

## Notes from December 6, 2010 Planning Commission Meeting

Noelle asked if there were any further questions on the notes from the November 30<sup>th</sup> meeting. She also reviewed a diagram of road setback that was posted to the website. Ken gave Noelle additional comments on the definition which Noelle and Brandy modified that is as follows:

**ROAD SETBACK:** The required distance between the edge of the road right-of-way (ROW) and the nearest point to any structure. If the width of the right-of-way is unknown, and if the edge of the right-of-way cannot be determined, setbacks shall be measured by adding 25 feet to the district required setback for a town or private road and 33 feet for a state highway, and the measurement is made from the existing road centerline.

*Ken's question:* are we going to be concerned with setbacks along private roads that serve more than one parcel?

*Answer:* Private roads should have the same standards as town roads.

### Village Mixed

#### Chart of Uses:

##### *Industrial Uses*

We picked up where we left off on the chart of uses. We reviewed these starting with Industrial Uses. There was discussion about the Light Industry – Classes 1-3 and the differences (refer to draft definitions). Class 1 is limited to 10,000 sq feet; activity is all enclosed; and no flammable, explosives or hazardous materials. Class 2 is limited to 25,000 sq feet, fully screened activity and again no flammable, explosives or hazardous materials processed or produced. Class 3 is all other light industry.

PC members discussed these classes and noted that some of Autumn Harp's buildings are larger than the Class 1 size. They felt it should still be conditional for now and they may want to discuss having different sizing as well as consider adding some performance standards and further discussing enclosure requirements.

*FLAG:* May want to alter size and enclosure requirements for various classes of industry as well as discuss adding performance standards.

Members also discussed if light industry was appropriate in this location. The determination was that it depended on the final draft boundaries.

Warehousing and Distribution Use was also discussed. Members thought it might be appropriate, while others were worried about traffic. For now, it remains not allowed.

*Comment:* Traffic impacts could be addressed through specific use standards.

##### *Agriculture-, Forestry- and Resource-Based Uses*

Members wondered why agriculture and silviculture were Ps in this zone as this was not an area where agriculture would be best. They did want to make sure that community gardens and small, backyard gardens that might sell some produce were allowed. They also felt that a P may not work given the density and potential impacts to neighbors.

Also, there was discussion where hydroponics may fit in – was it agriculture or light industry?

For now:

Agriculture went from P to not allowed

Silviculture went from P to not allowed

For consultants: look at definition of agriculture and silviculture and make sure this is allowed. Also want different examples of how to handle other urban backyard agricultural issues – ie animals. Is there a number of chickens, for example, that Bristol might want to establish?

Answers: We suggest differentiating between agriculture and silviculture as defined by the state and the “micro-ag” activities like keeping a few chickens. Whether or not the town regulations allow farming and forestry, the state exemptions could trump them. “Farm structures” and “accepted agricultural practices” as defined by the state cannot be zoned out of a district because they are essentially exempt from all local zoning except for setbacks. Thus, it was permitted in these districts.

24 VSA 4413 (d) A bylaw under this chapter shall not regulate accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 V.S.A. §§ 1021(f) and 1259(f) and 6 V.S.A. § 4810.

*Language on chickens:* May want to consider a separate ordinance to deal with chickens. Generally, 4-8 chickens are allowed and only females. Noise, odor and health impacts are all important factors to consider.

South Burlington's Backyard Chicken Ordinance: <http://www.sburl.com/vertical/Sites/%7BD1A8A14E-F9A2-40BE-A701-417111F9426B%7D/uploads/%7B406DFACB-DD10-4A97-9065-DFE4747EA4BF%7D.PDF>

Information on City of Winooski's Urban Chicken process: [http://onioncity.com/ord/urban-chickens\\_2010.pdf](http://onioncity.com/ord/urban-chickens_2010.pdf)

*Answer re: hydroponics/greenhouses:* As far as greenhouses and uses of that nature, the “production” itself would most likely meet the definition of agriculture and be exempt. The issue comes with add-on activities – like on-site processing or direct sales of not only product from the farm but processed or off-farm product – that are not agriculture as defined by the state and therefore do require local zoning approval.

## Boundaries

There was some discussion on boundaries, particularly the area across parallel to the suggested zone that is general business. It was suggested that the area along the river should be Village Mixed and that where the gravel pit may be located to be the highest density residential. This discussion was on hold until General Business district was discussed.

## Dimensional Standards

It was proposed that principle buildings in this have a proposed minimum height of one story and a proposed maximum that was – “two stories to the eve line” with a 35 foot maximum.

*Comment:* This could be a concern. You should consider either measuring in stories or feet. It doesn't make sense to do both. The current proposed definition of “story” should be sufficient to meet the height concerns.

## Objectives and Guidelines

It was mentioned that consultants had not responded to changes regarding retail in the proposed objectives and guidelines. However, that was included in the Nov. 30<sup>th</sup> notes – below:

On page 13 of the handout titled “Proposed Zoning Districts, April 2010 Draft.”

Generally, members liked the proposed language. However, they felt the last sentence was a bit too strong – *“While moderate-scale and incidental retail uses will be accommodated in this district, retail development deemed to be potentially detrimental to the economic viability of the downtown business district shall not be permitted.”* They felt that this district was within walking distance to the downtown and expansion of retail would be logical in this area.

This is an area that could be discussed at public forum: Should the zoning restrict the amount of retail development that can occur outside the downtown business district? One of the reasons for the building footprint standards is to prevent large-scale retail development that could out-compete the existing downtown.

Updated sentence: While moderate-scale and incidental retail uses will be accommodated in this district, development that would increase the amount of retail square footage to a level not commensurate with the town's population and that could impact the economic viability of the downtown by redirecting customer traffic away from existing retail areas will be discouraged.

## Other Issues

There was discussion on the need to make sure that attention and consideration is given to the district as it is the entrance into town and there are key views to consider. If heights are too high, this may impact these views. May want to consider some sort of scenic easement or vegetation to ensure that this beauty is kept in mind.

FLAG: make sure that views are not impacted in this district.

Many noted that there appeared to be two “different” areas again with west street and main street and that this needed to be considered and other ways to handle these districts many continue to be an issue.

FLAG: West Street and Main Street may need to be different districts. Tom charged Ken and others with developing a list of “differences” to be considered when compared with final standards and uses.

## **General Business (pages 11 and 12 of the May draft)**

### Objectives and Guidelines

There was some concern about the words “potentially detrimental” as too ambiguous. In general, members felt that while some retail in Village Mixed was fine, this district should not be heavily retail. So the following sentence needs to be modified: “While small-scale and incidental retail uses will be accommodated in this district, retail development deemed to be potentially detrimental to the economic viability of the downtown business district shall not be permitted.”

Updated Sentence: While small-scale and incidental retail uses will be accommodated in this district, retail development at a scale that competes with the downtown business district shall not be permitted.

### Chart of Uses

Beginning with the Household, Group Living, Healthcare and Daycare Uses:  
After discussion, single family homes went from conditional to not allowed.

If there is an existing single family home, they need to be allowed to have a home occupation or a home business. So these uses will go from not allowed to P, with a note.

Farm worker Housing went from not allowed to P

Under Civic, Cultural, Religious, Communication Uses:  
Government Offices went not allowed to SP

Office and Service Uses remained the same

Food, Lodging and Entertainment:  
Bar went from not allowed to conditional

Add Convenience store to Sales Uses and make it PS

Note definition from Nov. 30<sup>th</sup> notes - "Convenience Store. A retail establishment not greater than 5,000 square feet in area selling primarily food products, household items, newspapers and magazines, candy, beverages. A convenience store may offer freshly prepared foods for on-site consumption or take out, but the food preparation and dining space shall not exceed 20 percent of the store's gross floor area."

In Automotive Uses, add back in definition of sales and rental (Definition: **VEHICLE SALES OR RENTAL. A facility for the sales or rental of motor vehicles or recreational vehicles.**) and make it C.

*To consider: May want to think about some specific use standards related to setbacks, vehicle display, signage, etc. for these uses.*

Industrial Uses,

**FLAG extraction in Industrial Uses.** There was discussion about extraction. The proposal was to remove it as it was too close to the village as the district boundaries were currently proposed while others felt that is would be fine will proper conditions while others needed to see the final boundaries.

Agriculture-Forestry-and Resource-based Uses all remained the same.

## Other Issues

**FLAG multiple building issue:** After discussion, want to consider the options of requirements for multiple principal buildings, but need to consider how to handle property division issues.

Someone mentioned that location for wind and solar was not in the definitions or uses.

## **Boundary Discussions**

There were several proposals for moving boundaries with the Village Mixed; General Business and Village Residential 3. The consultants will draft various maps for the next meeting for members and the public to consider.