



TOWN OF MILTON, VERMONT 05468

Department of Planning & Zoning:
Planning, Development Review, Zoning

To: Milton Select Board

Date: September 6, 2022

From: Cymone Haiju, AICP, Planning Director
Milton Planning Commission

CC: Don Turner, Town Manager

Re: 2021 and 2022 Planning Commission Proposed Town Plan, Unified Development Regulations, and Zoning Map Amendments

Short Summary of Each Proposed Edit

The following provides an overview of each proposed UDR edit. Each modification appears sequentially, corresponding to its location in the UDR.

Wheelchair Ramps Added to Exemptions List as Section 1101.A(30)

Section 1101 provides a general exemptions list for which landowners do not need to obtain a zoning permit. In 2020, the Planning and Zoning office received a request from a resident to build a ramp on their deck to access their home post-hospitalization (their home's entryway did not allow for a wheelchair ramp given slope requirements); and a recommendation arose to add wheelchair ramps onto the exemption list from needing a zoning permit. Current UDR provisions allow for a wheelchair ramp exemption in entryways on single-family and duplex residential properties. The Planning Commission proposed adding an ADA-compliant wheelchair ramp on both a residential or commercial properties regardless of entrance location. To qualify for the exemption, the wheelchair ramp cannot extend into or obstruct a public right-of-way, interfere with visibility for vehicular traffic and must meet setback and lot coverage requirements for its zoning district and be minimally sized for its functional purpose.

Adding Air Transportation Services as a Use Section 3120

In response to a letter from the Vermont Transportation Board educating municipalities on the permitting process for helipads and airstrips in the state, the Planning Commission approved the addition of Air Transportation Services as a use under the Transportation, Communication and Utilities category under Section 5105(12). This proposed use is allowed as a conditional use in our industrial and rural/agricultural zoning districts. A definition for the new use is added as Section 3120 along with specific requirements informed by federal guidelines and Vermont's aviation division at VTrans including a clearance buffer requirement for helipads, runways, and airstrips to prevent air turbulence. Conditional use applications to the Development Review Board require a written statement from an electrical engineer verifying there are no nearby electromagnetic devices that may cause temporary interference with the aircraft's compass or navigational equipment.

Development Review Board Approval for More Than One Fill Project in 5-Year Period Section 3007.B

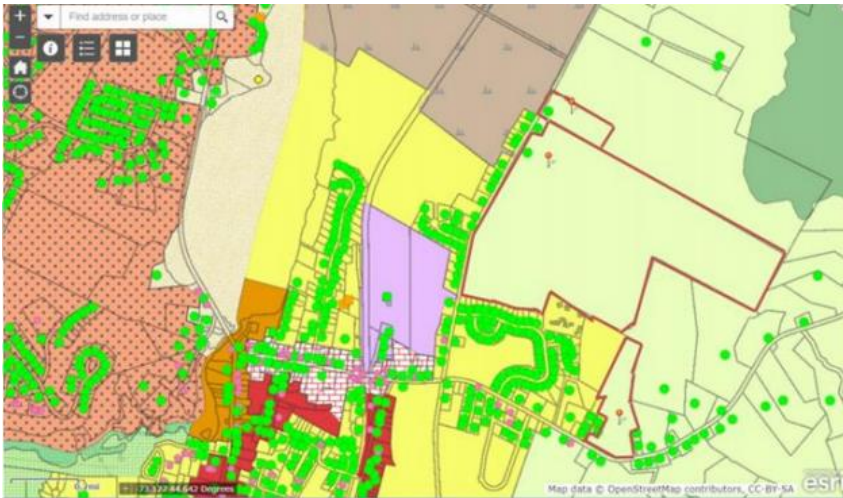
In summer 2021 the Development Review Board requested clarification from the Planning Commission on the intent behind the provisions in Section 3007.B which disallows the permitting of excavation and fill projects to a property owner in any 5-year period for the subject lot and all contiguous land under the same ownership. The Planning Commission discussed the topic and proposed providing the DRB with more discretion for such projects. The Planning Commission also proposed changing this standard to specifically limit such projects on lots that are less than one acre in order to address potential storm water runoff concerns on nearby properties.

Section 1111.A(4) Childcare Regulations

Our Zoning Administrator submitted a UDR update request regarding Section 1111.A(4) under Family Childcare Homes, in order to align its standards with the existing uses in our use table for easier applicability with permit applications. The Planning Commission proposed replacing the words “home childcare facility” and “daycare” from Section 1111.A(4) with “family childcare facility” as it appears in the regulations as a use; and adding a definition for the use “family childcare facility” under Section 5101 (definitions). The proposed definition uses the criteria outlined in Section 1111.A(4).

Rezoning of Parcels 104 Westford Road, 225 North Road, and 255 North Road to R3

The Planning Commission received three zoning change applications to change their zoning from R5 to R1 and proposed rezoning the parcels to R3 as well as the creation of a subarea in East Milton called the Eastern Transition Subarea, which comprises the parcels.



Conservation Subdivisions: Sections 3501.B, 4401.D, and 2122.B(1)

Currently, Section 3501.B states that “Conservation subdivisions are required for all major subdivisions in the Agricultural/Rural Residential (R5) zoning district, and all subdivisions, minor and major, containing land in the Forestry/Conservation (FC) and Flood Hazard (FH) zoning districts.”

This is the only reference in the UDR to the type of subdivisions allowed within R5 and FC. If proposed development submits an application for a conventional subdivision, the Zoning Administrator/PZ Department do not review under Chapter 350: Planned Unit Development Standards; but rather, under Chapter 440 and Chapter 210 (Use Standards). In addition, Act 171: Forest Blocks and Habitat Connectors was amended last year and requires that Town Plans and bylaws identify forest blocks, wildlife habitats, and habitat connectors and minimize forest fragmentation in a way that promotes the health, viability, and ecological function of forests.

With these considerations, the Planning Commission proposed to update the language of Section 3501.B and add this same language, as it appears below, to Section 4401.D so that applications are reviewed appropriately.

“Conservation subdivisions are required for all major subdivisions in the Agricultural/Rural Residential (R5) zoning district, for all minor subdivisions containing land in the Forestry/Conservation (FC) zoning district, and for all subdivisions, minor and major, containing land in the Flood Hazard (FH) zoning district.”

In addition, the Planning Commission proposed to only allow minor subdivisions which must be conservation subdivisions in zoning district FC and to have this reflected in the zoning district’s use standards as Section 2122.B(1).

Town Plan Update to Include a Description of East Milton Subarea

The Planning Commission proposed the following addition to the Town Plan, which serves as a description of the defined East Milton Subarea.

“The East Milton Transition Subarea serves as a transitional zone from the high-density zone surrounding the Town Core to the rural setting and gateway to the Town Forest and other natural assets and recreational activities. This subarea is defined by its access or location within the water service area, its immediate adjacency to the Town Core Planning Area, and its suitable topographic, soil septic suitability, and natural features in alignment with Goal 9.13.2. The subarea is definitively limited to the area above Westford Road and is less than 2 miles away from Milton High School as the subarea is appropriately away from excavation and fill businesses in lower East Milton, and provides a buffer to sprawl from residential planned unit development encroachment into zoning districts R5 and FC.”

Section 3011 Surface Waters, Wetlands, and Riparian Buffers

The Planning Commission proposed updating Section 3011.A and 3011.B to reference a definition for the term surface waters.

Section 3305. Natural Resources Protection

The Planning Commission proposed removing Section 3305 as this section is not required by state statute, it is already covered for all development proposals via Section 3011, the resources within the section are not well defined, and there are no standards established.

Chapter 500 Additional Definitions

The Planning Commission proposed adding a definition for the terms “surface waters” (Section 5219.S) and for “necessary wildlife habitat” (Section 5214.N) in order to add clarity, certainty, and alignment with state law.

Section 3304.A Character of the Area

The Planning Commission proposed updated language to Section 3304.A(1)(d) in order for this provision to specifically reference statutory language and provide the Development Review Board with a specific definition as their reference when making determinations on conditional use applications. It would read as follows:

“Not have an undue adverse impact as defined by the purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan”.

Section 3204.H Screening

The Planning Commission proposed updated language to make it clear that the intention is to prohibit corrugated sheets, plywood sheets, metal sheets, and galvanized steel sheets in all districts for nonresidential projects under Section 3204.H(7)(b). The Planning Commission also proposed a table of common fencing materials and their acceptability, along with a provision for the Development Review Board to make decisions on new or alternative materials that are not specifically mentioned based on their similarity with the given list.

Section 3015.F Sign Regulations

In order to make our sign regulations content neutral, the Planning Commission proposed language edits to this Section which remove any need for the Development Review Board or Zoning Administrator to know and judge the content of a sign in order to determine approval. The Planning Commission updated the signs exemptions list to be content neutral. Section 3015.F(1)’s mention of what the sign may contain was removed. In Sections 3015.F(3)(a) (for special business signs) and 3015.F(4)(e) (for multi-unit business identification signs) the Zoning Administrator or Development Review Board would need to know if the sign has content associated with these types of events: “opening or closing of a business, a special sale, promotional event, or change in ownership or management” or “grand opening” to know whether the standards in these sections apply. Therefore, the Planning Commission proposed to remove this language. In addition, the Planning Commission proposed to allow the Zoning Administrator to grant a 45-day extension for all temporary signs on request in both of these sections.

Section 4303 Conditional Use Review and Section 4305 Amending Approved Plans

The Planning Commission proposed clarifying that a conditional use amendment application is not required unless the proposed development directly impacts the conditions of the original conditional use approval (Section 4305). The Planning Commission also proposed adding the standard that the staff report and notice of decision issued by the Development Review Board indicates any specific conditions for conditional use approval and the date on which it was approved (Section 4303). This standard makes it clearer to determine

if a proposed development has features that impact the original conditional use approval. These proposed changes are meant to address situations where a development received prior site plan and conditional use approval and there is a need to determine if the applicant requires both approvals again or only site plan approval. A practical example would be a restaurant located in a zoning district where it is a conditional use and years later the owner seeks to add an outdoor seating area to their establishment.

Allowing Multifamily as a Use in Zoning District NC1

Currently multifamily is not a permitted use in zoning district NC1. The Planning Commission proposed adding multifamily as a permitted use in NC1 and requiring a 120 feet setback be established for lots with frontage on Route 7 with the purpose of preserving this land for future commercial development. In the interim, if a commercial use is not proposed, the space within the 120ft setback established for lots on Route 7 shall not be included when calculating the lot coverage requirement and that land shall be landscaped for outdoor amenities such as a community garden outdoor use area or other type of recreation outdoor use area. This requirement is in addition to the common open space requirements of Section 3101.A(2) and the landscaping requirements of Section 3204. Lots in zoning district NC1 without Route 7 frontage can build multifamily without this requirement and can build multifamily outright according to the other UDR standards.

Zoning District M4-R Setback Standards Change

In response to a request from the Zoning Administrator, the Planning Commission proposed changing the side and rear setbacks for lots in zoning district M4-R from 15 feet to 10 feet because, for example: a minimum allowed lot size of 6,000 square feet is 60 ft x 100 ft. If you subtract the side and rear setbacks, one can only build a 30 ft wide house, which is not enough space for a garage.

Cottage Cluster Planned Unit Developments Section 3502.C and Section 2007.B

A cottage cluster planned unit development is a small housing type that has a footprint of not more than 1,200 square feet if single-family or 1,600 square feet if two-family. Its purpose is to address the need for smaller and more affordable housing choices in response to changing household demographics and living preferences. The intent is to encourage development of pocket neighborhoods composed of cottages sited around common open space that are pedestrian-oriented. In order to incentivize this type of development for the benefit of our aging population's projected needs to downsize into homes with less maintenance and for the benefit of young adults and young families seeking starter homes, the Planning Commission proposed increasing the density bonus for cottage cluster planned unit developments from 150% to 300%. Cottage cluster planned unit developments are permitted in zoning districts M1, M2, M3, M4-R, M5, M6, R1, and R7.

Duplex Conversions (Section 2007.B)

The Planning Commission proposed a change that would allow a vacant lot to develop into a duplex in the same pattern as a developed single-family lot when the lot has the ability to connect to town water and sewer

and is located in a zoning district where duplexes are a permitted use. The intention is to encourage more infill development of this ‘missing middle’ type of small-scale housing within the Town Core.

Section 2123 Mobile Food Service

The Planning Commission proposed allowing mobile food service to be a permitted use (i.e. mobile food trucks) in each zoning district where it is currently a conditional use. This is in zoning districts DB1, NC1, NC2, M2, M3, M4C, and M5.

Minor Technical Correction to DB1’s Use Standards: Section 2101.B(2)

The Planning Commission proposed a technical correction to zoning district DB1’s use standards that did not make it into the final version of our adopted UDR. During the 2020 session, the Planning Commission decided to allow multifamily as a permitted use in district DB1. Projects propose a commercial/non-residential use for the space within its first 30 feet that is open to the public can qualify for a bonus density under Section 2007.B(1)(a) or (b). Projects that do not have an occupied non-residential use within this space are ineligible.

Section 1106 Agriculture

Single-family homeowners at times request to use their acreage or backyard space for small-scale animal husbandry. However, our regulations do not place a threshold or set criteria for this use in such applications. In response to a recommendation from the Zoning Administrator, the Planning Commission proposed establishing standards that allow farm animals outside of setbacks and surface water buffers and not on abutting landowners’ property. In addition, storage of agricultural wastes or agricultural inputs would be disallowed on lots that are less than 2 acres.

Assisted Living Made a Permitted Use in More Zoning Districts

The Planning Commission proposed making assisted living a permitted use in districts DB1, NC1, NC2, M1, M5, and M6 where it is currently a conditional use in order to meet the projected needs of senior residents.

Town Plan Update: Aging in Place Data and Best Practices

The Planning Commission proposed adding demographic projections for our nation, Chittenden County, and Milton as it concerns the aging of the population. It also includes a short list of best practice priorities to cultivate an age-friendly Milton including encouraging cottage cluster planned unit developments, encouraging the development of accessory dwelling units, becoming an AARP Age-Friendly Designated Community, and completing a study that identifies barriers to the development of senior housing and assisted living facilities and that identifies projected needs for rescue services.