

Brattleboro Planning Commission

230 Main Street, Brattleboro, Vermont

Selectboard Meeting Room

Monday, March 2, 2015

6:00 PM Meeting

- A. Meeting called to Order [McLoughlin]
 - B. Approve Minutes of February 23, 2015 [McLoughlin] (5 minutes)
 - C. Announcements [McLoughlin] (5 minutes)
 - D. Public Comment [McLoughlin] (5 minutes)
 - E. Draft Land Use Regulations Work Session [Consultant]
 - 1. Draft Section 356 - Rural Enterprise PUD
 - 2. Mixed Use District
 - 3. Overview of changes to Part 3
 - F. Village Center Designation
 - 1. Review and approve draft language for Town Plan
 - 2. Review and approve Planning Commission report
 - G. Adjourn
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Enclosure:

- 1. Draft Minutes February 24, 2015
- 2. Draft Rural Enterprise PUD language
- 3. Draft language for Town Plan
- 4. Draft Planning Commission Report for Town Plan amendment

Brattleboro Planning Commission

Monday, February 23, 2015

Minutes

Present: Elizabeth McLoughlin, Karolina Oleksiw, Kathy Urffer, Kate Audlin

Excused: James Valente, Rachel Zamore, Eric Annis

Staff: Sue Fillion, Rod Francis

A. Meeting called to Order

Ms. McLoughlin called the meeting to order at 6:15 PM

B. Approve Minutes of January 14, 2015

Ms. Oleksiw moved to approve the minutes of January 14, 2015; Kathy Urffer seconded. Pass 4-0.

C. Announcements

- Ms. McLoughlin introduced new board member Kate Audlin.
- Ms. Fillion reviewed the upcoming Planning Commission meetings scheduled for March 2 and March 23.
- There will be a presentation on the new Land Use Regulations before the Selectboard at their Tuesday, March 3 meeting.
- There was discussion of having presentation materials at Representative Town Meeting on March 21.

D. Public Comment

None

E. Village Center Designation

Ms. Fillion advised that West Brattleboro's Village Center Designation is due to expire at the end of July. A new state law requires that in order to request renewal of state designations (Village Center, Downtown, etc.) they must be discussed in the Town Plan and include a map. In order for West Brattleboro to renew their designation, the Town Plan must be amended. Ms. Fillion explained program benefits include eligibility for 50% Historic Tax credit, 50% Facade Improvement tax credit, 50% Code Improvement tax credit, technological improvements, and other significant benefits that make it worth pursuing.

The Planning Commission reviewed maps and discussed the boundaries of both the village center and downtown – no changes are being proposed. The Commission reviewed draft text that they will be asked to approve at the March 2 meeting. Ms. Urffer suggested some edits.

F. Land use regulation work session

- The Planning Commission discussed some of the feedback that they received during the recent public outreach. They discussed the proposed zoning for commercial properties on Route 30 in the proposed Water and Recreation District. It was noted that these commercial properties are a bit anomalous to the other parcels in the proposed district as most of the other are recreation

uses. Mr. Francis discussed the setting – that is has flood plain and is adjacent to the new playing fields. The Planning Commission decided to leave the parcels in the Water & Recreation District.

Ms. Fillion suggested that Miscellaneous Manufacturing might be added as a conditional use. The Commission discussed the purpose of the district and decided that they did not feel comfortable discussing adding uses at this time and would like to do that with Ms. Saxton. Ms. Urffer wanted to understand the limitations in this district better and said it would be helpful to see a map with the River Corridor boundary. Staff advised that this may be useful but cautioned that not all sites in this proposed district fall under Act 250 jurisdiction.

- The Commission discussed Belmont Avenue and decided to change the proposed zoning on the street to Residential. Staff was directed to review the boundaries of the hospital's PUD and make sure that the proposed Institutional zoning district encompass all properties associated with that PUD.
- The Commission discussed the underlying zoning for Grafton Village Cheese's property. Staff noted that this is a PUD and that the PUD will control the use on the property but that the underlying zoning could be important if they want to do something not currently allowed in the PUD but allowed in the underlying zoning. Ms. Urffer spoke in favor of leaving it in the Institutional zoning district as it allows more commercial uses than the Rural Residential. She also noted that the ownership (Windham Foundation) is Institutional in nature. The Commission agreed to keep it in the proposed Institutional district.
- Staff shared the comments that were made about the proposed mixed use and residential zoning districts on Canal Street from Birge to South Main Street. It was proposed as is to try and protect the residential character. This area will be discussed at the next meeting.

G. Adjourn

Ms. Urffer moved to adjourn at 8:06 PM; Ms. McLoughlin seconded. Pass 4-0

- 355.G **DEVELOPMENT AREAS.** A maximum of 40% of the total area of the conservation subdivision may be developed for residential use in accordance with the following:
- (1) The development must be designed as one or more clusters composed of 3 to 12 lots or dwelling units surrounded by open space.
 - (2) At least 40% of the lots or dwelling units must abut a conservation area.
 - (3) All lots or dwelling units not directly abutting a conservation area must have direct pedestrian access to the conservation area(s) from a continuous system of sidewalks, paths or trails. The Development Review Board may waive the access requirement for conservation areas intended for agricultural use.
 - (4) Access to the conservation subdivision must be from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or to minimize disturbance of conservation resources.
 - (5) All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways, narrow lanes, and locating development near existing streets).
- 355.H **COMMUNITY BUILDINGS.** A conservation subdivision may include one or more community buildings that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. The subdivision residents must commonly own any community building.
- 355.I **APPLICATION REQUIREMENTS.** In addition to all other applicable requirements, the applicant must submit:
- (1) An existing site conditions map of the subject property showing the location of all primary and secondary conservation resources (SEE SUBSECTION 355.F) and delineating the boundary of the proposed conservation areas over an aerial photo base map; and
 - (2) A context map of the subject property and surrounding land within 1,500 feet of the property boundary showing the location of all primary and secondary conservation resources (SEE SUBSECTION 355.F) and any public or conserved lands over an aerial photo base map.

Section 356. Rural Enterprise Development

- 356.A **PURPOSE.** This section recognizes that Brattleboro's rural areas are characterized by working landscapes where resource-based economic activities have traditionally flourished. The purpose of this section is to accommodate enterprises that are compatible in use, scale and intensity with maintaining the town's rural character and supporting economically viable farm and/or forest lands in the town and region by:
- (1) Adding value to local farm or forest products;
 - (2) Direct marketing of local farm or forest products;
 - (3) Engaging in agritourism or education; and/or
 - (4) Offering goods or services needed for farming or forestry.
- 356.B **APPLICABILITY.** Rural enterprises are permitted in the Rural Residential and Rural districts on sites that are 9 acres or more in size and that are not accessed from a Class 4 town highway.

- 356.C **DIMENSIONAL STANDARDS.** The following will apply within a rural enterprise development:
- (1) The dimensional standards for lots, setbacks, yards and buildings in the base zoning district will not apply within a rural enterprise development. The development must meet all applicable dimensional standards around its perimeter.
 - (2) Lot coverage for the development as a whole must not exceed the district maximum.
 - (3) All land development, except for agriculture and forestry, must be set back at least 120 feet from the side and rear lot lines at the perimeter of the rural enterprise development.
 - (4) The development must conform to all applicable water setbacks and resource protection standards under CHAPTER 330.

356.D **DENSITY.** The density of the development as a whole must not exceed the maximum for the applicable district.

356.E **USE.** In addition to the uses allowed in the base zoning district, the Development Review Board may approve any of the uses listed in FIGURE 3-34 as part of a rural enterprise in accordance with the following:

- (1) Dependence on locally produced farm or forest products must be an essential component and distinguishing hallmark of any proposed retail, food service or industrial use.
- (2) Providing guests or students with an opportunity to learn about or interact with farming or forestry operations must be an essential component and distinguishing hallmark of any proposed lodging, camping, entertainment, event or educational use.
- (3) The total floor or site area within a rural enterprise devoted to retail sales must not exceed 12,000 square feet.

Locally produced means agricultural or silvicultural products that are raised, grown or harvested within Vermont or within 30 miles of Vermont.



356.F **BUILDING DESIGN.** Buildings within a rural enterprise development must be sited and designed as follows:

- (1) Context-sensitive siting and design techniques must be used to fit new buildings into the working landscape in a manner that maintains rural character and incorporates

Figure 3-34. Rural Enterprise Development Use Table

Bed and breakfast or inn SEE SECTION 304	Exhibition, convention or conference structure
Shop or store	Other community structures
Open market or market shop	Camps, camping or related establishments
Lawn, garden or farm supply sales	Trade or specialty school SEE SECTION 115
Lumber yard or building material sales	Museum or exhibition hall
Veterinary services	Outdoor facility or pavilion SEE SECTION 115
Food services (restaurant)	Stable or equine facility
Food service contractor	Composting facility SEE SECTION 112
Pet and animal sales or services	Greenhouse SEE SECTION 112
Light industrial	Support functions for animal production
Miscellaneous manufacturing SEE SECTION 306	Game and fishing retreats and reserves
Wood products establishments	

existing site elements such as open fields and meadows, tree lines, landmark trees, hedgerows, stone walls, or topographic features. To preserve rural character, open space (working lands or natural areas) must be maintained within and/or around the development.

- (2) Building designs must incorporate vernacular New England architectural forms and materials. Designs that reference the form and materials of traditional farmsteads characterized by a cluster of residential buildings, barns and/or agricultural outbuildings are strongly encouraged. The adaptive re-use of existing historic and/or agricultural buildings is encouraged.
- (3) Building designs that use high-quality natural materials such as wood clapboards, board and batten, barn board or composite materials that resemble traditional materials for exterior cladding are strongly encouraged, as is use of architectural grade asphalt shingles, slate, standing seam, or composite materials that resemble these traditional materials for roofing. Use of traditional agricultural (dark green, red, brown or gray), neutral or earth-tone colors on building exteriors is strongly encouraged.

356.G **PARKING.** In addition to all the applicable provisions of SECTION 313, off-street surface parking must be sited and designed to minimize its visibility from the street in accordance with the following:

- (1) Parking must be set back at least 40 feet from the street.
- (2) There must not be more than two rows of parking between a building and the street. The Development Review Board may waive this limit if the parking will be screened by a natural change in elevation and/or buffer of natural vegetation.
- (3) The Development Review Board may waive requirements for asphalt or concrete pavement, for marking parking spaces, and for electric vehicle charging spaces under SUBSECTION 313.H.

356.H **SIGNAGE.** The rural enterprise development must have an approved common scheme signage plan and the development will be considered a “common scheme premises” for the purposes of regulating signage under SECTION 319. The development may have an entrance sign not more than 32 square feet in area and 12 feet in height and may display temporary seasonal signs to the same extent as allowed for agricultural enterprises under SUBSECTION 308.A. All other signage must be designed and located as required under SECTION 319 for Sign Zone 3.

This is a proposal to amend language in the Land Use Chapter of the Town Plan beginning on p. 149. Underlined language is proposed new language. Language that has a ~~strikeout~~ will be deleted.

Commercial

Downtown remains the heart of the community, serving as the central business district. It has a lively and eclectic mix of uses, including residential, retail, office, governmental, and municipal parking. It is fully serviced by public water and sewer and is a hub for public transportation.

There are three character areas within the downtown:

- **Commercial Core:** The traditional commercial core is located along Main Street from Canal Street to just north of High Street. Commercial storefronts define this area, with multi-story, multi-use buildings aligned at the sidewalk edge to create a solid building wall along Main Street.
- **Wells Fountain:** The area just north of High Street to the Brattleboro Common is characterized by lower-density development with institutional, commercial, and residential buildings set back from the edge of the road.
- **Waterfront:** There are several buildings along Depot Street on the Connecticut River. These are generally modest, utilitarian structures, some with potential historic value, that are oriented to the railroad rather than the waterfront.

West Brattleboro Village is also a historic, mixed-use center. The Village contains several public buildings including a school and post office, several small retail stores, and a densely settled residential neighborhood around a small triangular green at a main crossroads of three streets: South Street, Bonnyvale Road, and Western Avenue. The Village is served by public water and sewer as well as the Brattleboro Beeline bus.

The broad land use pattern in Downtown is fairly well established, but there are opportunities for redevelopment and infill growth. ~~Many of the land use concerns in both Downtown and the Village revolve around preventing development that is incompatible with the historic development pattern and architecture.~~ To support Downtown's viability and livability, the Town participates in Vermont's Downtown Program. This enables the Town to receive grants for improvements within the designated area, gives priority consideration for some state-funded grants, and allows owners of income-producing buildings to be eligible to receive tax credits for building improvements (historic, façade, code, and technology). Downtown Designation was first received in 1998 and has been renewed several times, it expires in 2018. The boundaries of the designated downtown are shown in Figure 12.x.

Building a Better Brattleboro (BABB) is the organization responsible for 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 Storm Irene. Over \$1.4 million has been accessed by property owners in the downtown since 2005 to improve buildings. Recent Town investments include reconstructing sidewalks, repaving Main Street, and making improvements at 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 (DID). Future revitalization activities will include increasing

beautification efforts, continuing the façade improvement program, and participating in a downtown master plan process.

A Designated Village Center district in West Brattleboro was first awarded in 2005 and is due for renewal in 2015. The boundaries district are shown on Figure 12.x. Village revitalization efforts have focused on community and economic 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. Community members also met with the Windham Regional Commission and Brattleboro Development Credit Corporation to discuss opportunities for village revitalization. Future revitalization efforts will include implementing the scoping study report and continuing to support stakeholders. The Town will also continue to support property owners and businesses in the Village through the existing Small Business Assistance and Rental Housing Improvement programs. There are several income producing buildings in West Brattleboro Village eligible for tax credits if and when redevelopment opportunities arise.

Downtown and village center designations achieve the following goals:

- Furthering the intent of the Land Use Chapter – Downtown and West Brattleboro Village are important mixed-use districts. The Town Plan identifies the need to make public and private physical improvements in these areas. Continued designation will focus additional resources to help these areas thrive, including the ability to have a special tax assessment in the DID 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 support redevelopment of older and historic properties, preserving the historic character of the Designated Downtown and Village Center districts.
- 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.

Putney Road north of the Veteran's Bridge continues to serve regional and local shopping needs, as does Canal Street near I-91 Exit 1. Land uses in these areas consist of large grocery stores, auto sales and service, and traveler services, such as fast-food restaurants, gas stations, and motels. There is a noticeable lack of housing in the Putney Road commercial area. The result is a very automobile-dominated area.

Outside of these core commercial areas, there has been a spread of commercial businesses along arterial routes. The area extending along Route 9 Avenue west from Edward Heights to Sunset Lake Road has several commercial establishments that service both nearby neighborhoods and the traveling public. There are also several commercial businesses fronting Canal Street, downhill from the hospital to the intersection of South Main Street. This area had historically been residential in nature.

Commercial growth in Brattleboro has been slow. Data gathered from zoning permits indicate about a 1.5% increase in commercial square footage from 2005 to 2011, and some of these permits were obtained to replace or rebuild buildings that had burned down.

The traffic function of both Putney Road and Canal Street has been diminished in these commercial areas by an excessive number of driveways with direct access to the main road. In addition, the overall appearance of the development along these corridors leaves room for improvement.

DRAFT

**Brattleboro Planning Commission Report
Proposed Amendment to 2013 Brattleboro Town Plan
March 2, 2015**

In accordance with 24 V.S.A. §4384(c), The Planning Commission is required to report on proposed amendment to the Town Plan. The Town Plan was adopted in 2013 following a comprehensive municipal rewrite that included extensive public input and visioning. The proposed amendment would add a discussion and maps of the Downtown and West Brattleboro Village Center Designations to the Land Use Chapter (Chapter 12).

There are no changes to the goals, policies, or actions in the Town Plan.

Background

This Town Plan amendment is being proposed so that the Town can reapply for Village Center Designation for West Brattleboro Village. The current Village Center Designation expires in July 2015. In June 2013, the governor signed Act 59 that added a new requirement for Town's pursuing Downtown Designation and Village Center Designation. It required that any renewal application that comes in after July 1, 2014 include a statement in the municipal plans that explains how designation supports community goals. It also requires that the municipal plan have a least one map that shows the boundaries of the designation. Brattleboro's Town Plan was adopted in February 2013, before the bill was signed. Therefore, in order to renew the Village Center Designation, the Town Plan must be amended to include the required elements.

Compatibility with State Planning Goals

This amendment will help the Town be eligible to renew downtown designation and village center designation. The Vermont downtown and village center designation program recognizes and supports local revitalization efforts across the state with specialized training, dedicated staff and funding to help designated downtown organizations build and foster strong communities. Benefits include tax credits for historic, façade improvement, and code improvement); priority consideration for Municipal Planning Grants and funding from the Vermont Community Development program; and the ability to create special assessment districts. Downtown designation offers additional benefits including eligibility for the Downtown Transportation Fund, traffic calming options, and new signage options.

All of these benefits are designed to support Vermont's historic downtown and villages and improve their ability to attract residents and businesses by enhancing their livability and unique sense of place. This also will promote healthy, safe, and walkable downtowns by increasing investments in these locations. Focusing attention on these historic development centers also maintains Brattleboro's traditional settlement pattern.

As such, it is compatible with the following state planning goals:

- To plan for development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.
- To provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes.

- To provide for safe, convenient, economic and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.
- To ensure the availability of safe and affordable housing for all Vermonters.
- To plan for, finance and provide an efficient system of public facilities and services to meet future needs.