



TOWN OF BENNINGTON

TO: Chair, Town Planning Commissions, Towns of: Glazenbury, Pownal, Shaftsbury, Woodford and Hoosick, NY, and Villages of: Old Bennington and North Bennington, Vermont Department of Housing and Community Affairs, Bennington County Regional Commission

FROM: Michael McDonough, Chairman, Town of Bennington Planning Commission, 205 South Street

Date: January 25, 2022

Re: Proposed amendment to Bennington Town Plan and Land Use & Development Regulations

Enclosed is one copy of the proposed amendment to the Bennington Land Use and Development Regulations and Town Plan, including amended maps of the Bennington Town Plan and Land Use & Development Regulations, and a copy of the reports regarding the proposed amendment.

The Planning Commission has scheduled a Public Hearing to consider the adoption of the proposed amendment on March 3, 2022, at 6:00 p.m. at the Town of Bennington Fire Facility, 130 River Street, in Bennington, Vermont. If the amendment is approved by the Planning Commission, it will be submitted to the Select Board for review and approval.

Per 24 VSA, Chapter 117 § 4384 (e) the Bennington Planning Commission is soliciting comments, especially from Bennington's municipal neighbors and the Bennington County Regional Commission, through this notice.

Please address any questions, comments, or concerns, to my attention at the above address at your earliest convenience. Thank you.

Enc: Proposed amendment to Bennington Town Plan and Land Use & Development Regulations, including amended map, and reports, and Legal Notice for Planning Commission Public Hearing.

Town of Bennington Planning Commission

Proposed Amendments to Town Plan and Land Use & Development Regulations January 2022

Town Plan Map 3-2 – Land Use Plan

Amend Town Plan Map 3-2 to expand Institutional/Professional District to include a portion of the lands formerly owned by Southern Vermont College as shown on attached map.

Zoning Maps in the Land Use & Development Regulations (LUDR)

Amend Zoning maps in LUDR to expand IP District to include a portion of the lands formerly owned by Southern Vermont College as shown on attached map.

LUDR Table 2.8 Institutional/Professional (IP) District

Amend LUDR Table 2.8 as shown on the attached revised Table 2.8. Additions are underlined and deletions are shown with a line through the text (strikethrough).

Table 2.8
INSTITUTIONAL/PROFESSIONAL (IP) DISTRICT

(A) **Purpose:** The purpose of the IP District is to support medical related offices, clinics, institutional facilities, health care related support facilities and educational institutions and facilities, and to preserve the scenic quality and historical integrity of significant historical structures and surrounding lands. The designation of these special districts in the vicinity of the Southwestern Vermont Medical Center, the Veterans Home, and the Mount Anthony Union High School is to facilitate homogeneous groupings of uses with various types of medical, educational, sports and recreation, lodging, and long-term care related services and facilities.

(B) **Allowed Uses -- with Zoning Permit:** None - All uses require Development Review Board approval.

(C) **Allowed Uses -- with DRB Approval:** The following uses are allowed with the approval of the Development Review Board in accordance with Article 5.

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|--|---|
| (1) Accessory Apartment (see Section 4.2) | (10) Home occupation |
| (2) Accessory Use/Structure (see Section 4.3) | (10) (11) <u>Hotel (see subsection E)</u> |
| (3) Cemetery (see subsection (E)) | (11) (12) Hospital |
| (4) College/University | (12) (13) Medical Clinic |
| (5) Community Care Facility | (13) (14) Mixed Use (see section 4.16) |
| (6) Cultural Facility | (14) (15) Multi-Family Dwelling (see subsections (D)&(E)) |
| (7) Day Care Facility | (15) (16) Public Facility (see subsection (E)) |
| (8) Hazardous Waste Management Facilities (see subsection (E)) | (16) (17) Research & Development Facility |
| (9) Home Child Care | (17) (18) School |
| | (18) (19) Single-Family Dwelling |
| | (19) (20) Two-Family Dwelling |

(D) **Dimensional Standards:**

- | | |
|---|--|
| (1) Lot Area (Minimum) | 15,000 square feet |
| (2) Lot Area Per Dwelling Unit (Minimum) | 10,000 square feet |
| (3) Lot Area Per Elderly Dwelling Unit <u>or Hotel room</u> (Minimum) | 2,000 square feet |
| (4) Lot Area Per Resident of Community Care Facilities (Minimum) | 1,200 square feet in area per resident accommodation |
| (5) Lot Width (Minimum) | 100 feet |
| (6) Front Yard Setback (Minimum) | 25 feet <u>generally, 50 feet from Monument Avenue Extension</u> (see Section (E)) |
| (7) Side Yard (Minimum) | 10 feet |
| (8) Rear Yard (Minimum) | 10 feet |
| (9) Setback from Residential Use or District | 50 feet |
| (10) Building Height (Maximum) | 60 feet <u>generally, 40 feet for all lands west of Monument Avenue Extension, 30 feet for lands within 150 feet west of Monument Avenue Extension</u> (see subsection (E), below) |
| (11) Building Coverage (Maximum) | 75% <u>generally, 25% west of Monument Avenue Extension</u> (see subsection (E), below) |

Table 2.8 (continued)
INSTITUTIONAL/PROFESSIONAL (IP) DISTRICT

(E) Supplemental District Standards

- (1) **Additional Use Standards.** In addition to other standards set forth in these regulations, within the IP District the following standards and restrictions shall apply to the following uses:
 - a. **Dwellings (all).** All dwellings shall have a building footprint, excluding porches, decks and entry stairs, of not less than 20 feet in width and not less than 20 feet in depth, and shall have a minimum roof pitch of 5 over 12.
 - b. **Hazardous Waste Management Facilities** are limited to facilities processing and disposing of biological and/or medical wastes which is permitted in accordance with 10 V.S.A. Section 6606a. Such uses are allowed only as accessory uses to Medical Clinics or Hospitals, and shall be located not less than 1,000 feet from any parcel occupied by a school as defined in Article 10 and are not allowed west of Monument Avenue Extension.
 - c. **Multi-Family Dwellings.** The minimum lot size, maximum density, and other dimensional standards for all Multi-Family Dwellings west of Monument Avenue Extension shall be as set forth in subsection (D) above. For all other areas in the IP District, Multi-Family Dwellings, the minimum lot size, maximum density and other dimensional standards for all dwellings shall be as set forth in subsection (D), above, and, excluding elderly housing and community care facilities, shall be limited to a maximum of 3 units within any single building or on any parcel. ~~Minimum lot size, maximum density and other dimensional standards for all dwellings shall be as set forth in subsection (D), above.~~
 - d. **Public Facilities** shall be limited in the IP District to those which do not require frequent access to the general public or those that act as an accessory to another use, such as governmental or not-for-profit organizations providing social or health services to local resident or out-patient populations, or uses that, because of the opportunity for shared facilities with other uses, can serve the wider community, such as emergency services and parks, playgrounds, and recreational facilities.
 - e. **Adult Oriented Businesses** are expressly prohibited in the IP District.
 - e.f. **Hotels** are limited to the area west of Monument Avenue Extension.
- (2) **Dewey Street Preservation Standards.** Buildings located within 150 feet of Dewey Street shall not exceed a height of 30 feet. All such buildings shall be designed with a minimum roof pitch of 8 over 12, excluding roofs covering open porches, entry ways and accessory structures less than 500 square feet, and shall be compatible with, and not stand in contrast to, historic structures fronting upon Dewey Street with regard to building scale, setback, massing, materials, orientation and rhythm of openings (fenestration).
- (3) **Monument Avenue Preservation Standards.** All structures shall be setback a minimum of 50 feet from Monument Avenue. No parking may occur within the 50 feet setback area, which shall be suitably landscaped in accordance with Section 5.3(7). Land encompassed by this setback shall, with the exception of access drives in existence as of the effective date of these regulations and pedestrian paths and sidewalks, be suitably landscaped and maintained as lawn or open space.
- (4) **Everett Estate Preservation Standards.** The exterior design, arrangement, orientation, texture, and materials of modifications, restorations, renovations, and additions to the Everett Mansion and new structures west of Monument Avenue Extension shall be subject to and limited by the Historic Preservation Easement granted to and held by the Preservation Trust of Vermont, it's successors and assigns forever (recorded in the Bennington Land Records at Book 420, Page 151, or as may be later amended), in addition to the terms and conditions of these Land Use and Development Regulations. All buildings to the west of Monument Avenue Extension shall not exceed 40 feet in height, and all buildings located within 150 feet west of Monument Avenue Extension shall not exceed 30 feet in height. The Building Coverage (maximum) west of Monument Avenue Extension shall be no more than 25%. All Land Development to the west of Monument Avenue Extension shall comply with the Scenic Resource Protection and Review Criteria set forth in this Table 2.8.
- (5) **Parking Restrictions.** No parking is permitted within any setback area defined in subsection (D), and shall be to the rear or side of structures.
- (6) **Performance Standards.** All uses shall comply with the performance standards set forth in Section 3.11, in addition to all other applicable state and federal standards.
- (7) **Water Supply & Sewage Disposal.** All new structures requiring water supply and sewage disposal shall connect to the Bennington municipal wastewater treatment facility and municipal water supply.

(8) **General Standards and Specific Use Standards:** All uses and development within the IP District shall comply with other applicable standards of these regulations, including General Regulations under Article 3 and Specific Use Standards under Article 4.

(9) **Scenic Resource Protection and Review Criteria.** This section is intended to further the goal of preserving the scenic quality of Bennington's rural landscape by promoting a development pattern consistent with the guidelines set forth in the report entitled "Town of Bennington Scenic Resource Inventory," dated December 2004 and with the goals and policies of the Bennington Town Plan. The regulations are further intended to prevent development from degrading the natural visual appeal of hillsides, ridgelines, or open fields, or from visually encroaching upon a natural or historic area or upon a stream, wetland, or other water resource. To this end, development having an adverse impact on scenic resources shall not be permitted. Photos illustrating many of the concepts in (a) and (b) below may be found in Table 2.14 of these regulations and should be consulted by the Development Review Board in the administration of this Section.

Any application for Land Development west of Monument Avenue Extension may be approved by the Development Review Board only upon finding that the proposed development will not have an undue adverse impact on scenic resources as viewed from on or off the subject property. The Development Review Board shall review all development west of Monument Avenue for compliance with (a) and/or (b) below, as appropriate. In determining whether a development is likely to have an adverse impact on scenic resources, the Development Review Board shall consider whether such new development, including buildings, accessory structures, driveways, and utility lines, shall be prominently visible from any roadway or other public place and whether construction will require removal of mature trees.

a. Open Land. For development proposed in open land, the development shall conform to the following standards:

- i. The development shall be designed and sited so as to preserve large blocks of contiguous open land to the maximum extent possible.
- ii. Buildings or other structures shall not be sited in the middle of open land, but shall be located, to the extent possible, in wooded areas or at the edge of fields to protect scenic vistas.
- iii. Development shall be sited so as to minimize the intrusion of any structure or improvement into a scenic viewshed. Existing vegetation shall be utilized as screens or buffers for development whenever possible.
- iv. Underground installation of utilities is required.
- v. Roads and driveways shall follow treelines and the edge of fields where topography permits, or along contour lines where the land is characterized by steep slopes. The intent of this requirement is to minimize adverse impacts on the visual appeal of open fields.
- vi. Although beyond the scope of these regulations, lands located to the west of Monument Avenue Extension are/may be subject to conditions set forth in easements held by the Preservation Trust of Vermont, or the Vermont Land Trust, and Vermont environmental laws.

b. Hillsides. For development on hillsides, development shall conform to the following standards:

- i. Development shall be blended into the existing natural landscape to minimize its visual impact from public roads and lands. This effect shall be accomplished through one or more of the following: siting of structures within forest or forest edge areas rather than in open fields or meadows; the use and long-term maintenance of vegetative screening and landscaping; the retention of mature forest cover; limiting the use of reflective glass; construction of roads or driveways that follow the contour of the land and existing wooded areas or treelines.
- ii. Development shall not cause undue alteration of natural topographic patterns.
- iii. Tree removal shall not cause undue alteration of the natural vegetation patterns of the hillside.
- iv. Development shall be sited so that no building or structure shall exceed the height of land serving as the visual and physical backdrop to the site as viewed from a public road or other public land.
- v. Outdoor lighting shall be designed and positioned to provide lighting on the subject property only and should not illuminate off-site locations, nor be unduly visible from off-site. Concealed, recessed, and shielded light sources, cutoff fixtures, and motion-activated and timed shut-off security lighting shall be used to satisfy this standard.
- vi. Underground installation of utilities is required.
- vii. Antennas, towers, and similar structures shall be integrated into buildings whenever practical and/or carefully sited to ensure that they are not prominently visible in a manner that would detract from the scenic character of the area.
- viii. Windows with an outside visible reflectance rating in excess of 15 percent generate excessive glare and shall not be used. Large, uninterrupted expanses of glass shall be avoided when located within or a part of a prominent viewshed.

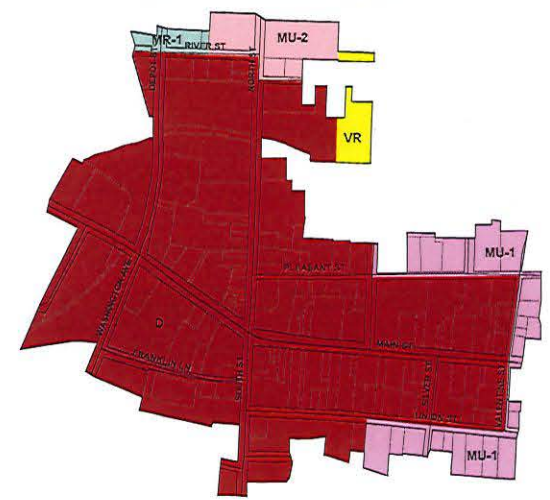
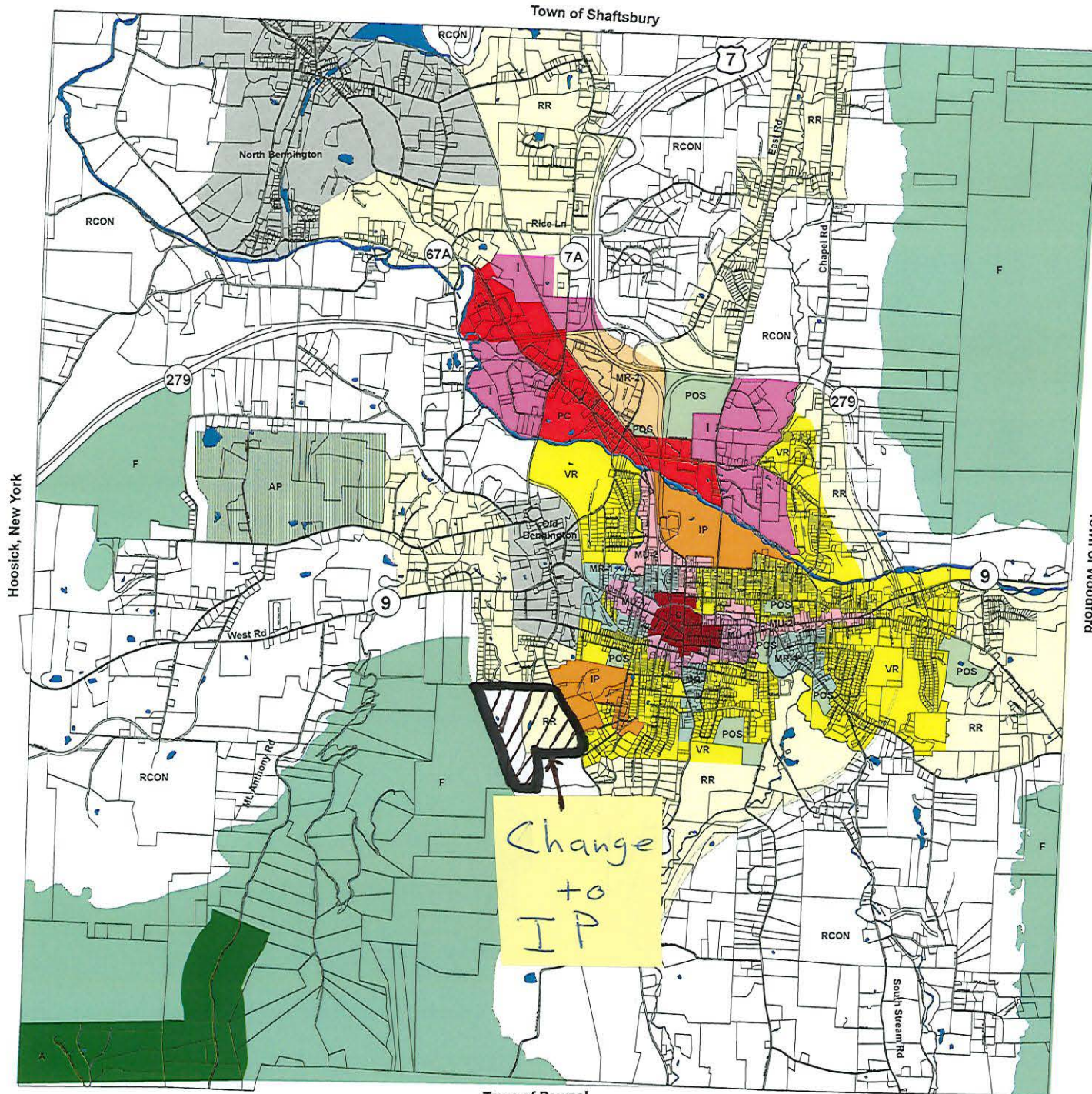
An application for a development west of Monument Avenue shall include the following:

a. A drawing or photographic simulation of the proposed development depicting the site and including all existing and new buildings, structural alterations, additions, access roads, driveways, and other development. The applicant also shall provide photographs of the site, showing where development will occur as viewed from public roads and other public lands.

b. Any other information that is deemed relevant or necessary for proper consideration of the application by the Development Review Board.

Map 1 Zoning Districts Bennington, Vermont

-  Bennington Parcel Data 2017
 -  Bennington Water Resources
- Land Use Districts**
-  Downtown
 -  Planned Commercial
 -  Industrial
 -  Mixed Use #1
 -  Mixed Use #2
 -  Mixed Residential #1
 -  Mixed Residential #2
 -  Institutional & Professional
 -  Village Residential
 -  Rural Residential
 -  Rural Conservation
 -  Agriculture
 -  Forest
 -  Public Open Space
 -  Planned Airport
 -  North Bennington
 -  Old Bennington
-  Designated Downtown



Sharepoint Location:
Documents>GIS>Towns>Bennington>
Zoning>Benn_ZoningMap



Map produced January 4, 2022 by
Bennington County Regional Commission
210 South Street, Ste 6
Bennington, VT 05201
Intended for planning purposes only.



Planning Commission Reporting Form for Municipal Plan Amendments

This report is in accordance with 24 V.S.A. §4384(c) which states:

“When considering an amendment to a plan, the planning commission shall prepare a written report on the proposal. The report shall address the extent to which the plan, as amended, is consistent with the goals established in §4302 of this title.

If the proposal would alter the designation of any land area, the report should cover the following points:

1. *The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land use.*

Given that the land was previously a college campus with hundreds of students and faculty, the proposed change is unlikely to result in any greater impact on the surrounding area. It is likely that the impacts will be less than the college campus use.

2. *The long-term cost or benefit to the municipality, based upon consideration of the probable impact on:*

(A) *the municipal tax base; and*

The former college campus use was a tax-exempt use. It is likely that many of the new uses of the property will be taxable, therefore, resulting in an increase in the municipal tax base.

(B) *the need for public facilities;*

Water and sewer infrastructure already serves the property. There is no anticipated need for additional public facilities.

3. *The amount of vacant land which is:*

(A) *already subject to the proposed new designation; and*

Very little developable vacant land exists within the current IP District. Most of it is already owned and occupied by existing institutional uses or is impacted by constraints on development (floodplains, wetlands, etc.).

(B) *actually available for that purpose, and the need for additional land for that purpose.* As noted above, resource issues impact much of the vacant land in the current IP District and limit development. The Southern Vermont Healthcare Corporation, the current owner of the subject lands, has articulated a need for many healthcare and community related uses, including childcare, medical facilities and housing for medical professionals.

4. *The suitability of the area in question for the proposed purpose, after consideration of:*
 - (A) *appropriate alternative locations;* The subject lands are adjacent to the medical center. It is ideal for medical system uses.
 - (B) *alternative uses for the area under consideration; and* The change in zoning does not foreclose alternative uses for the area.
 - (C) *the probable impact of the proposed change on other areas similarly designated.* For the reasons discussed above, no negative impact on other IP District lands is anticipated.

5. *The appropriateness of the size and boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability and existing development in the area.* The subject lands are already developed as a college campus. The proposed changes will not alter the character of the area, and will not expand beyond the lands previously developed as a college campus.

Planning Commission Reporting Form for Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. The report shall provide(:

(A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under §4444 of this title,

The purpose of the bylaw amendment is to modify zoning requirements applicable to a portion of the former Southern Vermont College Campus to allow and encourage appropriate development and re-development. The proposed amendment will expand the Institutional/Professional District to include a portion of the former Southern Vermont Campus. The bylaw amendment includes protections that will ensure all development and re-development do not negatively impact historic and scenic resources.

And shall include findings regarding how the proposal:

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*
The proposed amendment furthers the goals of the Town Plan by encouraging sustainable economic development that protects historic and scenic resources. The proposed amendment also allows for more affordable housing by allowing diverse housing options to be developed.
- 2. Is compatible with the proposed future land uses and densities of the municipal plan:*
The proposed land uses are limited to uses, densities, and structures that will not negatively impact historic and scenic resources. Therefore, it is compatible with the Town Plan.
- 3. Carries out, as applicable, any specific proposals for any planned community facilities.”*
No new public facilities are planned for the area subject to the amended bylaw. Municipal infrastructure already serves the area.

**PLANNING COMMISSION
NOTICE OF PUBLIC HEARING
AMENDMENT TO
BENNINGTON TOWN PLAN
AND
LAND USE & DEVELOPMENT REGULATIONS**

The Bennington Planning Commission will conduct a Public Hearing on March 3, 2022, at 6:00 p.m. at the Town of Bennington Fire Facility, 3rd Floor, 130 River Street, Bennington, Vermont, to consider an amendment to the Bennington Town Plan and the Bennington Land Use & Development Regulations (LUDR).

A. STATEMENT OF PURPOSE:

The purpose of the amendment is to modify zoning requirements applicable to a portion of the former Southern Vermont College Campus to allow and encourage appropriate development and re-development of the property. The proposed amendment will expand the Institutional/Professional District to include a portion of the former Southern Vermont Campus. The bylaw amendment includes protections that will ensure all development and re-development do not negatively impact historic and scenic resources.

B. AREA COVERED

The proposed amendment impacts the portion of the former Southern Vermont College Campus that is not located within the Forest District.

C. SECTIONS OF PROPOSED AMENDMENT

Table 2.8 of the LUDR and Land Use Maps of the Town Plan and Zoning Maps of the Land Use & Development Regulations.

D. WHERE THE FULL AMENDMENT MAY BE EXAMINED:

Copies of the proposed amendment, and accompanying reports, are available for examination at the Bennington Town Office at 205 South Street, in Bennington, Vermont.

Michael McDonough, Chairperson, Town of Bennington Planning Commission