# Brattleboro Planning Commission

230 Main Street, Brattleboro, Vermont
Selectboard Meeting Room
Monday, February 23, 2015
6:00 PM Meeting

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A. Meeting called to Order [McLoughlin]

B. Approve Minutes of January 14, 2015 [McLoughlin] (5 minutes)

C. Announcements [McLoughlin] (5 minutes)

D. Public Comment [McLoughlin] (5 minutes)

E. Village Center Designation [Staff]

F. Draft Land Use Regulations Work Session [Staff]

   1. Review of comments received to date
   2. Zoning district boundaries

G. Adjourn

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Enclosure:

1. Draft Minutes January 14, 2015

# Brattleboro Planning Commission

Wednesday, January 14, 2015
Minutes

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**Present:** Elizabeth McLoughlin, Karolina Oleksiw, Kathy Urffer, David Cadran
**Excused:** James Valente
**Consultant:** Brandy Saxton
**Staff:** Sue Fillion, Rod Francis

**A. Meeting called to Order**
Ms. McLoughlin called the meeting to order at 6:05 PM

**B. Approve Minutes of January 5, 2015**
Ms. Urffer moved to approve the minutes of January 5, 2015; Mr. Cadran seconded. Pass 4-0.

**C. Announcements**
Vermont Transportation is using a Wiki map to collect information about bike routes and bike infrastructure problems to prioritize projects. They are seeking input. Ms. Fillion will send the link to PC members and to the group of people that participated in the AARP-funded workshop.

**D. Public Comment**
None

**E. Zoning Bylaw Work Session**

- Section 341 - Standards for all Subdivision
  Ms. Saxton advised that this integrates the work done on the subdivision regulations in 2014 with some changes based on the public comment.
- Section 341.K – Topsoil
  Ms. Saxton advised that this was elaborated on to make it clear that the stripping of topsoil and reselling it is not allowed. It must be used to re-vegetate
- Section 342.J – Municipal Impact
  It was agreed to add reference that this is a state form and to include it in an appendix.
- Section 342.A - Streets
  Ms. Saxton indicated that the street standards are still being worked out. This will cross-reference the road standards and will be coordinated with public works.
- Section 344.C.1 – Developable Area
  Ms. Saxton reviewed the changes to the developable areas – riparian areas are now at 100% rather than 50% and the special flood hazard area has been removed. There was a discussion of whether wetlands would need to be delineated and Ms. Saxton responded no as an applicant would only be required to show mapped class 1 and 2 wetlands.
- Section 344.C.2 - Density Factor

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to make sure that they are still in place. He explained that it is difficult to give bonuses upfront before it can actually verify whether the actual operation meets the energy requirements. The PC applauded the goal of this section but felt that it should be removed for now until several issues can be worked out.

- Section 356 - Conservation Subdivision
  The PC discussed the role of the Conservation Commission and felt at this time to remove their role in the review of a Conservation Subdivision.

**F. Zoning Bylaw Public Outreach**

Staff reviewed the upcoming events for the following week.

**G. Adjourn**

Ms. Oleksiw moved to adjourn at 8:20 PM; Ms. Urffer seconded. Pass 4-0

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**State Designations**

Brattleboro has both a Designated Downtown and a Designated Village Center. These designations enable the Town to receive grants for improvements within the designated area, gives priority consideration for Municipal Planning grants, and allows owners of income-producing buildings to be eligible to receive tax credits for building improvements (historic, façade, code, and technology) and . Downtown first received Downtown Designation in 1998 and has been renewed several times. It will next be up for renewal in 2018. West Brattleboro first received Village Center Designation in 2005 and it due for renewal in 2015. The boundaries of the Designated Downtown and Village Center are shown in Figure x.x.

Building a Better Brattleboro (BABB) is the organization responsible for implementing the undertaking revitalization efforts in the Designated Downtown. In recent years, the organization undertook a Retail Market Analysis, secured grant funding for directional and wayfinding signage, and participated in a charrette held by the Vermont Downtown Action Team to identify opportunities to improve the physical infrastructure and economic recovery of downtown post-Tropical Store Irene. In the last few years the Town assisted in the revitalization efforts by reconstructing sidewalks, repaving Main Street, and making improvements to Union Station and Depot Street. BABB receives a substantial part of their funding from a special assessment tax on properties in the Downtown Improvement District.

Revitalization efforts in West Brattleboro Village have revolved around community development and improving bicycle and pedestrian safety. In 2014, the Town conducted a bicycle and pedestrian scoping study with funding from the Vermont Agency of Transportation. The West Brattleboro Association sponsors community events and is working towards building a community gathering space. Over $1.4 million has been accessed by property owners in the downtown since 2005 to improve buildings. There are several income producing buildings in West Brattleboro Village that could benefit from tax credits as redevelopment opportunities arise.

Downtown and Village Center Designations are important to be maintained and renewed as they provide access to resources that complement ongoing revitalization efforts and achieve the following goals:

- Furthering the intent of the Land Use Chapter – The Downtown and West Brattleboro Village are important mixed-use districts. The Town Plan identifies the needs to make public and private physical improvements in these area. Continued designation will focus additional resources to help them thrive, including the ability to have a special tax assessment in the Downtown Improvement District and priority consideration for several grant programs.
- Preserving significant historic, architectural, and cultural heritage – The access to historic tax credits and code improvement tax credits will help modernize our historic buildings and preserve the traditional built form in both the Downtown and the Village.
- Create safe streets and inviting environments for all road users - The Town has benefited from the Downtown Transportation Fund to make improvements in the Downtown and will continue to seek improvements as necessary.

Potential New Action 2.1.5: Renew downtown and village center designations.

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Timeline for Village Center Designation Approval (with a required updating of the Town Plan

| | Feb | | | | Mar | | | | | Apr | | | | May | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2 | 9 | 16 | 23 | 2 | 9 | 16 | 23 | 30 | 6 | 13 | 20 | 27 | 4 | 11 | 18 | 25 |
| **Town Plan Amendment** | | | | | | | | | | | | | | | | | |
| Draft Language | | | | | | | | | | | | | | | | | |
| PC approve language and report | | | | | | | | | | | | | | | | | |
| Warn PC Hearing | | | | | | | | | | | | | | | | | |
| PC Hearing | | | | | | | | | | | | | | | | | |
| Warn SB Hearing | | | | | | | | | | | | | | | | | |
| SB Hearing & Adoption | | | | | | | | | | | | | | | | | |
| SB Authorization of VC App | | | | | | | | | | | | | | | | | |
| Request WRC approval | | | | | | | | | | | | | | | | | |

| | June | | | | | July | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 8 | 15 | 22 | 29 | 6 | 13 | 20 | 27 |
| **VC Designation** | | | | | | | | | |
| Prepare VC application | | | | | | | | | |
| Submit VC application | | | | | | | | | |
| Downtown Meeting | | | | | | | | | |

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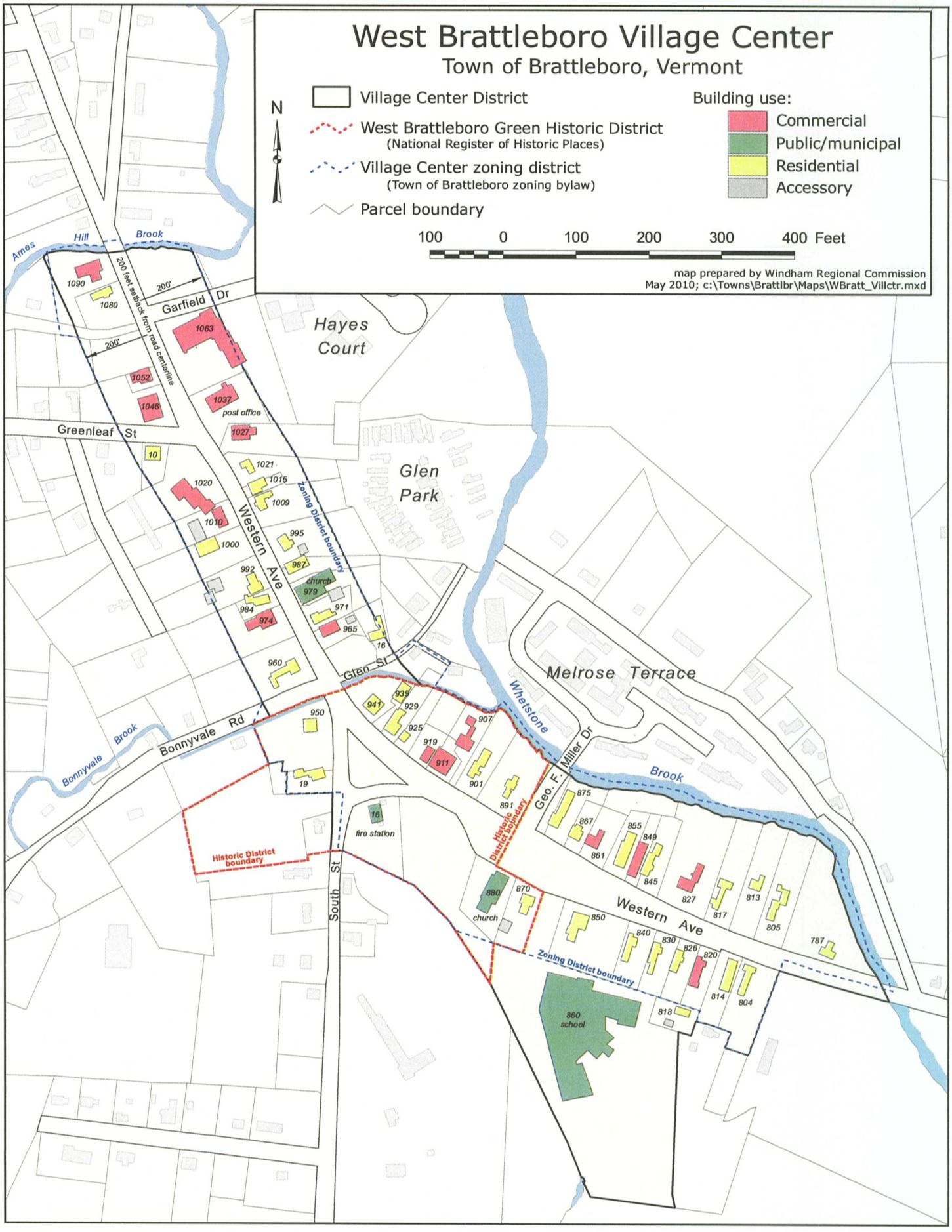
|---|---|
| Key | |
| Planning Commission | |
| Planning Staff | |
| Selectboard | |


West Brattleboro Village Center
Town of Brattleboro, Vermont
Village Center District
West Brattleboro Green Historic District
(National Register of Historic Places)
Village Center zoning district
(Town of Brattleboro zoning bylaw)
Parcel boundary
N
Building use:
Commercial
Public/municipal
Residential
Accessory
100 0 100 200 300 400 Feet
map prepared by Windham Regional Commission
May 2010; c:\Towns\Brattlbr\Maps\WBratt_Villctr.mxd
Ames Hill Brook
200 feet setback from road centerline
200'
Garfield Dr
Hayes Court
Greenleaf St
post office
Glen Park
Zoning District boundary
Western Ave
church
Glen St
Melrose Terrace
Whetstone Brook
Bonnyvale Rd
Bonnyvale Brook
Historic District boundary
fire station
South St
Geo. F. Miller Dr
Brook
Western Ave
church
Zoning District boundary
860 school

# Brattleboro
## Designated Downtown District
Town of Brattleboro, Vt.
2013

- Downtown district boundary
- Commercial
- Residential
- Mixed Use (commercial and residential)
- Government
- Cultural, Educational, Religious, Social
- Industrial
- Accessory
- Street edges
- Railroad
- Parcel lines
- Municipal parking

N

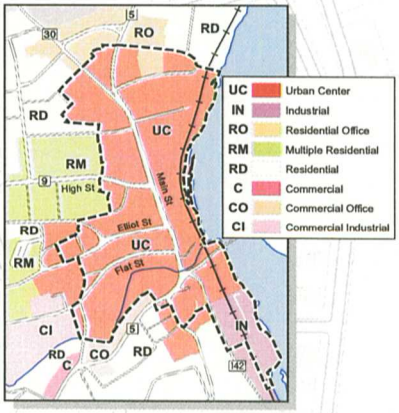
0 200 400 600 Feet

Windham Regional Commission, Brattleboro, Vt.
January 2013; c:\towns\brattlbr\maps\Downtown_District_2013.mxd

TERRACE ST
LINDEN ST
Vt. District Court Brattleboro Courthouse
Brattleboro Music Ctr
St. Michaels School
WILLISTON PL
American Legion
mini-park
WALNUT ST
State Office Building
Municipal Ctr
police station
Library
HARRIS PL
GROVE ST
Post Office & Federal Court
MAIN ST
Gibson Aiken Center
Masonic Lodge
HIGH ST
mini-park
Robert H. Gibson River Garden
Hooker Dunham Building
Shriner's Hall
Brooks House
GREEN ST
CHURCH ST
ELLIOT ST
SPRING ST
Central Fire Station
Emerson Block
Boys & Girls Club
Transportation Center
FLAT ST
Latchis Theater
ARCH ST
BRIDGE ST
ELM ST
Wilder Building
Brattleboro Museum & Arts Ctr
mini-park
Brattleboro Food Co-op
C.F. Church Building
Whetstone Brook
Marlboro College Graduate Ctr
CONNECTICUT RIVER
CANAL ST
S MAIN ST
REED ST
VERNON ST
New England Youth Theatre

## Historic Districts
Downtown District boundary

## Zoning Districts
Downtown District boundary



**Kick-Off Open House and Presentation Jan 22**

1. Requiring residential occupancy in the Mixed Use district on Park Place. Area is already mostly office without residential. Current zoning doesn't require residential occupancy on the property. Now that the buildings have been converted to offices, they are unlikely to convert back to residential. Landowner in area requested not requiring residential occupancy.
2. Water and Recreation district on Route 30 west of the interstate (Cersosimo). Some of the existing commercial uses would become nonconforming. Landowner requested that this area remain in a commercial zoning district (currently in the Commercial Office district) or that more commercial uses be allowed in the Water and Recreation district.
3. Water and Recreation district on Spring Tree Road (111 and 121 Spring Tree Road). These parcels are currently in the West River Waterfront district. Landowner was concerned about limiting future development options and was questioning whether it would be preferable for these parcels to be in the adjoining Neighborhood Center district. Presently, the land is constrained by stormwater/wetland issues. Run-off is directed from Route 5 through the property to the West River. There has been beaver activity that has expanded the wet portion of the property.
4. A concern was expressed about the density of bars/drinking establishments, and their impact on the surrounding neighborhood. Requested that bars/drinking establishments be a conditional rather than permitted use in the districts where they would be allowed.
5. Number of residences on a lot. Section 212.C of the draft would allow for only one single-family dwelling on a lot unless approved as a PUD. Requested that multiple single-family dwellings could be on a lot without subdivision or PUD approval provided that dimensional standards are met.

**Breakfast Jan 23**

1. Use flexibility in PUDs. Current zoning allows PUDs to include uses not otherwise allowed in the zoning district. Draft zoning would limit new PUDs to uses permitted or conditional in the zoning district. There was considerable discussion of the pros and cons of this proposed changed. Some expressed concern that Brattleboro would miss out on opportunities (ex. Delta Campus or Grafton Cheese) if there wasn't a mechanism to approve uses not allowed in the district. Others expressed concern that current approach circumvents purpose of zoning and essentially is spot zoning.
2. A concern was expressed about increased cost if landowners need to do more mapping and site analysis prior as part of a subdivision application in the rural areas of town in order to determine the developable area.
3. A concern was expressed that using "developable" area penalizes property owners with significant natural resources on their land and instead there should be incentives for protecting those resources.
4. There was a recommendation to change the slope provisions to kick-in a steeper slope (33% rather than 25%) when determining developable area.
5. A question was asked about wetland delineation. The draft refers to mapped wetlands. Would applicants be required to do delineations? If a delineation was done (ex. for Act 250), would the delineated area be used rather than the mapped area? This should be clarified in the draft.

6. There was a concern expressed that there be flexibility and exceptions built into the riparian buffers for pre-existing development. The language may need to be clarified.
7. Floor area ratio in Urban Center. Given that buildings may be up to 6 stories in height, a FAR of 4.0 may be too low and the PC should consider increasing it.
8. A question was raised about whether FAR would be based on net area or gross area. That should be clarified in the regulations. If the area devoted to roads would be excluded, there was concern that greenfield development would not be allowed at as high a density as development within existing neighborhoods with an already established road network.
9. It was suggested that the districts along the northern section of Canal Street be further consolidated with the entire corridor from downtown to the hospital being zoned in the Mixed Use district.
10. There was a suggestion to zone Western Avenue and more of Canal Street as Mixed Use (portions that were proposed for Residential Neighborhood).
11. A concern was expressed that the maximum setback of 40 feet could be too deep in the Mixed Use and Neighborhood Center districts if the goal is to bring the buildings to the street and if there is not going to be any parking in front.
12. Support was expressed for expanding the Industrial district at Exit 1.
13. A concern was expressed about prohibiting residential uses in the Industrial district. There is some pre-existing residential in the district and there could be further workforce or affordable housing in proximity to where people work.
14. A concern was expressed about increasing the minimum lot size to 3 acres in the Industrial district.
15. A concern was expressed about reducing the commercial or other non-industrial uses that would be allowed in the Industrial district.
16. A concern was expressed about the nonresidential uses that would be allowed in the Residential Neighborhood district. Landowner would not want to have a store, bank or cemetery next door.
17. There was a suggestion that more uses be allowed with conditional use approval in most districts – be more flexible with use (form-based code approach).
18. There was a suggestion to expand the nonresidential uses in the Mixed Use and Residential Neighborhood districts (as conditional uses) in recognition that the potential impacts would be balanced by the proposed design standards.
19. There was a concern that the draft regulations would limit future commercial development and place a greater tax burden on residential property owners.
20. A concern was expressed that the design standards would stagnate commercial development. Others were supportive of the design standards and efforts to enhance the appearance and pedestrian-friendliness of the gateway commercial areas.
21. Some expressed concerns about limiting the extent to which the DRB could adjust the dimensional standards via the waiver provision. Others thought that the limits provided the neighbors with greater certainty and ensured consistency over time in the application of the waiver provisions.

22. There was discussion of appropriately balancing clear and precise standards with flexibility in the regulations. Some people wanted to see more flexibility built into the regulations (applicants should be able to come before DRB to make a case for what they want to do). Others saw the benefit in more rigorous standards that could be consistently applied and provided more certainty to both applicants and neighbors (too much flexibility can undermine the purpose and intent of zoning).
23. There was a suggestion that the draft regulations should be "tested" to make sure they would achieve desired results on prior development applications, and to seek input from other communities about their experience with similar standards.
24. There was a suggestion that it would be useful to identify all nonconformities that would result from the draft regulations.
25. There was a suggestion that there be one or two presentations on the draft regulations for the Selectboard prior to public hearings.
26. There was a suggestion that another meeting be scheduled for the professionals group once they have had more time to review the draft.
27. Adoption timeline. Several people suggested that the process proceed more slowly to allow additional time for review and comment on the draft.
28. There was a suggestion that there be printed copies of the draft that could be signed out from the planning department.
29. There was a suggestion that the cross references in the PDF be hyperlinked.
30. There was a question regarding the vested rights language in Part 1 of the draft, which may need to be clarified.

**Lunch Jan 23**

1. A question was asked about FAR and how it would be calculated.
2. A question was asked about whether changes were being proposed to the flood hazard regulations.
3. There was discussion of lot size in the rural districts and whether small lots would be allowed or be required.

**Lunch February 5**

1. There was a question asked about a specific property in the Rural district and whether or not the cottage industry could expand.

**Afternoon February 5**

1. A question bar noise and how it is enforced.
2. There was a question as to which districts allow shelters.

**Downtown Meeting February 5**

1. There was a preference for Belmont Street to remain residential, not mixed use