



# Two Rivers-Ottauquechee

## Regional Commission Newsletter

Volume I, Issue 3

June 2004

<p><i>Contact Us:</i></p>	<h3>Amendments to State Statutes Governing Local Zoning</h3>		<h3>TRORC Says Goodbye to Laura</h3>
<p>3117 Rose Hill The King Farm Woodstock, VT 05091</p> <p>Tel: 802-457-3188 Fax: 802-457-4728 Web: www.trorc.org Email: info@trorc.org</p>	<p>On Thursday May 13<sup>th</sup> Governor Douglas signed into law H.175 (the Permit Reform Bill). While much of the press surrounding this bill has focused on the changes to state regulatory proceedings, the bill also contained a significant rewrite of the statutes governing local permitting.</p>		<p>TRORC has said good-bye to Laura Weit, our intern from Antioch New England Graduate School.</p>
<p><i>Staff:</i></p>	<p>These changes to 24 VSA Chapter 117 will affect every municipality in Vermont that has adopted zoning or other land use regulations. The changes impact all aspects of local zoning, from notice and decision making requirements to provisions for certain land uses such as Planned Unit Developments and accessory apartments.</p>		<p>During her time here, Laura has researched and written a water quality section for the TRORC website, recruited watershed council members for Basin #14, now affectionately known as “Little Rivers”, which includes the Stevens, Waits, Wells, and Ompompanoosuc Rivers, developed an inventory of both public and private critical equipment for emergencies that cross town boundaries, and secured a \$3000 watershed planning grant for the Ompompanoosuc River through the Connecticut River Joint Commissions Partnership Program.</p>
<p>Peter G. Gregory, AICP Executive Director</p> <p>Don Bourdon, AICP Special Projects</p> <p>Kevin Geiger, AICP Senior Planner</p> <p>Chuck Wise Senior Transportation Planner</p> <p>Kathleen Kanz Regional Planner</p> <p>Pete Fellows GIS Planner</p> <p>Christopher Sargent Planner</p> <p>Liza Wilson Office Manager</p>	<p>Fortunately, it is not necessary to implement all the changes immediately. In fact, the bill allows municipalities substantial time to amend their bylaws and put the procedural changes required in place. Depending upon the current content of individual bylaws, the changes required may be minor or they may be significant. The new law will necessitate some changes by all municipalities with adopted zoning and/or other land use regulations.</p>		<p>In order to complete her Master’s degree in Resource Management and Administration at Antioch, Laura will be heading over to Lake Sunapee Protective Association to run their Weed Watch and Lake Host program this summer. We wish her the best of luck with her studies and future career goals!</p>
<p><i>In this Issue:</i></p>	<p>The most important immediate change is that all new bylaws and bylaw amendments adopted after July 1, 2004 must be</p>		
<p>Overview of Changes to Ch. 117 <span style="float: right;">Page 2</span></p> <p>West Fairlee Educational Series <span style="float: right;">Page 3</span></p> <p>CERT Members Sought <span style="float: right;">Page 3</span></p> <p>Transportation Enhancement Applications Due <span style="float: right;">Page 3</span></p> <p>DCHA May Extend 2004 MPG Deadlines For Zoning Re-Writes. <span style="float: right;">Page 4</span></p>			

## Overview of Changes to Chapter 117

The primary purpose of the changes made to Chapter 117 (Land Use and Development Act) was to address the regulatory impediments to development (and particularly housing development) through a general reorganization and updating of the state enabling legislation regarding local bylaws (zoning & subdivision regulations).

### Highlights include:

- Organizational clarity and user-friendliness
- Reflect current tools and practices (updates 1968 Planning & Zoning Act)
- Clarify /change items as a result of recent court decisions
- Preserve local control and choice as to how to design bylaws
- Minimize state mandates and clarify /make consistent:
  - due process (notice, permit and appeal procedures)
  - equal treatment of housing / affordable housing requirements
  - local zoning limitations for specified uses, e.g. public facilities
  - Address “Permit Reform” concern, including: Appeal rights, timely action and relationship to state regulation

### Specific changes include:

- Modify the conditional use review criteria, narrowing the interpretation of “character of the area”
- to be consistent with Town Plan and changing “adverse impact” to “undue” adverse impact”.
- Allow for the adoption of a separate site plan review bylaw; or the incorporation of site plan review criteria under conditional use to enable combined site plan/ conditional use review.

- Require that local land use regulations be in conformance with local plans. “Conformance” is specifically defined in reference to the municipal plan in effect at the time the bylaw was enacted.
- Clarify language as a result of court decisions, such as sections on nonconformities, existing small lots and development phasing.
- Consolidate and update statutes governing development review procedures to improve predictability of board decisions. Required procedures for Planning Commissions, Boards of Adjustment and Development Review Boards consolidated under “appropriate municipal panels.”
- Enable unified development regulations which consolidate and better coordinate local regulations.
- Improve state/local regulatory coordination by enabling use of Act 250 criteria in local reviews, eliminating the highly-ignored state agency referral process, and requiring adopted (rather than just the draft) local plans and bylaws be sent to DHCA and regional planning commissions.
- Update sections related to floodplains and telecommunications facilities, and add language linking to the VT Downtown programs, and village centers and new town centers programs.
- Improve options for addressing zoning variances by allowing bylaws to provide for waivers for minor or necessary changes in dimensional requirements, such as for handicapped access.

- Clarify local review authority regarding state and community facilities – local bylaws may regulate most aspects but not to have the effect of interfering with the intended functional use.
- Consolidates enabling legislation for Planned Residential Developments under new Planned Unit Development (PUD) provisions, and enables bylaws that provide flexibility for projects involving mixed uses and multiple properties. Municipalities are encouraged to provide for PUDs.
- Simplify reporting requirements for Planning Commissions considering a bylaw amendment to specifically address conformance with the plan, including the effect on the availability of housing.
- Enable additional types of zoning districts, including Downtown, Village Center and New Town Centers; clarifies overlay district provisions and freestanding bylaws to address issues such as shorelands or floodplains.
- Modify the Official Map section to clarify municipal responsibilities, ease municipal administration under related provisions, and increase its usefulness as a planning tool.
- Modify bylaw adoption for rural towns so that all bylaws are adopted by the legislative body, while preserving the right of residents to petition for an Australian ballot vote.
- Maintains the agricultural and forest practices exemption.

Source: [www.vermontplanners.org](http://www.vermontplanners.org)

## Project Spotlight: West Fairlee Municipal Planning Grant

The Town of West Fairlee received a municipal planning grant from the Vermont Agency of Commerce and Community Development in December of 2003; the town received \$13,150 to conduct a community survey, review and update the town plan, and host educational meetings to augment the monthly Planning Commission meetings. The Two Rivers – Ottauquechee Regional Commission will be assisting the town in conducting the survey of residents, reviewing the existing town plan, updating statistical and mapped data, offering recommendations for new topics and policies for inclusion in the plan, and helping to recruit speakers for the potluck dinner series that provides residents with a more informal means of learning about and participating in discussions about land, development, conservation and more.

Bean Hall has been the site for two Friday night potluck dinners since March. The delicious potluck dinner that was held in March was the kickoff event to make residents aware of the community survey and to encourage all types of participation in the effort to update the town plan. The April potluck, equally delicious, was the site of a slide presentation on black bears, entitled *Bear Necessities*, by Nancy Bell, the Vermont Director of The Conservation Fund. Each of the potluck dinners (in this town of roughly 700 people) has been host to 25 or more hungry people. The good china gets used, washed and dried, before the presentations begin.

West Fairlee is finding there's energy in their town to contribute to this work. Local citizens, beyond the planning commission and selectboard, are offering their talents and minds, attending potlucks and planning commission meetings, and supporting the community survey.

## LEPC #12 Seeking CERT Members

In cooperation with TRORC, the Local Emergency Planning Committee (LEPC) #12 conducted an initial round of a 3 day Community Emergency Response Team (CERT) training in White River Junction this spring. A second round of CERT training is being scheduled soon. We are looking for enthusiastic people interested in becoming a CERT volunteer and learning basic-level skills that they would need to help respond to their community's needs in the aftermath of a major disaster. CERT members would be activated by local emergency responders to assist them in non-hazardous duties, helping the trained responders to save lives and protect property. The training is free, and basic personal protective equipment will be provided.

For more information on CERT:

<http://www.dps.state.vt.us/vem/cert/>  
or contact:  
Kevin Geiger at 802-457-3188 ext. 24  
Email: [kgeiger@trorc.org](mailto:kgeiger@trorc.org).



## Calling New Commissioners

Do you know anyone in Bradford, Chelsea or Brookfield who has an interest in regional issues? If you do, please contact TRORC. They might be a perfect new addition to the Board of Directors.

Please contact Peter Gregory for more information.

## Transportation Enhancement Grant Applications Due

The Transportation Enhancements program offers communities the opportunity to expand transportation choices. Activities such as safe bicycle and pedestrian facilities, scenic routes, beautification, and other investments increase opportunities for recreation, accessibility, and safety for everyone beyond traditional highway programs.

Eligible applicants include municipalities, state agencies, not-for-profit organizations, and federal agencies.

The Current Application Schedule is as follows:

- Program Announcement May 2004
- Letters of Intent (LOI) due June 4, 2004 with copy to your Regional Planning Commission
- Mandatory TE trainings (*Choose one*) - Mon., June 21, 2004, 10 a.m. to 12 noon with Curtis Johnson, TE Coordinator via Vermont Interactive Television OR Thu., June 24, 2004, 3:00 p.m. to 5:00 p.m. with Laurie Smith, TE Coordinator, Memorial Building, Main Street, Stowe
- Applications due August 13, 2004

For more information, contact:

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## News Shorts

June 2004

Chapter 117 Changes & 2004 MPG's	VEM Seeks Input On State EHM Plan	Last Call for Brownfield Site Assessments
<p>The Department of Housing and Community Affairs may offer a one-year grant extension to towns working on their zoning regulations with funding from a Municipal Planning Grant (MPG) that expires in 2004 to allow Towns to incorporate the new changes to Chapter 117.</p> <p>Changes to Chapter 117 will DIRECTLY affect your zoning regulations. All new bylaws and bylaw amendments adopted after July 1, 2004 must be consistent with the new law. If your municipality is in the midst of a bylaw change and we are not currently working with you, please contact us at 802-457-3188 to determine the best way to proceed.</p> <p>See pages 1 &amp; 2 of this newsletter for details about the Chapter 117 changes.</p>	<p>The VT Division of Emergency Management (VEM) is seeking public input on the draft State Enhanced Hazard Mitigation Plan during June. This plan discusses the hazards facing Vermont, and lays out the goals, strategies and actions that will reduce our vulnerability to these hazards.</p> <p>To get the executive summary of the document or the full version, please contact Ray Doherty, State Hazard Mitigation Officer, at 802-241-5258 or via email at <a href="mailto:rdoherty@dps.state.vt.us">rdoherty@dps.state.vt.us</a>.</p> <p>Comments are due by July 9, 2004.</p>	<p>The Regional Commission's current Brownfields program is seeking more potential sites for free environmental assessments. These assessments can help move a property back into use that has been in limbo due to concerns about non-petroleum contamination on the site. Abandoned sites and sites that are owned by towns or non-profits are the highest priority for the program; but some private sites can qualify, Call Kevin Geiger at 457-3188 for a confidential discussion.</p> <p style="text-align: center;"><b>Charlie Young</b></p> <p>Bethel's long time representative on the TRORC Board of Directors passed away on May 26, 2004. We would like to extend our condolences to Charlie's family and friends. Charlie was a strong voice for Bethel and will be greatly missed.</p>