

**§907. Conditional Use Review**

(1) After public notice and hearing, the Development Review Board shall determine, using all of the standards outlined in §906, if a proposed conditional use has the potential to have an undue adverse effect on the following:

- A. The capacity of existing or planned community facilities;
- B. The character of the area affected; as defined by purpose or purposes of the zoning district within which the project is located, and specifically stated policies of the Burke Town Plan;
- C. Traffic on roads and highways in the vicinity;
- D. Bylaws in effect with special reference to this zoning bylaw, and;
- E. Utilization of renewable energy resources.

(2) The Development Review Board shall request a master plan for all phased developments and large-scale developments. Master plans shall contain the following information:

- A. Water or water quality data, including the effect of proposed water use on surrounding wells and springs; maps indicating all wells, springs, rivers, streams, and other water drainage or sources within 1,000 feet of the development; potential contamination of area water supplies from existing and proposed septic fields, landfills, run-offs, and storm drainage, pesticide and fertilizer residues, and any other sources that may pollute such supplies;

- B. Demonstration of compliance with State of Vermont standards for air quality.
- C. Expected noise levels and times of occurrence;
- D. If applicable, a plan for providing recreation facilities;
- E. Effect of the development on wildlife, land resources, and timber;
- F. Effect of the development on electric generation, transmission, sub-transmission, and local distribution systems, including visual impacts;

**Site Plan Review and Conditional Use Review**

*Site Plan Review* is a tool used by the Development Review Board to examine all proposed permitted uses in Burke, except for single- and two-unit dwellings. Although permitted uses may be established by right, they still require a certain level of scrutiny to ensure that 1) the proposed use meets the development standards in Burke's zoning bylaw, and 2) the applicant takes all possible measures to mitigate any potential adverse effects. The Development Review Board makes this determination by applying the criteria listed in §906 to evaluate the internal aspects of the use, such as signage, lighting, and landscaping.

*Conditional Use Review* (for conditional uses) evaluates proposed uses that may or may not be appropriate for any given site in a zoning district. Using the same criteria listed in §906 and applying the standards set for in §907, the Development Review Board will evaluate the broader aspects of a proposed use, such as whether or not the use will have undue adverse affect on the character of the area or the capacity of community facilities.

- G. Impact on community facilities and municipal services;
  - H. Impact on agricultural practices and lands;
  - I. Energy use and conservation;
  - J. Housing and the ability to address the needs of low- and moderate-income persons;
  - K. Evaluation of the economic benefit of the development, including revitalization of village centers, job creation, and vocational or educational training opportunities and requirements; and
  - L. The effect of the development on transportation, including existing and planned public transportation facilities.
- (3) In permitting a conditional use, the Development Review Board may impose, in addition to the regulations and standards expressly specified by this bylaw, other reasonable conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the Town as a whole. These conditions may include the following:
- A. Increasing the required lot size or yard dimensions in order to protect adjacent properties;
  - B. Limiting the coverage or height of buildings because of obstruction of view or reduction of light or air to nearby properties, or scale of surrounding development;
  - C. Controlling the location and number of vehicular access points to the property;
  - D. Increasing road width;
  - E. Increasing the number of off-street parking or loading spaces required.
  - F. Limiting the number, location, and size of signs.
  - G. Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property of a character in keeping with the surrounding area.
  - H. Specifying a specific time limit or phased schedule for construction, alteration, or enlargement of a structure to house a conditional use.
  - I. Requiring that any future enlargement or alteration of the use be reviewed by the Development Review Board to permit the specifying of new conditions.
  - J. Requiring the installation, operation, and maintenance of devices or methods that, in the opinion of the Development Review Board, may prevent or reduce fumes, gas, dust, smoke, odor, noise, vibration, or similar nuisance.
  - K. Modification of the proposed design and/or location of structures and service areas of the proposed conditional use to ensure its compatibility with the area affected.
  - L. [Modifying or limiting the hours of operation of the proposed use.](#)

- (4) Change of use, expansion or contraction of land area, or expansion of structures for uses which are designated as conditional uses within the district in which they are located, and which are existing therein prior to the effective date of this bylaw, shall conform to all regulations herein.

#### **§416. Adaptive Reuse of Historic Accessory and Industrial Structures**

- (1) The overall purpose of this section is to encourage the viability, reuse, restoration, and rehabilitation of historic accessory structures, such as barns and carriage houses, and industrial structures, such as mills; by allowing for specified uses not otherwise allowed in the district in which they are located, within the current dimensions. Any changes associated with the adaptive reuse shall not significantly alter the facade of the building and shall be in keeping with the essential character of the neighborhood.
- (2) For the purposes of this bylaw, applicable structures must be at least fifty (50) years old and either listed or eligible for listing on the state register of historic sites and structures.
- (3) The following uses may be allowed, subject to conditional use review:
  - A. Permitted and conditional uses allowed in the district in which the structure is located.
  - B. The following additional uses, if not otherwise allowed in the district:
    - i. Art Studio (with no more than 5 artisans or employees on site at any time)
    - ii. Business/Professional Services
    - iii. Community Center
    - iv. Cultural Facility
    - v. School
  - C. Any combination of the above
- (4) All adaptive reuse of historic accessory or industrial structures shall also meet the following requirements:
  - A. The proposed adaptive reuse of a nonconforming structure shall in no way increase the degree of nonconformity.
  - B. The proposed adaptive reuse shall not significantly alter the footprint, essential character, or immediate context of the historic accessory or industrial structure. In reviewing proposals for adaptive reuse, the Development Review Board shall determine that the adaptive reuse is in accordance with the Burke Town Plan, and that the historic character of the structure will be retained to the extent practical.

- (5) A zoning permit issued for an adaptive reuse shall clearly state that the use shall not be re-established if the structure is substantially modified, except in accordance with the requirements of these regulations. All applicable permits and approvals shall be obtained prior to the re-establishment of such use in a substantially modified structure.
- (6) In the event that the historic accessory or industrial structure is destroyed or demolished, the structure may be reconstructed and the adaptive re-use re-established with the approval of the Development Review Board under §907. In allowing such reconstruction and re-establishment, the Development Review Board shall determine that, in addition to meeting conditional use standards, the replacement structure closely replicates the historic structure in architectural style, form, massing, scale, building materials, and fenestration.