

Barnard Planning Commission Notice of Public Hearing

**On the Draft Barnard Unified Zoning and Subdivision Regulations
September 25, 2024, at 7 PM at the Barnard Town Hall
115 North Road, Barnard, VT 05031**

The Barnard Planning Commission will hold a public hearing on the draft Barnard Unified Zoning and Subdivision Regulations on September 25, 2024, at 7 PM at the Town Hall, located at 115 North Road, Barnard, VT 05031. The proposed draft bylaw covers all the lands in the Town of Barnard. The purpose of this hearing is to take comments from the public on the draft bylaw, specifically the incorporation of ridgeline review standards, and revised standards for driveways, private roads, and steep slopes, so that the Planning Commission can consider these as it makes its final revisions, prior to sending to the Selectboard. The Selectboard will hold its own hearing on a separate date. The proposed bylaw will replace the current bylaw in its entirety. The bylaw is meant to further the purposes of the Town Plan and 24 VSA section 4302. Copies of the draft bylaw and maps can be found at the Town Clerk's office during business hours or on the town website at <https://barnardvt.us>. Comments may also be mailed to the attention of the Planning Commission at PO BOX 274, Barnard, VT 05031, or emailed to the Town Administrator at selectboard@barnardvt.us.

General Sections of the proposed Regulations are:

- ARTICLE 1 : OVERVIEW
- ARTICLE 2: ZONING DISTRICTS
- ARTICLE 3: ZONING DISTRICTS – REQUIREMENTS AND USES
- ARTICLE 4: GENERAL STANDARDS
- ARTICLE 5: SPECIAL STANDARDS
- ARTICLE 6: PERMITS AND APPROVAL PROCESSES
- ARTICLE 7: ADMINISTRATION, APPEALS, AND ENFORCEMENT
- ARTICLE 8: DEFINITIONS

Barnard Planning Commission

State of Vermont Agency of Commerce & Community Development Department of Housing & Community Development **Municipal Planning Commission Bylaw Reporting Form**

Provisional Form pursuant to Act 47 of 2023, The HOME Act

This provisional form issued pursuant to the Act 47 of 2023 is subject to change.

The Department welcomes feedback on the form's implementation of the Act.

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Why is this form required?

Vermont's Municipal & Regional Planning & Development Act (24 V.S.A 4441) requires a municipal planning commission to prepare a report when considering an amendment to a bylaw. Act 47 of 2023 adds a requirement to the report to include findings on conformance with sections 4412, 4413, and 4414 of the Act. It also adds a requirement that the municipal planning commission provide the report to the Department of Housing and Community Development upon approval of an adoption or amendment. The report must be submitted with GIS (Geographic Information Systems) files, a complete bylaw, and information about municipal planning and governance and systems. The form will be published on the Vermont Planning Data Center, here:

<https://accdmaps.vermont.gov/MunicipalPlanningDataCenter/>. Bylaw submission and posting supports the availability of Vermont's adopted municipal bylaws from a central digital source for statewide access and use.

Vermont Municipal Bylaw Reporting Form

How does a municipality submit the form?

Upon completion of the sections below, upload a saved version of the file [here](#). The form must be submitted with the approved bylaw(s) and any GIS shapefiles (when adding or amending district boundaries of record on the Vermont Open [Geodata Portal](#)). The form can be saved as a Microsoft Word document (DOC) or converted to a Portable Document Format (PDF) file. If you need assistance completing the form, please reach out to the contact above or your municipality's regional planning commission.

Type of Bylaw Filing

Select all that apply.

- New bylaw(s)
- Amendment to existing bylaw(s)
- Repeal of existing bylaw(s)

Explain multiple selections.

Type of Bylaw(s)

Select all that apply.

- Unified Development *(select all bylaws included in the unified bylaws below)*
- Zoning
 - Does the bylaw add or change any zoning districts or boundaries?**
 - Yes
 - No
- Subdivision
- Interim
- Flood Hazard
- River Corridor
- Shoreland Protection
- Other: *(explain)*

Vermont Municipal Bylaw Reporting Form

Date of Hearing(s)

Planning Commission Hearing(s) *(enter date[s])*

Legislative Body Hearing(s) *(enter date[s])*

Date of Adoption

Skip this section if the bylaw is proposed for hearing.

Date of Popular Election *(enter date only if subject to a popular election/vote)*

Date of Last Action *(enter date of final approval action by voters or legislative body)*

Bylaw Summary & Statement of Purpose

Provide a brief explanation of the bylaw and a statement of purpose (per 24 V.S.A. 4441). Use as much space as needed.

Findings on Municipal Plan Furtherance

Explain how the bylaw conforms with or furthers the goals and policies contained in the municipal plan. Use as much space as needed.

Vermont Municipal Bylaw Reporting Form

Findings on Safe & Affordable Housing

Explain the effect of the bylaw on the availability of safe and affordable housing. Use as much space as needed.

Findings on Required Provisions & Prohibited Effects

Explain how the bylaw conforms with 24 V.S.A. 4412. Use as much space as needed.

Include explanations on how the bylaws conform with these provisions (as applicable):

- *Mobile, modular and prefabricated housing*
- *Mobile home parks*
- *Duplex uses*
- *Multi-unit dwelling uses*
- *Accessory dwelling unit uses*
- *Residential care homes or group homes*
- *Hotels for emergency housing*
- *Existing small lots*
- *Required frontage*
- *Home occupations*
- *Childcare home or facility*
- *Heights of renewable energy structures*
- *Nonconformities*
- *Communications antennae and facilities*
- *Planting projects in flood hazards*
- *Accessory on-farm businesses*
- *Lot and dimensional standards for minimum dwelling unit density*
- *Density for affordable housing*

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Findings on Limitations on Municipal Bylaws

Explain how the bylaw conforms with 24 V.S.A. 4413. Use as much space as needed.

Include explanations on how the bylaws conform with these provisions (as applicable):

- *State- or community-owned and -operated institutions and facilities*
- *Public and private schools and other institutions*
- *Places of worship*
- *Public and private hospitals*
- *Regional solid waste management facilities*
- *Hazardous waste management facilities*
- *Emergency shelters*
- *Required agricultural practices*
- *Accepted silvicultural practices*
- *Solar energy devices*
- *Ancillary telecommunications improvements and lines*

Vermont Municipal Bylaw Reporting Form

Findings on Permissible Types of Regulation

Explain how the bylaw conforms with 24 V.S.A. 4414. Use as much space as needed.

Select all regulations adopted by the municipality:

- Zoning (§4414)
 - Downtown, Village Center, and Growth Center Districts
 - Agricultural, Rural Residential, Forest & Recreation Districts
 - Airport Hazard Areas
 - Shorelands
 - Design Review Districts
 - Historic District/Landmark Bylaws
 - River Corridors and Buffers
- Overlay Districts (§4414)

List overlays:

- Conditional Use Review (§4414)
- Parking & Loading Standards (§4414)
- Performance Standards (§4414)
- Energy Resource Standards (§4414)
- Inclusionary Zoning (§4414)
- Waiver Provisions (§4414)
- Stormwater Management Standards (§4414)
- Wireless Telecommunication Bylaws (§4414)
- Water/Wastewater Permit Sequencing Standards (§4414)
- Green Development Incentives (§4414)
- Solar Screening Standards (§4414)

Vermont Municipal Bylaw Reporting Form

Municipal Plan Future Land Uses & Density Compatibility

Explain how the bylaw is compatible with the proposed future land uses and densities of the municipal plan.

Planned Community Facilities

Explain how the bylaw carries out, as applicable, any specific proposals for any planned community facilities.

Municipal Planning Implementation Information

Upon adoption of the bylaw(s), select all elements of the municipal planning program that apply in the municipality:

- Unexpired Municipal Plan
- RPC-Approved Municipal Plan & Confirmed Planning Process (§4350)
- Interim Bylaws (§4415)
- Site Plan Review (§4416)
- Planned Unit Development (§4417)
- Subdivision (§4418)
- Administrative approvals of minor subdivisions/boundary adjustments (§4463)
- Unified Development Bylaws (§4419)
- Local Act 250 Review of Municipal Impacts (§4419)
- On The Record Review/Adopted Municipal Administrative Procedures (§4471)
- Official Map (§4421)

Vermont Municipal Bylaw Reporting Form

- Public Facilities Phasing (§4422)
- Transfer Development Rights (§4423)
- Freestanding Shorelands Bylaws (§4424)
- Freestanding River Corridor Protection Areas (§4424)
- Freestanding Flood or Hazard Areas (§4424)
- Enrolled in the National Flood Insurance Program
- Other Special or Freestanding Bylaws (§4424)

List

- Capital Budget & Program (§4430)
- Impact Fees (Chapter 131, §4422)
- Judicial Bureau Ticketing Option for Enforcement (§4452 & 1974a of Title)
- Advisory Commissions/Committees (§4433(1))
- Historic Preservation Commissions (§4433(3))
- Design Review Commissions (§4433(4))
- Housing Commissions (§4433(5))
- Development Review Board (§4460)
- Zoning Board of Adjustment (§4460)
- Joint Board of Adjustment Development Review Board (§4460)
- Full-time Administrative Officer
- Part-time Administrative Officer
- Volunteer/stipend Administrative Officer
- Staff planner(s)
- Availability of planning Information on municipal website:
 - Municipal plan and maps
 - Bylaws
 - Fee schedule
 - Contact information for administrative officer
 - Information about Planning Commission
 - Information about the Appropriate Municipal Panel (ZBA/DRB)

Primary website URL:

THE FOLLOWING IS THE TRACK-CHANGES VERSION OF PROPOSED TEXT TO BE INCORPORATED INTO THE BARNARD UNIFIED ZONING AND SUBDIVISION REGULATIONS.

THE FOLLOWING TEXT PROPOSED TO AMEND LANGUAGE IN SECTIONS 5.6 AND 6.6.5.

Section 5.6 Subdivision Standards

g) ~~No new slopes may be created with a grade greater than 1:3.~~ Disturbance of steep slopes (slopes greater than or equal to 25%) ~~(over 25%)~~ shall be minimized. ~~Subdivisions Development~~ on slopes greater than 25% ~~may shall~~ require a licensed professional engineer to certify that the proposed development they do not pose does not pose a landslide or erosion risk. No new slopes may be created with a slope exceeding 50%.

o) Private road construction must satisfy the requirements of the Town Highway Policy and Road and Bridge Standards. Driveways ~~may shall~~ not exceed 108% grade. Blasting of new driveways and private roads shall be prohibited, unless it is necessary to meet the requirements of Section 4.13 (D) (2) of this bylaw. If the subdivision is on an existing private road, or will cause the creation of a private road, improvements to the existing road or right-of-way may be required for public safety and emergency access. A driveway or private road plan with longitudinal profiles and typical cross sections shall be required for any subdivision. The plan shall meet the standards specified in section 4.13.

Section 6.6.5 Application Requirements

c)
4. existing site features, to include prominent topographic features and areas of steep Slope, including areas greater than or equal to 15% slope ~~(25% or greater)~~; surface waters, wetlands and associated buffers;

THE FOLLOWING TEXT PROPOSED TO BE ADDED AS SECTION 4.13.

Section 4.13 Access, Driveways and Private Roads

A) Access. Any new access onto a town or state highway shall require an access permit. An access permit onto a town road shall be obtained from the Selectboard. Access onto a state highway shall be obtained from VTRANS.

B) Driveways. A permit shall be obtained from the Zoning Administrator for the development of any new driveway, or expansion of a driveway, accessing one lot. A driveway plan that meets the criteria below shall be submitted with permit applications.

Driveway Standards: All driveways shall meet the following standards.

1. Minimum width of the travel portion of the driveway shall be 12 feet.

See subsection D for additional driveway standards.

C) **Private Roads.** Any driveway serving more than one lot is considered a private road and shall obtain a permit from the Zoning Administrator. A plan that meets the criteria below shall be submitted with permit applications.

Private Road Standards:

1. **Minimum Right-of-way** – The minimum right-of-way shall be fifty (50) feet.
2. **Minimum Road Width** – The travelled portion of the road shall be a minimum of eighteen (18) feet in width.
3. **Road Bed** – The road bed shall be prepared, the road graded and crowned and provision for drainage made so that the road will not be subject to erosion.
4. **Intersections** – All approaches to intersections shall have a maximum slope of three (3) percent for a minimum distance of fifty (50) feet from the centerline of the intersected road.

See subsection D for additional private road standards.

D) **Additional standards applicable to driveways and private roads:** The following standards shall be applied to review of both driveways and private roads.

1. **Emergency vehicle access.** Driveways and private roads shall be built to allow adequate access for emergency vehicles. Applicants shall consult with the Fire Department and receive their concurrence on plans prior to approval or issuance of any driveway or private road permit.
2. **Maximum centerline grade** shall not exceed 10%. Blasting to meet grade is prohibited, unless the DRB finds such blasting better protects prime or statewide agricultural land and/or large blocks of contiguous forest from fragmentation and encroachment. The DRB shall review the application to verify the location of the proposed driveway or private road and associated development. The applicant shall be required to demonstrate why the development as proposed cannot be reasonably accommodated in a more suitable location on the lot.
3. **Turnoffs** shall be provided where the fire department determines that road length, slope, or other conditions make passage or meeting vehicles a safety hazard.
4. Driveways and private roads shall not encroach more than three hundred feet into any state designated priority and high priority forest block or habitat connector, deer wintering yards, or within 50' of a wetland, and shall reasonably avoid encroachment onto statewide and prime agricultural soils. State maps shall be used unless the applicant, at their expense, supplies more detailed mapping. See subsection D for additional driveway standards.

THE FOLLOWING DEFINITIONS PROPOSED TO BE ADDED TO ARTICLE 8.

Driveway: A minor, private travel way serving one parcel, which provides vehicular access from an adjoining road to a parking space, garage or other structure. See also Road.

Private Road: A privately owned access road serving two or more lots.