

TOWN OF ROCKINGHAM  
VERMONT  
P.O. BOX 370  
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TEL. 802-463-3964



July 24, 2013

**CERTIFIED MAIL  
RETURN RECEIPT**

To: Planning Commissions for the Towns of Athens,  
Chester, Grafton, Springfield & Westminster  
Windham Regional Commission  
Department of Housing & Community Affairs

**RE: Proposed Amendments to the Town of Rockingham Zoning Bylaw**

Dear Commissions and & Housing & Community Affairs:

Enclosed is a notice and copy of proposed amendments to the Town of Rockingham Zoning Bylaw.  
Also enclosed is a copy of the Planning Commission report regarding same.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

TOWN OF ROCKINGHAM

Ellen Howard  
Planning-Zoning Administrator

**RECEIVED**

JUL 29 2013

Department of Economic,  
Housing and Community Development



**Rockingham 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) 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 proposed amendment is to bring the conditional use section of the bylaw into conformance with State statutes, Title 24.

*(B) 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 is to bring the Rockingham Zoning Bylaw into conformance with State statute regarding conditional use review. It has no effect on the goals and policies contained in the Town Plan or the availability of safe and affordable housing.

*2. Is compatible with the proposed future land uses and densities of the municipal plan:*

The proposed amendment is to bring the Rockingham Zoning Bylaw into conformance with State statute regarding conditional use review. It has no effect on existing or proposed land uses and densities which may be contained in the Town Plan.

*3. Carries out, as applicable, any specific proposals for any planned community facilities.”*

The proposed amendment is to bring the Rockingham Zoning Bylaw into conformance with State statute regarding conditional use review. It has not effect on any proposals for planned community facilities.



**TOWN OF ROCKINGHAM PLANNING COMMISSION  
NOTICE OF PUBLIC HEARING  
PROPOSED ZONING BYLAW AMENDMENTS**

Pursuant to Title 24, section 4441, Vermont Statutes Annotated, the Rockingham, Vermont, Planning Commission will hold a public hearing in the Town Hall, 7 Square, Bellows Falls, Vermont, at 7:00 p.m. on Wednesday, August 21, 2013, for the purpose of considering amendments to the following sections of the Town of Rockingham Zoning Bylaw.

The purpose of the proposed amendments is to bring the conditional review provision into conformance with Title 24, Vermont Statute. The amendment will affect all zoning districts within the Town.

The proposed amendment to the Rockingham Zoning Bylaw follows. Underlined is new language. ~~Strike-out~~ is deleted language.

**ARTICLE I ADMINISTRATION AND PROCEDURE**

**1413. CONDITIONAL USES**

To hear and decide upon applications for conditional use permits. Conditional uses may be permitted only upon approval of the Board of Adjustment if the board finds, after public notice and public hearing, that the proposed use will conform to general and specific standards as prescribed in the zoning bylaw.

1) The Board of Adjustment shall act to approve or disapprove any such conditional use within forty-five (45) days after the date of the final public hearing held under this bylaw, and failure to so act within such period shall be deemed approval.

2) General Standards. Such general standards shall require that the proposed conditional use shall not result in an undue adverse effect ~~adversely affect~~; on any of the following:

(a) the capacity of existing or planned community facilities;

- The Board of Adjustment shall consider the demand for community services and facilities resulting from the proposed development in relation to the available or planned capacity of such services and facilities;
- Available capacity may be determined in part through consultation with other municipal and/or state officials having jurisdiction over affected services and facilities;
- Conditions may be imposed as appropriate to ensure that the demand for community facilities or services does not exceed existing or anticipated available capacity and to mitigate the impact of the proposed development;
- Mitigation measures shall be employed by the applicant as necessary to avoid undue adverse effects to such facilities. Examples of mitigation measures to avoid undue adverse impacts may include, but are not limited to, phasing of development, installation of facilities to serve the proposed development, and/or

submission of a bond or other surety, as approved by the Selectboard, for the installation of such facilities or improvements.

(b) the character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan;

- The Board of Adjustment shall consider the location, scale, type, density and intensity of use associated with the proposed development in relation to the character of the area likely to be affected;
- Conditions may be imposed as appropriate to ensure project compatibility with the character of the area affected and to mitigate the impact of the proposed development;
- Mitigation measures shall be employed by the applicant as necessary to avoid undue adverse effects on the character of the area. Examples of mitigation measures to avoid undue adverse impacts may include, but are not limited to, site plan modifications, increased setbacks, buffers or screening, and/or limiting hours of operation.

(c) traffic on the roads and highways in the vicinity;

- The Board of Adjustment shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency, and use of affected public roads;
- Conditions may be imposed as appropriate to ensure that the condition, capacity, safety and function of roads and associated infrastructure are adequately maintained over the long-term and to mitigate the impact of the proposed development;
- Mitigation measures shall be employed by the applicant as necessary to avoid undue adverse effects on the road and highways. Examples of mitigation measures to avoid undue adverse impacts may include, but are not limited to, phasing of the development, traffic management strategies, physical improvements to the road network to serve the proposed development paid for and installed by the applicant, and/or submission of a bond or other surety, as approved by the Selectboard, for the installation of such improvements;
- A traffic impact study may be required, particularly for uses which propose direct access onto U.S. Rte. 5, Rte. 103, Rte. 121 or which generate in excess of 100 trips per day.

(d) the zoning bylaws and ordinances then in effect; or

(e) utilization of renewable energy resources.

3) Specific Standards. Such specific standards shall require that the proposed conditional use shall meet the following requirements:

(a) noise.

No noise shall be permitted which represents an undue adverse increase in noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area.

When considering the undue impact of noise, the Board of Adjustment shall consider

- the existing noise levels in the area of the development;
- the impact on other (or off-site) properties;
- the level of noise customarily generated from uses permitted within the zoning district;
- the frequency, duration, and pitch of the noise;
- Temporary noise from maintenance and construction is excluded.

(b) the proposed conditional use shall meet the specific standards for that particular use as required by this bylaw.

- 4) Conditions. In granting conditional use permits, the Board of Adjustment may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of this bylaw.

