



MINUTES

March 18, 2021

5:30 PM

Meeting Held Remotely via Zoom

Present: Dixie Zens, Steven Bendix, Nick Zaiac, Anthony Maclaurin, Bruce Lierman, John LaVecchia, Nancy Faesy, Sheila Kearns, John LaVecchia, Jr.

Jim Sullivan, Catherine Bryars, Callie Fishburn, Jim Henderson, Jonathan Cooper

1. Welcome and Introductions

The meeting was called to order at 5:32 PM.

Sullivan welcomed attendees and noted that because there was a lack of a quorum, approval of the January Minutes would be deferred to the May meeting.

2. Enabling Better Places and Bennington Form-Based Design Standards

Sullivan described a new guide recently developed by the Vermont Department of Housing and Community Development and the Congress for New Urbanism (Enabling Better Places: A Zoning Guide for Vermont Neighborhoods) and noted that many of the zoning regulations in our region have outdated components that could be amended based on some of the ideas in the Guide. He then reviewed a number of slides highlighting key points from the Guide as well as some examples of regulatory provisions from local municipalities (presentation attached).

Bryars then provided an overview of a significant revision to the Bennington Land Use Development Regulations that reflect many of the concepts highlighted in the Enabling Better Places Guide. The Bennington Planning Commission worked with the BCRC over the course of 18-months to develop the

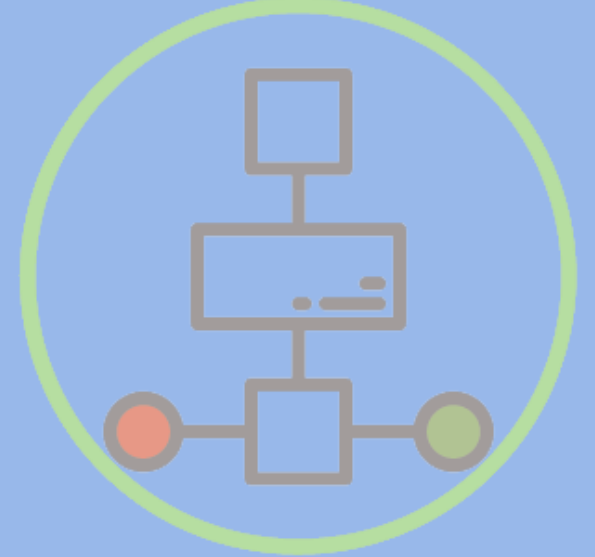
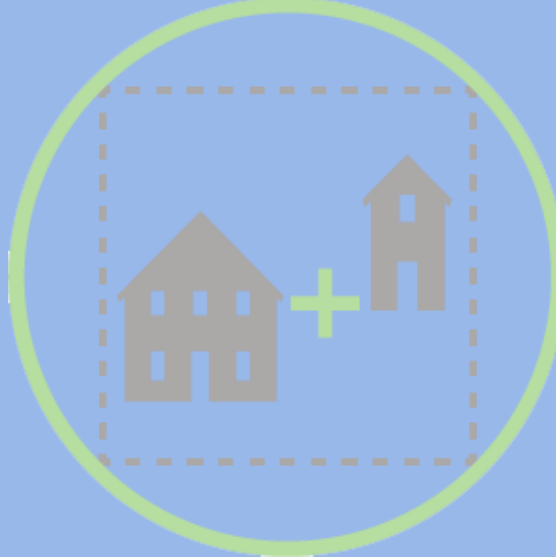
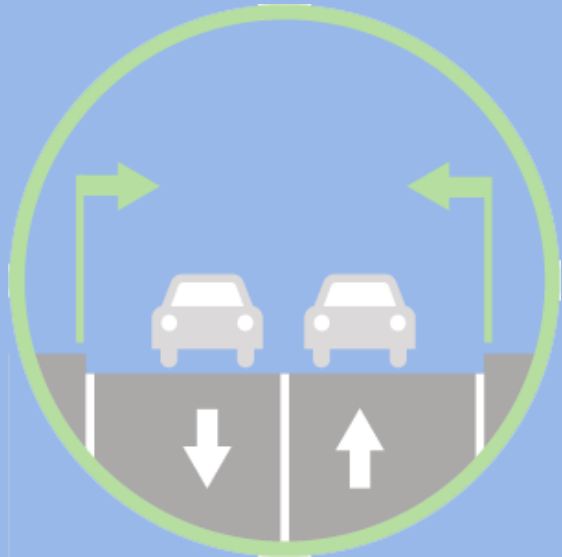
revised regulations that consolidate uses and land use districts, modify development standards, and simplify the development review process (presentation attached).

3. Other Business and Adjourn

Following a brief question and answer period, Sullivan noted that the May (annual) meeting of the BCRC will include an overview of RPC and RDC activities from last year as well as projects and initiatives planned for the coming year. A business item involving a Bylaw amendment changing the terms of BCRC officers and interest group representatives from one to three years will be considered. A speaker will address issues related to regional food systems and food security.

Meeting was adjourned at 6:37 PM.

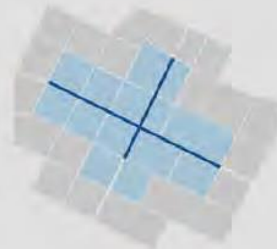
Updating Municipal Housing Regulations





1. Understand Your Needs

Consider the housing market dynamics of your community. Examine whether your town plan recognizes the need to reform bylaws. An updated Municipal Plan and/or Housing Needs Assessment may be necessary.



2. Determine the Place Type

Determine the Place Type where changes should be targeted.
This Guide provides tools for downtowns, village centers, and neighborhoods.



Montpelier, VT: Susan Henderson



Stowe, VT: stock.adobe.com

Downtowns

Village Centers

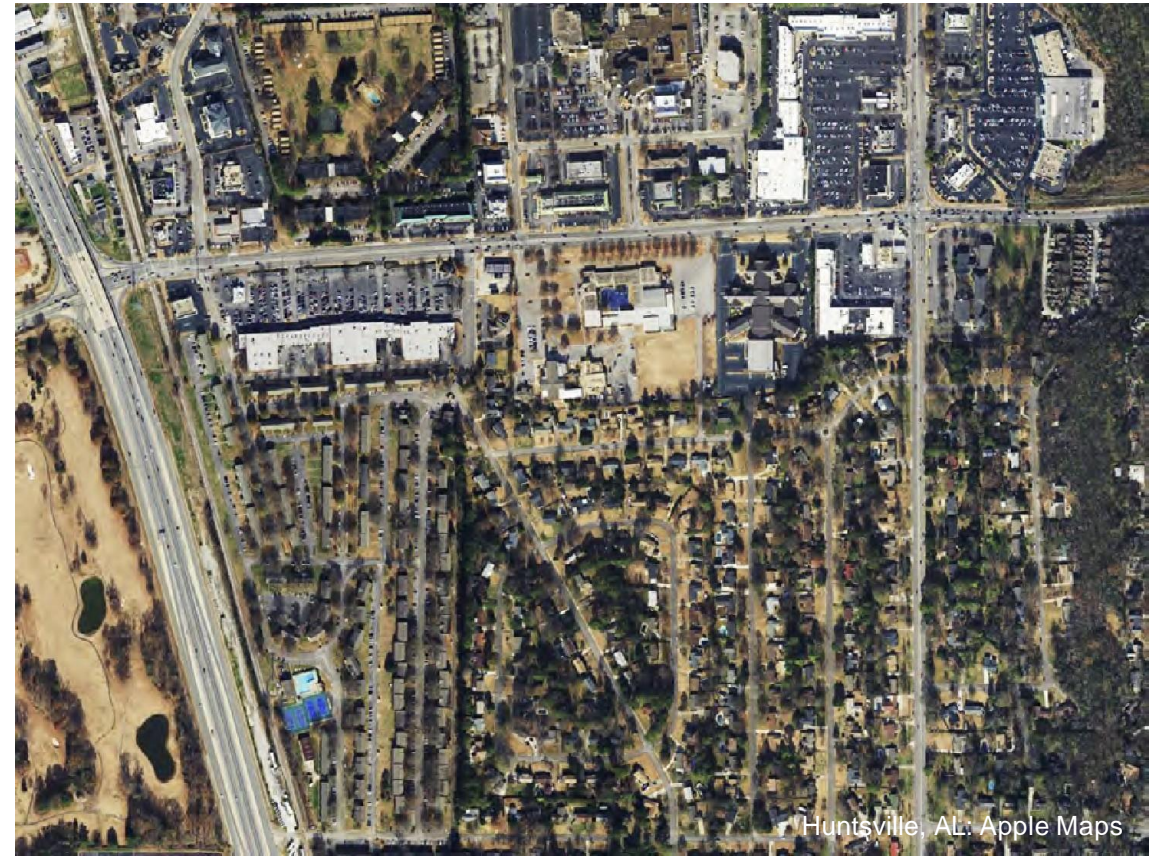
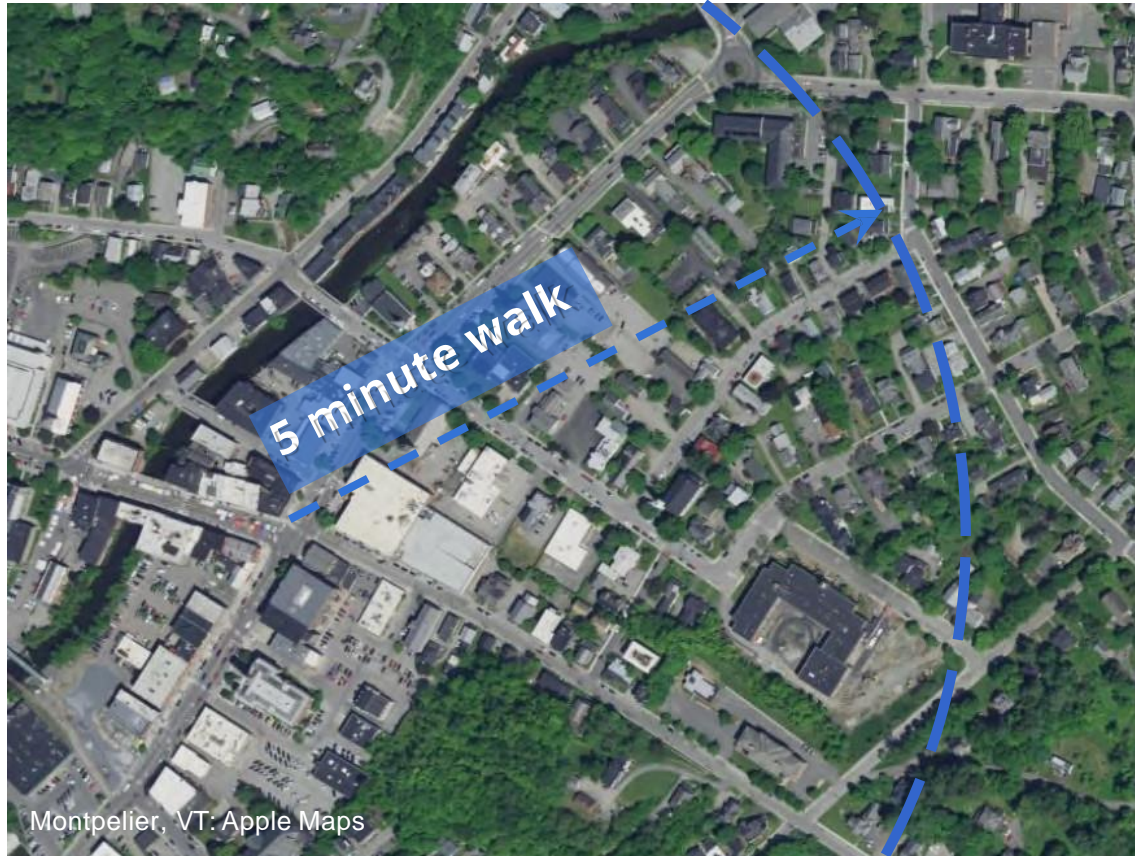


Morrisville, VT: stock.adobe.com

Neighborhoods

CNU

Neighborhoods





Dimensional Requirements

Building heights, setbacks, and lot coverage regulations are often similar between towns, in spite of differences in character. These dimensional requirements should be carefully crafted to reflect the existing built patterns and local goals, and should avoid needlessly restricting desirable housing options.



Parking Standards

The effects of excessive parking requirements on housing availability are often underestimated. Especially in areas that have transit and are walkable to school, jobs, and other daily needs, the cost of each unneeded parking space inflates the cost of housing. (The average cost of a parking space is estimated at about \$4,000.) High parking requirements can block new housing options that fit seamlessly into existing neighborhoods, such as ADUs, small infill buildings, and conversions of large houses into more than one residence.



Allowable Uses

Restrictions on the use of property is a central purpose of zoning, but many Vermont towns and villages severely restrict housing other than a single-family home by requiring complex review processes and/or applying onerous restrictions. Small buildings containing two, three, or four dwellings have historically provided housing variety with minimal neighborhood impacts. These buildings can be enabled again through minor changes to local regulations.



Street Standards

Streets should be designed according to the intensity of activity through which the street passes. The capital and maintenance costs of overly wide streets can increase the cost of delivering housing as well creating a long-term drain on municipal budgets. Disconnected street networks hinder walking, biking, and transit, increasing individual household transportation costs.



Accessory Dwelling Unit (ADU)

Vermont has progressive ADU provisions that are applied through regulations of individual towns. Local regulations could be improved to encourage creation of more ADUs through minor changes to parking standards and to size and ownership restrictions.



Development Review Process

Layers of regulatory review can aid environmental stewardship and protect local character, but they also add time and cost to the production of housing. Strategic streamlining can retain the important functions of the development review process while eliminating unnecessary barriers to locally desired housing.

Dimensional Requirements

- Match dimensional requirements to existing conditions.
- Density restrictions based on building(s) instead of individual units/uses.
 - Base density on water/sewer capacity, lot coverage, max units/building (instead of units/lot area).
- Permit secondary principal buildings.
- Remove unnecessary architectural requirements, but do consider context-based standards.
- Innovative standards such as *maximum front setback, façade orientation, and windows.*

CNU

Dorset Village By-law Non-conformance Analysis

BCRC

BCRC conducted a geographic analysis to determine nonconforming structures and lots (do not conform to current zoning regulations) within Dorset Village. The analysis examined conformance to the following zoning conditions: minimum lot size; lot front, rear, and side setbacks; and maximum building footprint. The analysis was done by visual examination of current aerial imagery and setback overlays, and by querying the parcel database by lot size.

There are a total of 67 nonconforming occurrences within the 45 parcels of Dorset Village. Of these nonconforming occurrences, 33 are due to lot setback violations, 25 to parcels below the minimum lot size, and 9 to building footprints greater than maximum allowable square footage. A total of 37 out of 45 (82%) of parcels in the Village do not appear to conform to the current zoning bylaws.

Detailed methodology is available upon request. Note that the results are general, and do not take other considerations such as variances into account. As such these results should be used for planning purposes only, not for regulatory interpretation.

82%

of parcels do not conform to at least one by-law regulation

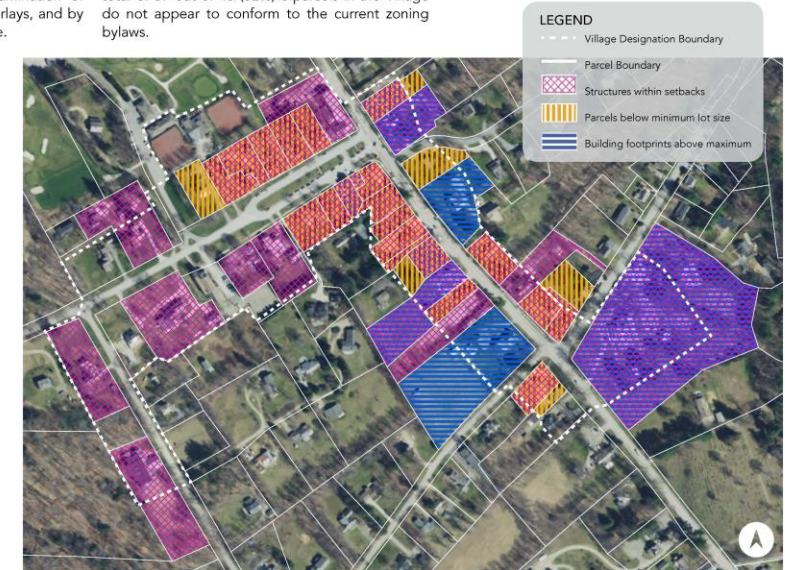
24 of 45

Dorset Village parcels do not conform to two by-law regulations

73% of parcels do not conform to setback requirements

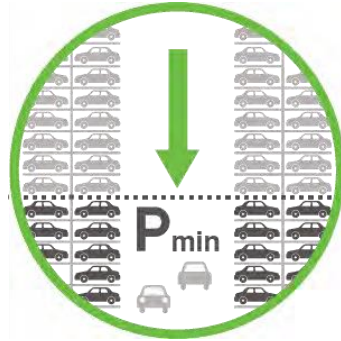
56% of parcels do not conform to lot size minimums

20% of parcels do not conform to building footprint maximums



Parking Standards

- Reduce (in some cases, eliminate) minimum on site requirements.
- Allow on-street parking to count toward minimums.
- Require on-site parking to be located behind the building.
- Include bike parking, public transit facilities, and pedestrian connections in site plan standards.



Street Standards

- Reduce travel lane width.
- Implement complete streets principles.
- Provide connections between streets and developments.
- Use appropriate standards for sidewalk width, street trees, use of outdoor space for public purposes.



Allowable Uses

- Expand housing choice, such as 3+ unit MF buildings in centers.
- Encourage mixed uses and residential uses in village centers and downtowns.
- Avoid artificial determination of family composition.



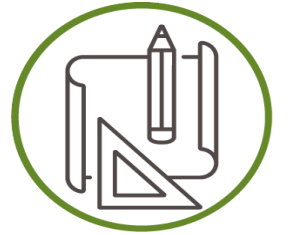
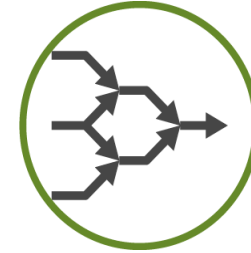
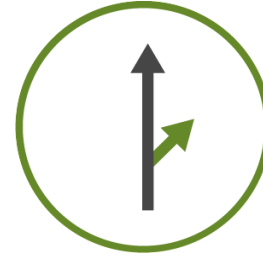
Accessory Dwelling Units [ADUs]

- Allow the owner to occupy the ADU and rent out the principal building.
- Increase the permissible area of ADU (% of the principal building or the size of an accessory building).



Development Review Process

- Reduce conditional use and discretionary site plan approval requirements. Establish clear standards for permitted uses.
- Simplify application requirements for small scale developments / permitted uses and staff-level review.
- Define and permit limited deviations for specific reasons.
- Avoid unnecessary site plan requirements and density calculations (e.g., slope restrictions).



Organizing Village Wastewater Solutions

A Workbook for
Community Leaders



Use this workbook to help organize a village wastewater committee and to initiate wastewater solutions for your village.

August 30, 2018



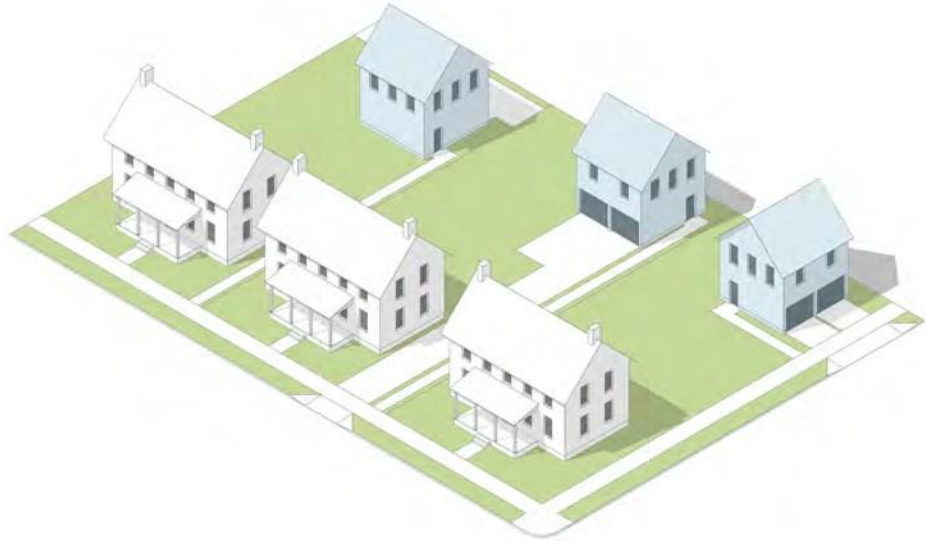
Department of Environmental Conservation (DEC)

Department of Housing and Community Development (DHCD)

<https://dec.vermont.gov/village-wastewater>

"Missing Middle" Residential Types

- Accessory Dwellings



Montpelier, VT: Susan Henderson

"Missing Middle" Residential Types

- Duplex



"Missing Middle" Residential Types

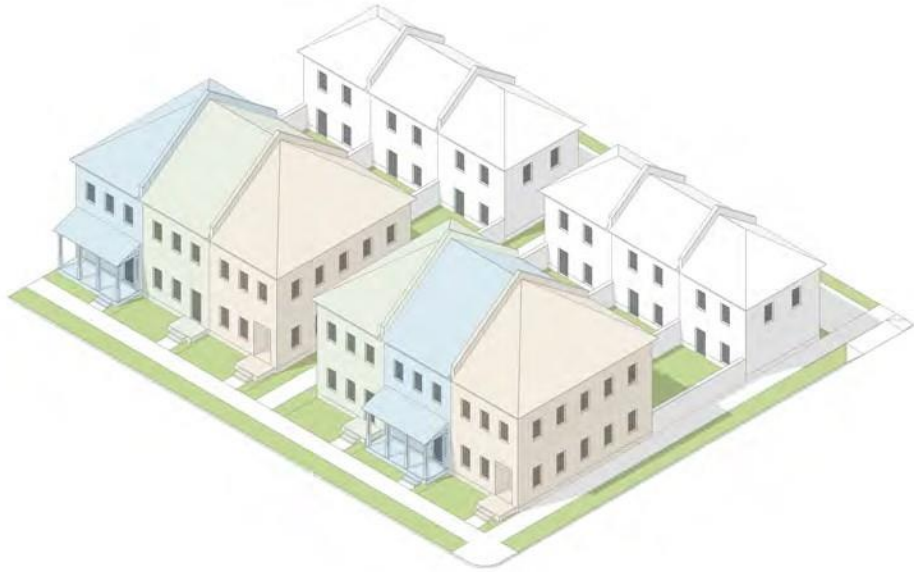
- Triplex



Waterbury, VT. Susan Henderson

"Missing Middle" Residential Types

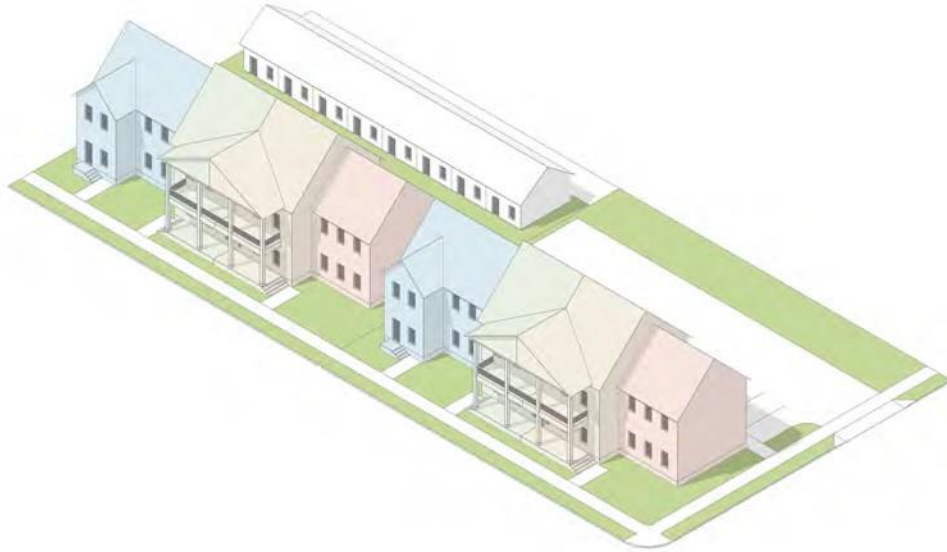
- Townhouse



Bennington, VT: c1909, Lewis Hine

"Missing Middle" Residential Types

- Multiunit



Montpelier, VT: Susan Henderson



<https://accd.vermont.gov/content/zoning-for-great-neighborhoods>



BENNINGTON LUDR: TOWN CENTER FORM-BASED-DESIGN REVISIONS

Bennington County Regional Commission

March 18, 2021



WHAT? FORM-BASED STANDARDS

- Emphasize form over use
- Better encourage diverse, resilient development
- Focus on walkability ⇨ economic vitality
- **New Term: GLAZING**



WHY? TOWN PLAN POLICY

Objectives of the Land Use Plan:

- Encourage relatively **dense and diverse** development within the Urban Growth Area.
- Provide development opportunities that allow for continued high quality **economic development**.
- Support Bennington's **historic downtown** as the commercial, civic, and cultural heart of the community. Necessary retail services, including groceries, should be provided within this area to serve surrounding residential areas.
- Expand opportunities to create an adequate supply of a **variety of housing** types.

Bennington Town Plan, 2015 (pg18)

Land Use Policy #2:

- Consideration should be given to developing a form based land use ordinance to simplify implementation and further these policies.

Bennington Town Plan, 2015 (pg30)

WHAT? KEY GOALS

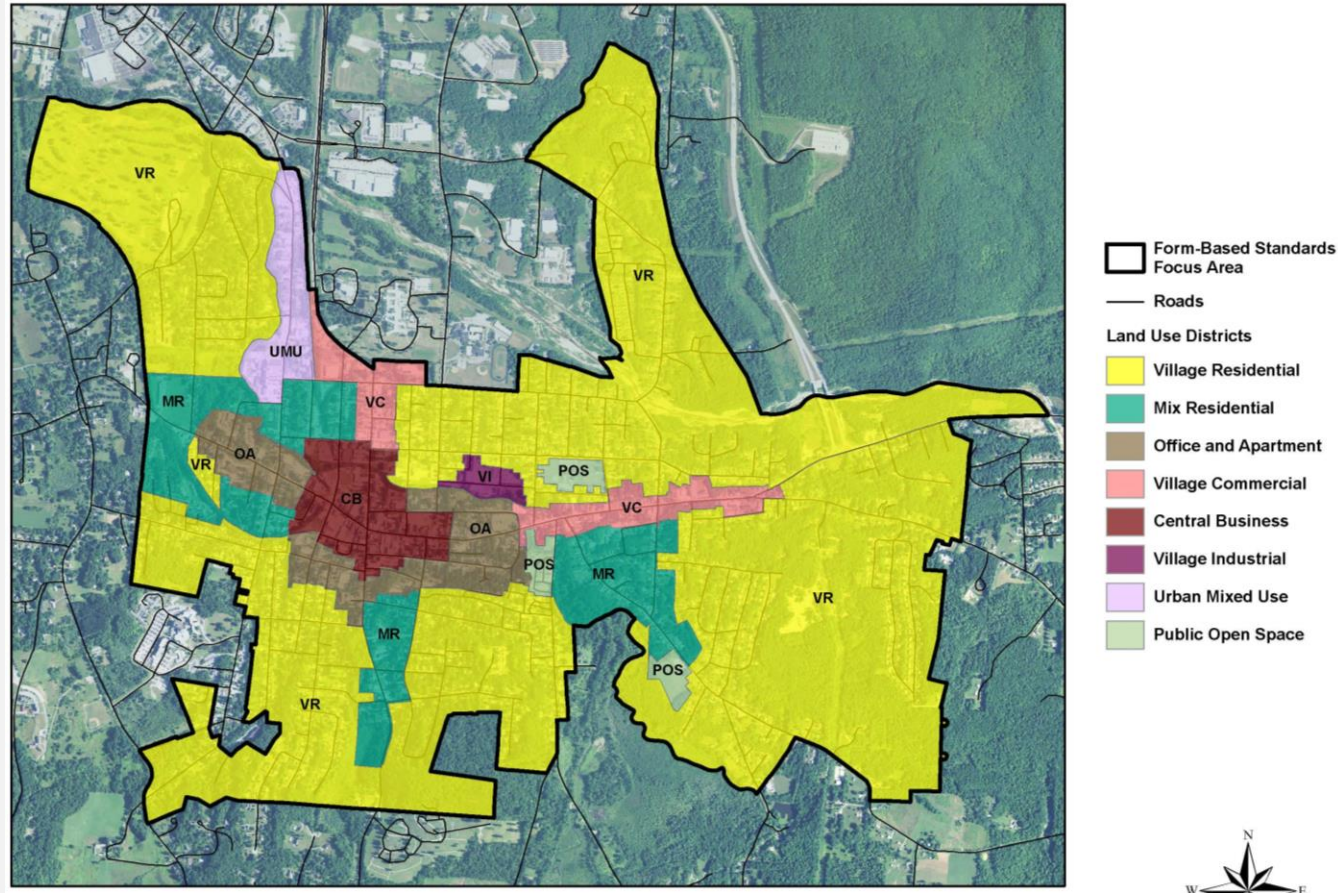
- Lower Barriers to desired economic development
 - Administrative review
 - Relaxed restrictions in some areas
- Simplification –
 - Consolidation of uses (47 to 14) and
 - Zoning districts (7 to 5)
- User-Friendly standards –
 - Graphic representation



Form-Based Design (FBD)

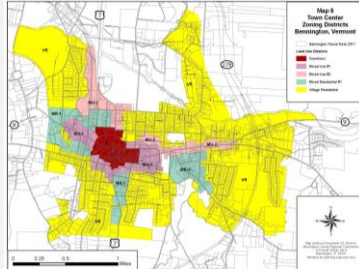
WHERE? TOWN CENTER

Existing

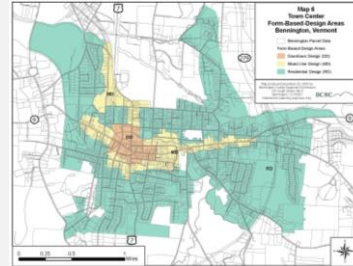


PRODUCTS: OVERVIEW

Maps



D
MU-1
MU-2
MR-1
VR



- Downtown
- Mixed Use
- Residential

ADUs

Article 6. Secondary Use Structures

Section 6.1. Application

(1) This article applies to all ADUs located in all zoning districts in which such use is permitted. This article does not apply to the conversion of existing structures into ADUs, nor does it apply to existing structures in the conversion of existing structures into ADUs. It does not apply to existing structures in the conversion of existing structures into ADUs. It does not apply to existing structures in the conversion of existing structures into ADUs.

Section 6.2. Accessory Apartment (Accessory Dwelling Unit, ADU)

(1) An accessory apartment is a secondary structure or use on the same lot as the principal structure, which is subordinate to the principal structure and is used for residential purposes. It is not a separate structure and shall not be used for any other purpose.

(2) An accessory apartment shall not be used for any other purpose.

(3) An accessory apartment shall not be used for any other purpose.

(4) An accessory apartment shall not be used for any other purpose.

(5) An accessory apartment shall not be used for any other purpose.

(6) An accessory apartment shall not be used for any other purpose.

(7) An accessory apartment shall not be used for any other purpose.

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(9) An accessory apartment shall not be used for any other purpose.

(10) An accessory apartment shall not be used for any other purpose.

Section 6.3. ADU Types

Use

Table 1.1. Town Center District - Land Use Permitted

Land Use Category	Permitted	Conditional	Prohibited
Office	Yes	Yes	No
Retail	Yes	Yes	No
Residential	Yes	Yes	No
Public Use	Yes	Yes	No
Industrial	No	No	Yes
Automotive	No	No	Yes
Storage	No	No	Yes
Other	No	No	Yes

Table 1.2. Town Center District - Special Use Structures

Structure Type	Permitted	Conditional	Prohibited
Office	Yes	Yes	No
Retail	Yes	Yes	No
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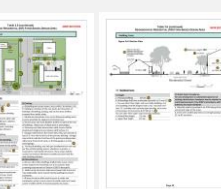
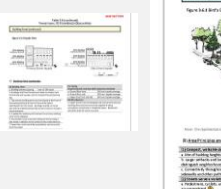
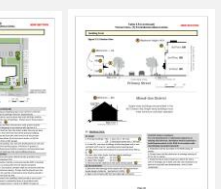
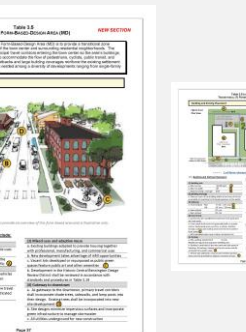
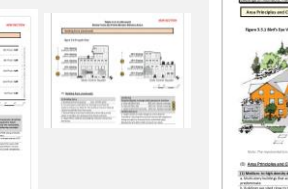
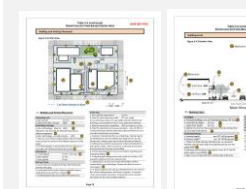
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Table 1.4. Downtown District - Land Use Permitted

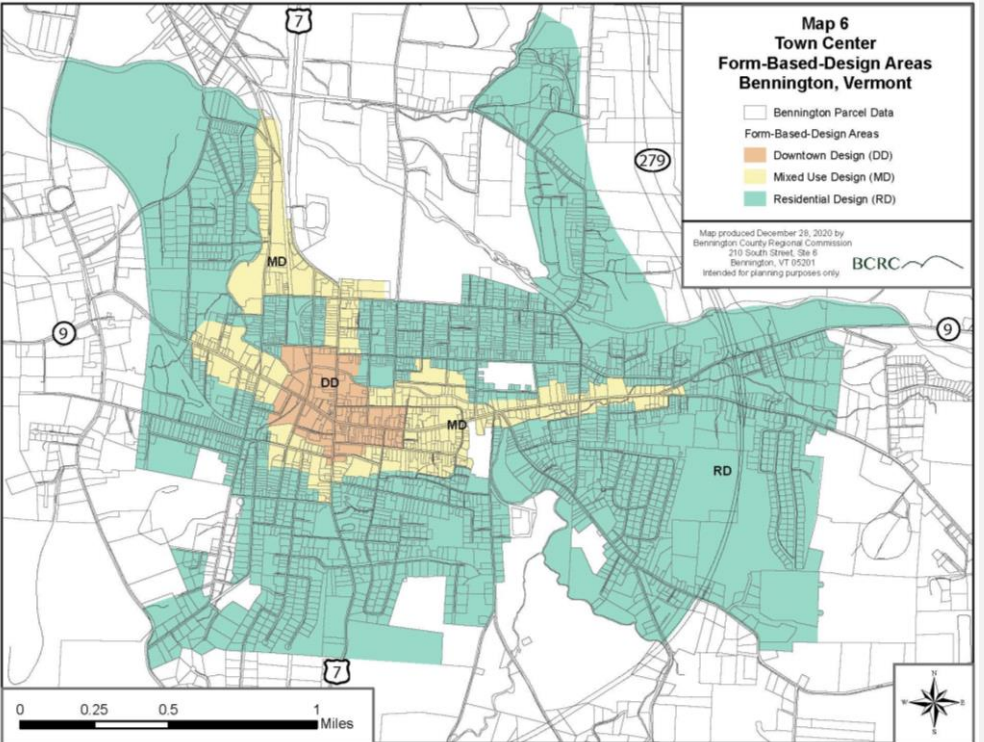
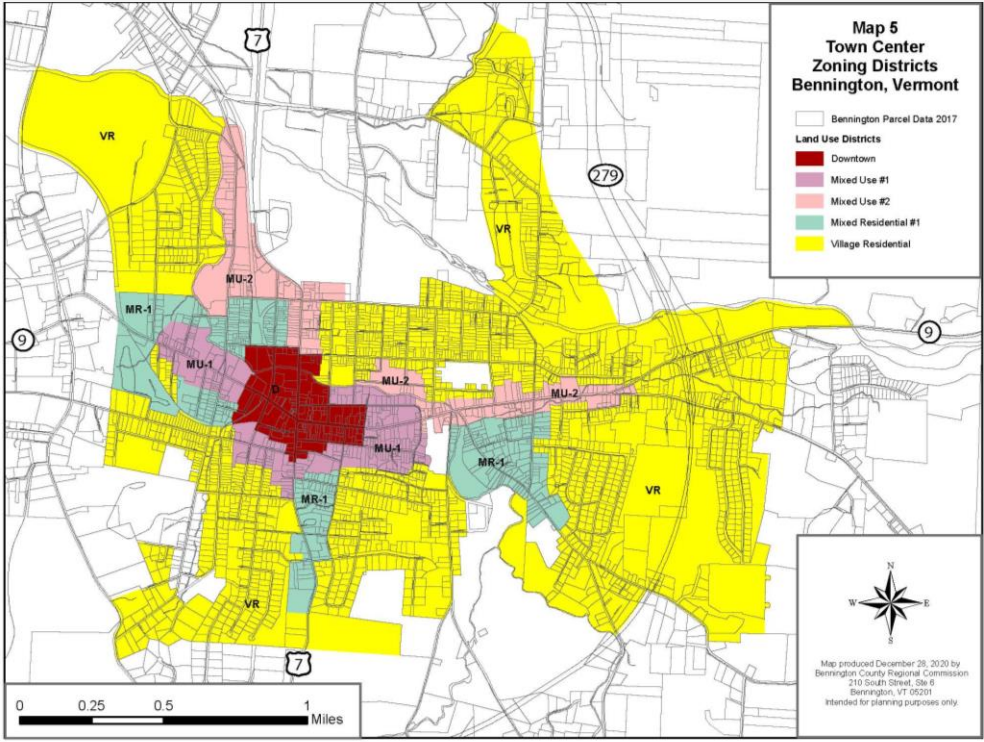
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Form



PRODUCTS:

Maps



HIGHLIGHTS:



Dimensional Requirements

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Development Review Process

Layers of regulatory review can aid environmental stewardship and protect local character, but they also add time and cost to the production of housing. Strategic streamlining can retain the important functions of the development review process while eliminating unnecessary barriers to locally desired housing.

- Adjusted to reflect existing and desired settlement pattern
- Reduced & eliminated min. requirements
- Consolidated uses & zones. Relaxed restrictions based on similar impacts.
- Formalized public realm standards
- Added detail and exemptions for ADUs (accessory apartments)
- Increased administrative review. More user-friendly elements

DIMENSIONAL STANDARDS

Figure 3.4.2 Plan View

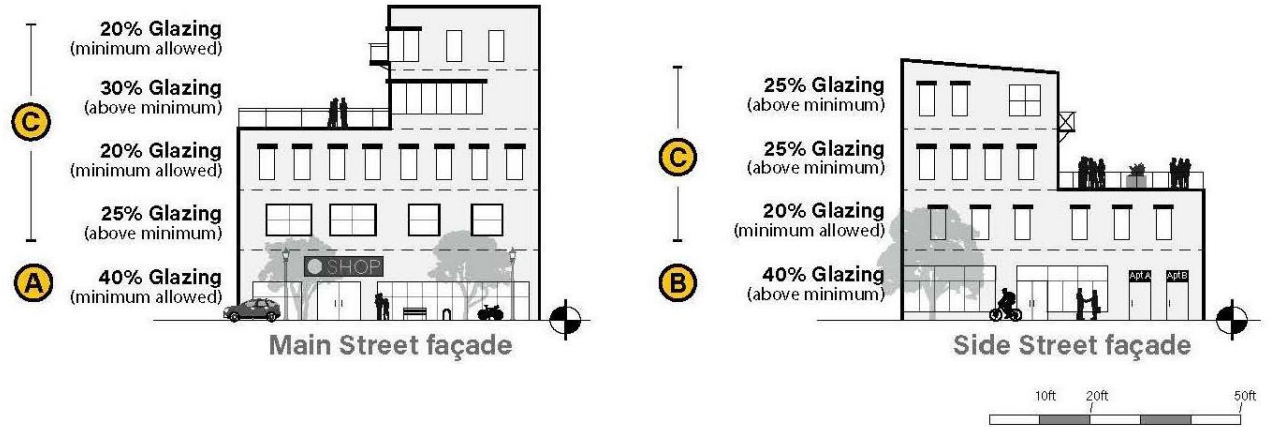


----- Lot lines shown in blue

(2) Building Frontage

- a. Min. lot frontage - Main St. 100% (B)
Allowance may be made for alley/driveway access, subject to approval. (C)
- b. Min. lot frontage - All other streets 60% (D)
- c. Place as much of the building width at the front of the lot as possible to maximize front façade exposure to the public.

Figure 3.4.4 Façade View



(5) Glazing

Required façade coverage with transparent windows

- a. Ground floor front 40% min. façade coverage (A)
- b. Ground floor side 20% min. façade coverage (B)
- c. Upper story front and side 20% min. façade coverage (C)

(6) Miscellaneous

- a. Upper stories must be designed and built to be functional, meaning they must be structurally capable of being occupied as commercial or residential space.
- Basements and attics shall not count as a story.

PARKING

DOWNTOWN FBD AREA

(5) Parking

a. Min. parking requirement **no min.**

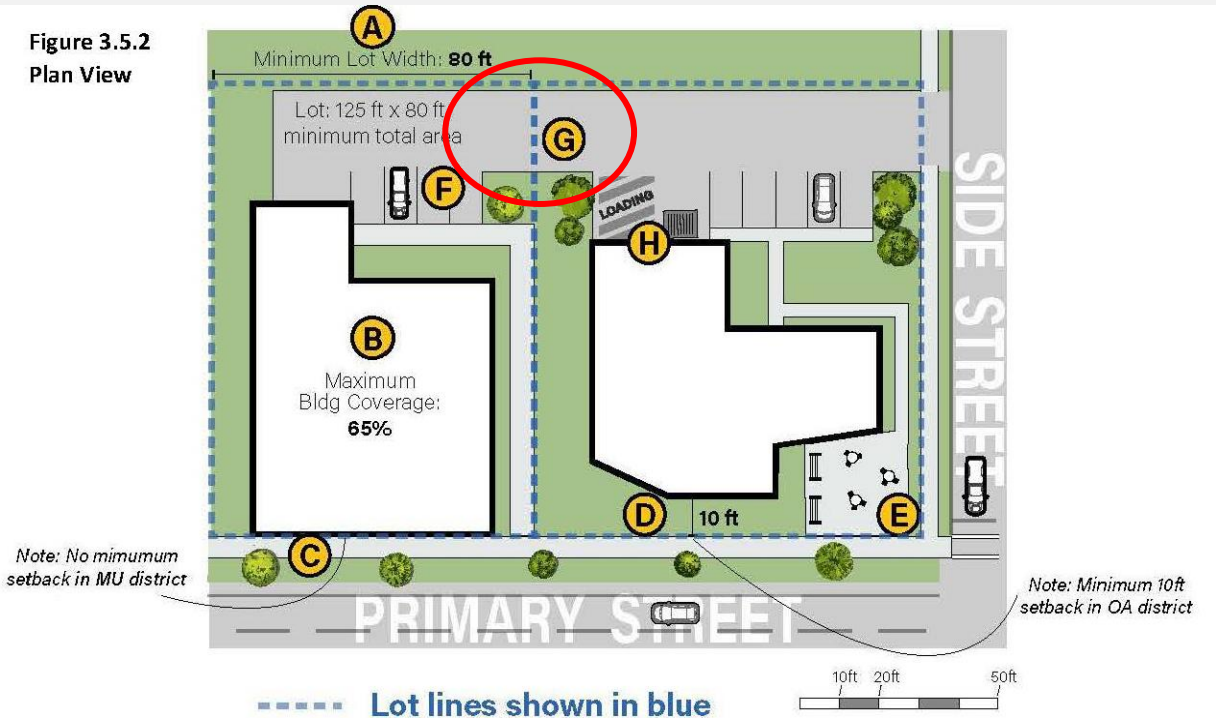
MIXED USE FBD AREA

(5) Parking

a. Min. parking requirement **no min.**
Residences require one space per dwelling unit.

RESIDENTIAL FBD AREA

Figure 3.5.2
Plan View



j. **For bicycle parking**, one rack per development or one rack per five vehicle parking spaces, whichever is greater, is required. These areas shall be covered or enclosed whenever possible and sited near the main building entrance.

ALLOWED USES

Table 3.3
TOWN CENTER DISTRICTS – USE CATEGORIES

NEW SECTION

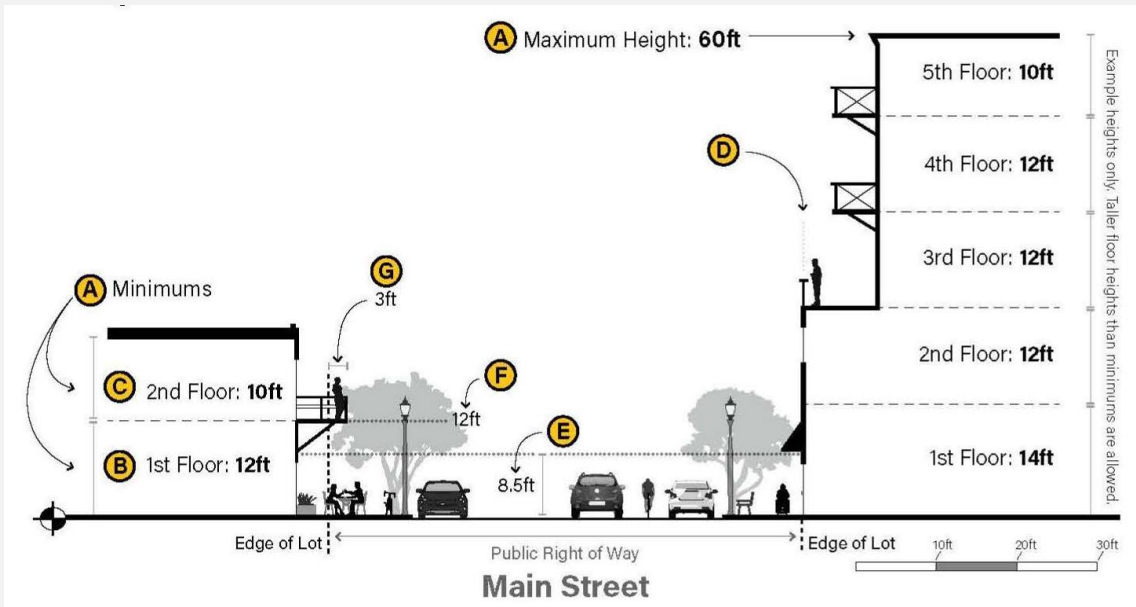
(A) **Purpose:** This table identifies the specific uses that are consolidated under the four regulated Town Center Land Use Categories: Residential, Commercial, Public & Institutional, and Manufacturing. Article 2, Definitions, provides full descriptions of the uses in each category. Any use not listed is prohibited. The ZA will make a determination as to whether a proposed use may be deemed a permitted use. The ZA's determination is appealable to the DRB.

(B) **Town Center Use Categories:**

Land Use Category	Included Uses
Residential	
Multifamily	Shall be Dwelling, Multi-Family
Single Family & Two Family	Shall be Dwelling, Single (One) Family and Dwelling, Two Family
Commercial	
Food, Drink & Entertainment	Shall be Recreation Indoor, Restaurant/Bar, Night Club, Private Club, Theater
Gas Station/Motor Vehicle Services	Shall be Car Wash, Gas Station/Service Station, Motor Vehicle Sales, and Motor Vehicle Service, Taxi Garage, Trucking/Shipping Terminal
Lodging	Shall be Bed & Breakfast, Hotel/Motel
Personal & Professional Services	Shall be Bank, Dry Cleaner, Funeral Home, Hospital, Kennel, Medical Clinic, Office (Professional, Business), Personal Service Establishment, Research & Development Facility, Retail Self-Storage, Veterinary Clinic
Residential Care Facilities	Shall be Assisted Living Residence, Community Care Facility, Elderly Housing
Retail	Shall be Artist Studio/Gallery, Gift/Craft Shop, Neighborhood Market, Retail Establishment, Retail Large-Scale, Warehouse
Social Service and Correctional Residences	Shall be Correctional Home/Furlough House, Secure Care Facility, Shelter Home/Temporary Shelter
Public & Institutional	
Educational Facilities	Shall be College/University, Cultural Facility, Day Care Facility, Educational Facility/School
Government & Civic Services	Shall be Civic Center, Community Center, Post Office, Public Facility
Place of Worship	Shall be Place of Worship
Public Parking & Transit Facilities	Shall be Public Parking Facility, Transit Facility
Manufacturing	
Manufacturing	Shall be Light Manufacturing, Manufacturing

Land Uses by District For specific uses considered under the use categories listed below, see Table 3.3	Downtown (D)	Mixed Use #1 (MU-1)	Mixed Use #2 (MU-2)	Mixed Residential #1 (MR-1)	Village Residential (VR)
Residential					
Multifamily	ZA ⁺	ZA	ZA	ZA	N
Single Family & Two Family	N	ZA	ZA	ZA	ZA
Commercial					
Food, Drink, & Entertainment	ZA	ZA ⁺	ZA ⁺	N	N
Gas Station/Motor Vehicle Services	N	N	ZA ⁺	N	N
Lodging	ZA	ZA ⁺	ZA ⁺	ZA ⁺	ZA ⁺
Personal & Professional Services	ZA ⁺	ZA ⁺	ZA ⁺	N	N
Residential Care Facilities	DRB ⁺	DRB	DRB	DRB	N
Retail	ZA ⁺	ZA ⁺	ZA ⁺	ZA ⁺	N
Social Service & Correctional Residences	N	N	ZA ⁺	N	N
Public & Institutional					
Educational Facilities	ZA	ZA	DRB	ZA ⁺	N
Government & Civic Services	ZA	DRB ⁺	ZA ⁺	N	N
Place of Worship	ZA	ZA	ZA	ZA	N
Public Parking & Transit Facilities	ZA	N	N	N	N
Manufacturing					
	ZA	DRB	DRB	N	N
Form-Based Design (FBD) Areas:	Downtown	Mixed Use		Residential	

STREET STANDARDS



(3) Public Realm Compliance

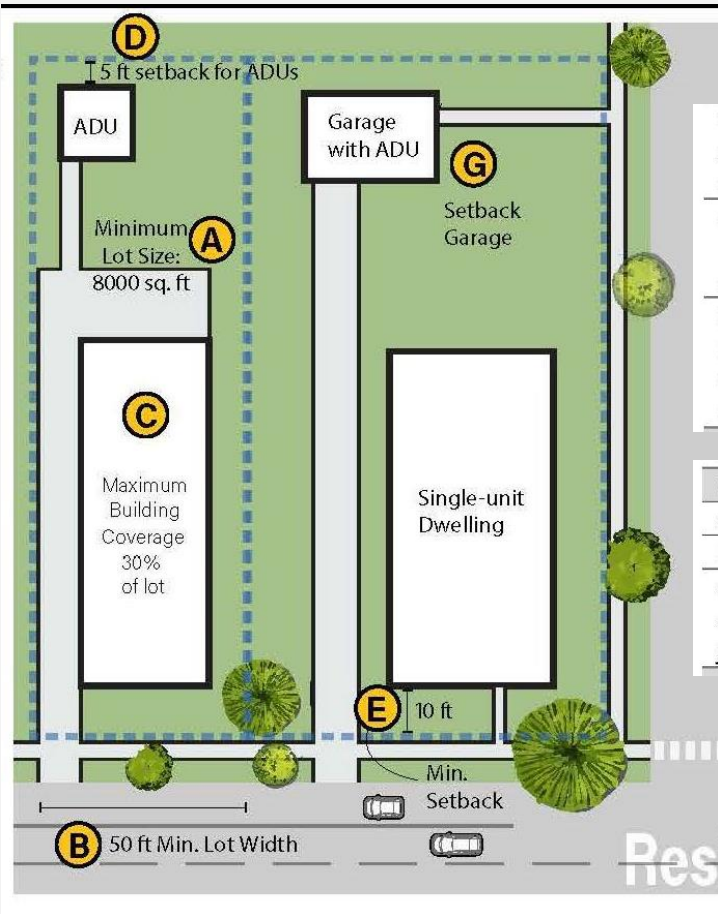
For new development or substantial expansion of existing site/structure, developers may be required to install improvements/amenities, approved by the municipality, in the ROW in accordance with the following municipal standards:

- Sidewalks shall be provided in the ROW along all streets and be concrete and/or masonry pavers.
- Street trees shall be planted at an average spacing of 25' to 30' o.c.
- Street furniture shall include (a) a bench for every 100' of frontage, (b) at least one bike rack (inverted U or post and ring style) per development, and (c) trash receptacles.

(2) Encroachments

- Awning height* min. 8.5' off the ground (E)
- Balcony height* min. 12' off the ground (F)
- *Note: For both awnings and balconies, no structural member shall be lower than 8.5 ft off the ground over the public ROW. (E)
- Balconies and awnings may project a max. of 3' into the public right of way (ROW). (G)
- Signs must comply with the municipal sign ordinance.

ACCESSORY APARTMENTS (ADU'S)



- c. Maximum bldg. coverage 30% (C)
Accessory apartments (also known as accessory dwelling units, ADUs) are exempt. (D)
- d. Min. lot area per dwelling unit 6,000 sq.ft. (first unit) + 2,000 sq.ft. (addtnl.)

Not applicable to accessory apartments (ADUs).

e. All primary dwellings shall have a footprint, excluding porches, decks, entry stairs, of not less than 20 feet in width and 20 feet in depth.

Not applicable to accessory apartments (ADUs).

(3) Setbacks

- a. Front setback 10' min. / 25' max. (E)
- b. Side setback 10' min.
- c. Rear setback 10' min.

For accessory structures totaling less than 100 sq.ft. footprint, the min. side and rear setback is 5'. (D)

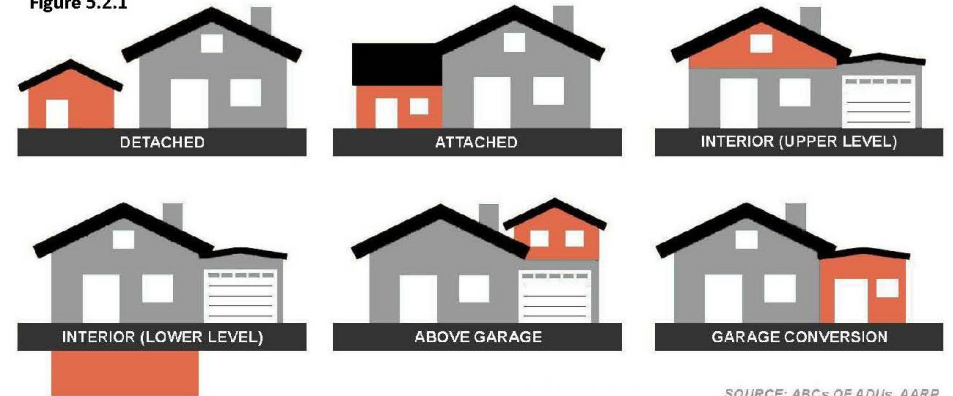
Section 5.2 Accessory Apartment (Accessory Dwelling Units, ADUs)

(A) In accordance with the Act, one accessory apartment (also known as an accessory dwelling unit, ADU) within or appurtenant to a single family dwelling may be allowed in any district subject to review by the Administrative Officer and the following requirements:

- (1) the owner shall reside on the property in either the primary or accessory dwelling unit;

(B) Accessory apartments may be sited as attached, detached, or interior units. Examples of locations for an accessory apartment are illustrated in Figure 5.2.1:

Figure 5.2.1



SOURCE: ABCs OF ADUs, AARP

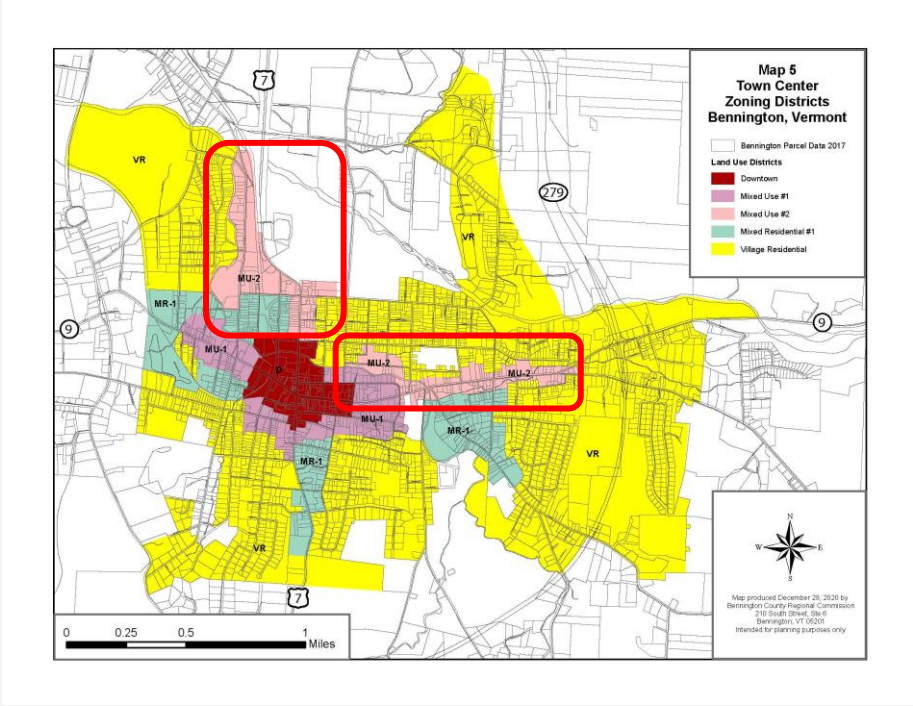
DEVELOPMENT REVIEW

Area Principles and Characteristics

Figure 3.5.1 Bird's Eye View



Note: The representation above is intended to provide an overview of this form-based area and is illustrative only.





THANK YOU

Bennington County Regional Commission

March 18, 2021

