

**BENNINGTON 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 28, 2024, at 6:00 p.m at the Town of Bennington Fire Facility, 3<sup>rd</sup> 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 amend the Town Plan and LUDR maps applicable to a portion (approximately 7 acres) of the Industrial District surrounding Bowen Road to permit the development of housing to address the current housing crisis. The proposed amendment will expand the Village Residential District to include a portion of the Industrial District surrounding Bowen Road.

**B. AREA COVERED**

The proposed amendment impacts a portion (approximately 7 acres) of the eastern section of the Industrial District surrounding Bowen Road that is adjacent to the Village Residential District.

**C. SECTIONS PROPOSED TO BE AMENDED**

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

# 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.*

**Published June 30, 2023**

**Contacts:** Alice Dodge, Grants Management Specialist

[alice.dodge@vermont.gov](mailto:alice.dodge@vermont.gov), 802-505-3158

Jacob Hemmerick, Community Planning & Policy Manager

[jacob.hemmerick@vermont.gov](mailto:jacob.hemmerick@vermont.gov), 802.828.5249

## 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://accdmapping.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.*

## 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*

## Vermont Municipal Bylaw Reporting Form

### 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*

## 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)

## 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:*



## TOWN OF BENNINGTON

**TO:** Chair, Town Planning Commissions, Towns of: Glastenbury, 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:** February 20, 2024

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

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

The Planning Commission has scheduled a Public Hearing to consider the adoption of the proposed amendment on March 28, 2024, 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 maps of the Bennington Town Plan and Land Use & Development Regulations, including amended maps, 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 February 2024**

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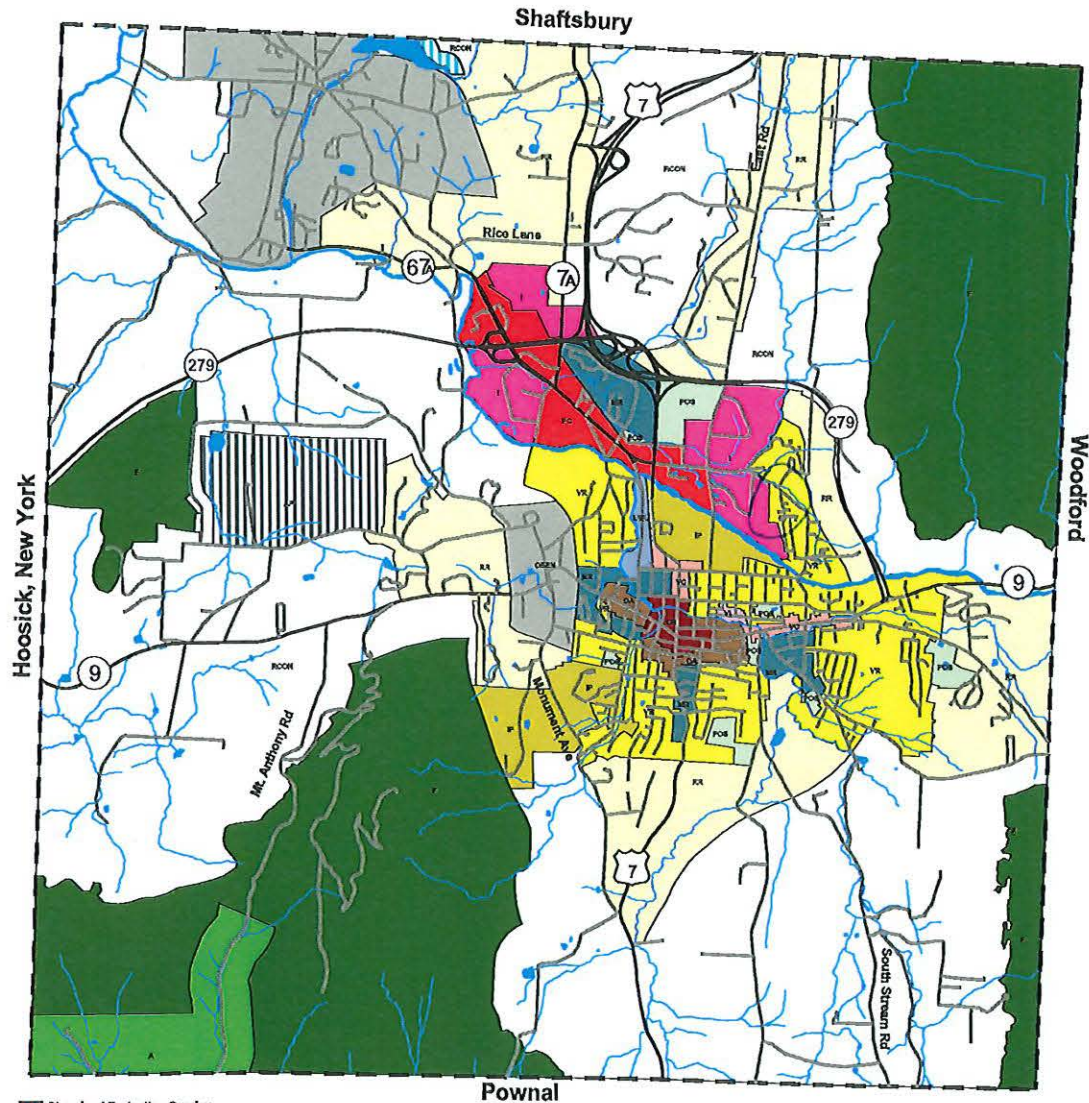
#### **Town Plan Map 3-2 – Land Use Plan**

Amend Town Plan Map 3-2 to expand Village Residential (VR) District to include a portion of the lands currently included in the Industrial District surrounding Bowen Road as shown on attached map.

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

Amend Zoning maps in LUDR to expand VR District to include a portion of the lands currently included in the Industrial District surrounding Bowen Road as shown on attached map.

# **Map 3-2 LAND USE PLAN Bennington, Vermont**



- Shoreland Protection Overlay
- Land Use Districts**
- Rural Conservation
- Rural Residential
- Village Residential
- Mixed Residential
- Office and Apartment
- Institutional and Professional
- Village Commercial
- Planned Commercial
- Central Business
- Industrial
- Village Industrial
- Urban Mixed Use
- Agricultural
- Forest
- Public Open Space
- Planned Airport
- North Bennington and Old Bennington













Map produced September 21, 2015 by  
Bennington County Regional Commission  
111 South Street, Suite 203  
Bennington, VT 05201

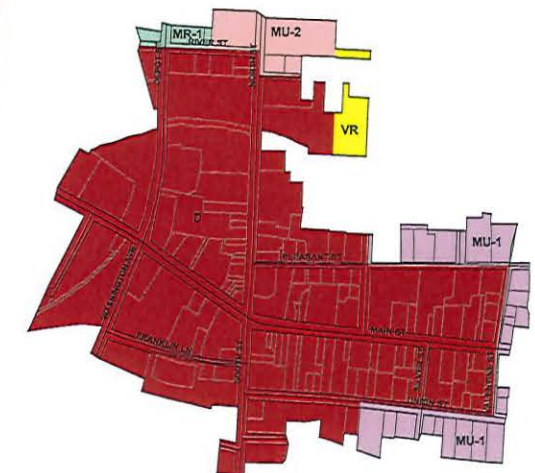


# Map 1 Zoning Districts Bennington, Vermont

-  Route 7A Corridor Overlay
-  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

Map produced February 21, 2022 by  
Bennington County Regional Commission  
210 South Street, Ste 6  
Bennington, VT 05201  
Intended for planning purposes only.

Hoosick, New York

Town of Woodford

Town of Pownal

Town of Shaftsbury

0 1 2 4 Miles

Sharepoint Location:  
Documents>GIS>Towns>Bennington>  
Zoning>Benn\_ZoningMap

BCRC



## **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 is currently zoned Industrial which permits much more intense land uses than the proposed Village Residential District zoning district, 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 if the property were developed with an industrial 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 current property is undeveloped and years of efforts on behalf of the current owner to develop or sell the land for a use permitted in the Industrial zone have not succeeded. It is much more likely, given the intense need for housing, that the property will be developed with new housing units 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. Private infrastructure will be developed by a private developer.

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

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

Although land is available in the VR District, few properties of 7 acres or greater without resource constraints (floodplains, wetlands, etc.) are available for development of larger scale housing developments so desperately needed in Bennington.

(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

VR District and there are very few multi-acre parcels available for large scale residential developments.

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 existing residential developments. It is ideal for residential development.
  - (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.* Because of the intense need for new housing units, no negative impact on other VR 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 adjacent to existing residential developments. The proposed zoning change will not alter the character of the area. The small area proposed to be rezoned, although likely to result in several new housing units, will only be one small step toward addressing the well-documented housing crisis.

## **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 and ....include a statement of purpose as required for notice under §4444 of this title,*

The purpose of the amendment is to amend the Town Plan and LUDR maps applicable to a portion (approximately 7 acres) of the Industrial District surrounding Bowen Road to permit the development of housing to address the current housing crisis. The proposed amendment will expand the Village Residential District to include a portion of the Industrial District surrounding Bowen Road.

*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 to create a variety of opportunities for rental and homeownership opportunities for people of all income levels.
2. *Is compatible with the proposed future land uses and densities of the municipal plan:*  
The proposed land uses and densities are controlled by the LUDR, including form-based regulations consistent with Town Plan policies. 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. Private infrastructure will access the existing municipal infrastructure.



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