): Reference to section on conditional use review is updated.
- Section 3.10(B)(4): Reference to section on conditional use review is updated.
- Section 3.11(A): References to sections on conditional use review and site plan review are updated.
- Section 3.11(A)(3): References to sections on conditional use review and site plan review are updated.
- Section 3.11(C): Sentence edited for clarity.
- Section 3.12: Wetlands added to surface waters for protection of water resources.
- Section 3.12(D): Reference to Article 9 is updated.
- Section 3.13(C): Sentence edited for clarity.
- Section 3.13(D): References to conditional use approval and site plan review are updated.
- Section 3.15(B)(12): Sentence edited for clarity.
- Section 3.17(B): Reference to conditional use approval is updated.
- Section 3.17: Reference to certificate of compliance edited to remove redundancy.

Article 4

- Section 4.1: References to conditional use review and site plan review are updated.
- Section 4.3(A): Reference to conditional use review is updated.
- Section 4.3(C): Reference to conditional use review is updated.
- Section 4.3(D): Reference to conditional use review is updated.
- Section 4.5(A): Reference to conditional use review is updated.
- Section 4.5(A)(5): Board of Adjustment updated to Development Review Board.
- Section 4.6: Section number updated.
- Section 4.6(A): Reference to conditional use review is updated.
- Section 4.7: Section number updated.
- Section 4.7(A): Groundwater withdrawal permit threshold is changed to 57,600 gallons on any given day or 20,000 gallons withdrawn per day averaged over a calendar year. Reference to conditional use review is updated. Thresholds are based on withdrawal thresholds for state reporting.
- Section 4.7(A)(2): Sentence edited for clarity.
- Section 4.7(D): Sentence edited for clarity.
- Section 4.8: Section number updated.
- Section 4.8(A): References to site plan review and conditional use review are updated.
- Section 4.9: Section number updated.
- Section 4.9(B): Reference to conditional use review is updated.
- Section 4.10: Section number updated.
- Section 4.10(C): Reference to conditional use review is updated.

- Section 4.11: Section number updated.
- Section 4.11(A)(2): Reference to PUD review is updated.
- Section 4.11(A)(3): Reference to conditional use review is updated.
- Section 4.12: Section number updated.
- Section 4.12(A): Reference to conditional use review is updated.
- Section 4.12(A)(9): Board of Adjustment is updated to Development Review Board.
- Section 4.12(A)(11): Sentence edited for clarity.
- Section 4.13: Section number updated.
- Section 4.13(B): References to site plan review and conditional use review are updated.
- Section 4.14: Section number updated.
- Section 4.14(C): Reference to conditional use review is updated.
- Section 4.14(E)(1)(b): Industrial District name edited for consistency.
- Section 4.14(F): Reference to conditional use approval updated.
- Section 4.14(G): Reference to site plan and conditional use application requirements is updated.
- Section 4.14(H): Reference to conditional use approval is updated.
- Section 4.14(H)(3): Sentence edited for clarity.
- Section 4.14(I): Board of Adjustment updated to Development Review Board.
- Section 4.14(K)(1): Last sentence edited for clarity.

Article 5

- Section 5.1(A): References to site plan review and conditional use review are updated.
- Section 5.1(B): Reference to conditional use review is updated.
- Section 5.1(C): Reference to flood hazard area review is updated.
- Section 5.1(D): Reference to PRD and PUD review is updated.
- Section 5.2: New section on administrative amendment of permits.
- Section 5.3: Section number is updated.
- Section 5.4: Section number is updated.
- Section 5.4(B)(1): New section on conceptual site plan review.
- Section 5.4(B)(2): Scheduling of hearing by Board is corrected to scheduling by Zoning Administrator.
- Section 5.5: Section number is updated.
- Section 5.5(B)(1): New section on conceptual conditional use review.
- Section 5.6: Section number is updated.

Article 6

- Section 6.1(B)(5): New section on merging adjoining lots by boundary adjustment.
- Section 6.1(D): Reference to PRDs and PUDs is updated.
- Section 6.2(A): Sentence edited for clarity.
- Table 6.1(B): Adds general location of natural and physical features and building envelopes to sketch plan application requirements.
- Table 6.1(C): Other plan/plat mapping concerns may be required by DRB (not PC).
- Section 6.4(C): Scheduling of hearing by Development Review Board is updated to scheduling by Zoning Administrator.
- Section 6.4(F): Last sentence edited for clarity.
- Section 6.6(A): Statutory citation is corrected.
- Section 6.7(C)(3): Reference to RPDs and PUDs is updated.
- Section 6.7(E): References to flood hazard areas and conservation overlay districts are updated.
- Section 6.7(G): Sentence edited for clarity.

Article 7

- Section 7.1: Definition of Municipal Land Use Permit (in box) is revised to match current statutory definition.
- Section 7.2(A): References to flood hazard areas are updated.
- Section 7.3(A)(2): Reference to town wastewater officer is deleted.
- Section 7.3(A)(3): Reference to flood hazard areas is updated.
- Section 7.3(B)(2): Reference to flood hazard areas is updated.
- Section 7.4(A): Sentence edited for clarity and to delete duplication.
- Section 7.4(A)(1): Last sentence changed so that applicant submits an application for a certificate of compliance.
- Section 7.4(A)(2): Details are added for application for a certificate of compliance.
- Section 7.4(A)(3): Details are added for Zoning Administrator's action on an application for a certificate of compliance.
- Section 7.4(A)(4): Details are added for Zoning Administrator's action on an application for a certificate of compliance.
- Section 7.6 (D): Reference to flood hazard areas is updated.
- Section 7.8(A)(1): Section corrected to reflect that the Zoning Administrator is nominated by the Planning Commission. The Zoning Administrator serves a one-year term, based on new Town Charter.
- Section 7.8(A)(2): References to site plan approval, conditional use approval and planned residential and planned unit developments are updated.
- Section 7.8(E): Reference to final subdivision review is corrected.
- Section 7.8(G)(2): Reference to flood hazard areas is updated.
- Section 7.8(G)(2)(a): Reference to flood hazard area is updated.

Article 8

- Section 8.2: Clarify definition of "Buffer."
- Section 8.2: Clarify definition of "Dwelling/Single Family."
- Section 8.2: Clarify definition of "Farm Structure."
- Section 8.2: Clarify definition of "Fence."
- Section 8.2: Clarify definition of "Flood Hazard Area."
- Section 8.2: Update section reference in definition of "Gas Station."
- Section 8.2: Update section reference in definition of "Group Home."
- Section 8.2: Update section reference in definition of "Home Child Care."
- Section 8.2: Update section reference in definition of "Home Industry."
- Section 8.2: Update section reference in definition of "Home Occupation."
- Section 8.2: Update section reference in definition of "Home Occupation."
- Section 8.2: Update section reference to mixed use in definition of "Lot."
- Section 8.2: Update section reference in definition of "Lot/Existing."
- Section 8.2: Edit to definition of "Manufactured Home" for consistency.
- Section 8.2: Update section reference in definition of "Mixed Use."
- Section 8.2: Update section reference in definition of "Mixed Use."
- Section 8.2: Update section reference in definition of "Place of Worship."
- Section 8.2: Update section reference in definition of "Public Facility."
- Section 8.2: Update section reference in definition of "School."
- Section 8.2: Edit reference in definition of "Subdivision" for consistency.
- Section 8.2: Update section reference in definition of "Telecommunications Facility."

- Section 8.2: Update section reference in definition of “Transfer Station/Recycling Center.”

Article 9

- New Article 9 replaces previous Article 9. Adds River Corridors to regulated flood hazard areas. Regulations revised to conform with Federal Emergency Management Agency, Agency of Natural Resources, and the Vermont Emergency Relief and Assistance Fund requirements.

Maps

- Conservation Overlay Districts Map: Map reflects the changes to the conservation overlay districts described in Table 2.6.
- Regulated Flood Hazard Areas Map: Map reflects the changes to Article 9, showing the Floodway, Special Flood Hazard Areas and the River Corridors.

B. Conformity with the goals and policies contained in the town plan, including the effect of the proposal on the availability of safe and affordable housing.

All revisions are consistent with the goals and objectives of the 2013 East Montpelier Town Plan. The proposed revisions have no effect on the availability of safe and affordable housing.

C. Compatibility with the proposed future land uses and densities of the municipal plan.

The proposed revisions to the land use regulations are compatible with proposed future land uses and densities of the Town Plan.

D. Specific proposals for any planned community facilities.

The proposed revisions do not impede, hinder or otherwise prohibit any planned community facilities.

Copies of the regulations containing the proposed revisions are available at the Town Clerk’s office in the Municipal Building at 40 Kelton Road and by visiting the East Montpelier website at <http://eastmontpeliervt.org>

Report approved by East Montpelier Planning Commission: April 2, 2015