



# Village of Manchester, Vermont

## Minutes of a Regular Meeting of the Development Review Board Held on the 3<sup>rd</sup> day of January, 2018

**Members Present:** Chairman Donald Brodie, Vice Chair Craig Powers, Orland Campbell, Bob Johnston, Dana McKloskey, Alternate

**Member(s) Absent:** Renee Waller, Gordon McClellan

**Others Present:** Richard Moore, Anthony MacLaurin, Marian Haines, Bill Mariano, Eric Scott, Administrative Officer

Chairman Brodie called the meeting to order at 10:00 A.M.

### **Minutes:**

Approve the draft minutes of the December 09, 2017 meeting.

Member Johnston moved that the draft minutes of the December 09, 2017, meeting be approved. Member Campbell seconded the motion and it passed unanimously.

### **Applications:**

None

### **Other Business:**

Review possible changes to Village Bylaws, Sections;

3-GENERAL REGULATIONS and

4-DESIGN CONTROL DISTRICTS.

Attached are the changes approved. Deleted passages have a ~~striketrough~~ effect and insertions are underlined. Passages in **black** require further review.

There being no further business to come before the Board, the meeting was adjourned at 11:10 A.M.

## 2.4 LAND UNDER WATER/SUBMERGED LANDS

Zoning Districts shall include ~~land under submerged land~~ rivers, streams, lakes or ponds lying within them. Where opposite sides of a ~~river or stream~~ water body lie in different districts, the boundary shall be the center of the ~~river or stream~~ water body. ~~Where opposite sides of a lake, pond, swamp or other water body lie in different districts, the boundary shall be deemed to be in the center thereof.~~ However, ~~the~~ The area of lands under water/submerged land within a parcel or lot may not be included when calculating residential density for subdivision purposes, or as part of the required area for any proposed lot, or when calculating allowable lot coverage for commercial or industrial uses.

## 3.2 DIMENSIONAL REQUIREMENTS FOR ALL ZONING DISTRICTS

- ~~5. Nothing in this bylaw shall prohibit the projection of minor architectural features, for more than one foot into the required open space, nor the planting or landscaping of such open spaces.~~

## 3.4 CUSTOMARY HOME OCCUPATIONS

~~Nothing in this bylaw shall infringe upon the right of any resident of the Village of Manchester to use a minor portion of a dwelling for an occupation which is customary in the home, and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.~~

A resident must have a permit to use a minor portion of a dwelling for an occupation which is customary in the home. Applicants seeking a permit for a Customary Home Occupation must demonstrate:

- a. ~~The Home Occupation work shall be carried on/preformed~~ only by a resident(s) of the dwelling and no more than two full time employees who are not residents, working at the ~~location~~ dwelling.
- b. ~~The Home Occupation work area, uses~~ **less than 50%** of the floor area of the dwelling, and is clearly ~~secondary to the residential use of the dwelling~~ an accessory use.
- c. The use does not create a nuisance, objectionable noise, smoke, vibration, odor or noxious gas detectable on any adjoining property or dwelling unit.
- d. Hours of operation, signage, outdoor lighting, parking, traffic, etc., shall be compatible with the character of the residential neighborhood.

A site development plan may be required by the Development Review Board.

## 3.5 ADMINISTRATIVE REQUIREMENTS

- ~~1. The provisions of this bylaw relating to Minimum Lot Area and Minimum Lot Width only, shall be waived to permit the construction of an otherwise permitted building or the establishment of an otherwise permitted use on a lot not less than one-eighth acre in area with a minimum width or depth dimension of 40 feet, which at the date of the adoption of this bylaw, and continuously thereafter, was in individual and separate and non-affiliated ownership from surrounding properties.~~

1. Existing small lots may be developed for the purposes permitted in the district in which it is located even though the small lot no longer conforms to minimum lot size requirements of the Bylaw. An existing small lot is any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of this Bylaw. The Village may prohibit development of a lot if either of the following applies:

- a. The lot is less than one-eighth acre in area; or
- b. The lot has a width or depth dimension of less than 40 feet.

- ~~2. Except in the case of two-family dwelling units, multi-family housing, and the Equinox Historic District, where more than one dwelling is to be placed on any one lot, such dwellings shall be located so that each such dwelling, and any building accessory to it, could be set off as a separate lot conforming to all of the applicable provisions of this bylaw, and no building shall be sold into separate ownership except in compliance with the above.~~
2. With the exception of pre-existing structures, a dwelling and any accessory building associated with it shall be located so it could be set off as a separate lot conforming to all of the applicable provisions of this Bylaw, and no building shall be sold into separate ownership except in compliance with the above.
3. A conditional use may only be approved after a warned public hearing, at which the burden of proof shall be upon the Applicant, and the Development Review Board finds the proposed use will not unduly adversely affect:
  - e. The capacity of existing or planned community facilities including public schools in the Town of Manchester;
  - f. The character of the area;
  - g. The residential uses in the vicinity or elsewhere in the Village;
  - h. The traffic on roads and highways in the vicinity including private roads;
  - i. Significant natural resources on the site.
- 4. Approval of the Development Review Board shall be based on a Site Development Plan, conforming to the requirements of Section 3.7, and an Open Space Plan, if required by this bylaw. Failure of the development to conform to such Site Plan and Open Space Plan shall constitute a violation of this bylaw.**

### 3.6 LIMITATIONS ON MUNICIPAL LAWS

In accordance with the Vermont Municipal and Regional Planning and Development Act, Title 24 V.S.A. Chapter § 4413, this Bylaw shall not regulate items listed in 24 V.S.A. § 4413. ~~the following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended use:~~

- ~~j. State or community-owned and operated institutions and facilities.~~
- ~~k. Public and private schools and other educational institutions certified by the state department of education.~~
- ~~l. Churches and places of worship, convents and parish houses.~~
- ~~m. Public and private hospitals.~~
- ~~n. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.~~
- ~~o. Hazardous waste management facilities for which a notice of intent to construct has been received pursuant to 10 V.S.A. § 6606a.~~

This Bylaw shall:

- ~~1. Regulate public utility and power generating plants and transmission facilities regulated under 30 V.S.A. § 248.~~
- ~~2. Regulate accepted agricultural and silvicultural practices, including the construction of farm structures, as these practices are defined by the Secretary of Agriculture, Food and Markets, or the Commissioner of Forests, Parks and Recreation, respectively, under~~

~~subsections 10 V.S.A. §§ 1021(f) and 1259(f) of Title 10 and Section 4810 of Title 6.6 V.S.A. § 4810.~~

- ~~3. For purposes of this section "farm structure" means a building, enclosure or fence for housing livestock, raising horticultural or agronomic plants, or carrying on other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in 10 V.S.A. 6001(22), but excludes a dwelling for human habitations.~~
- ~~4. A person shall notify a municipality of his intention to build a farm structure, and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets. No municipal permit for a farm structure shall be required.~~
- ~~5. Forestry Operations as in 10 V.S.A. § 2602.~~
- ~~6. Regulate the installation, operation and maintenance, on a flat roof of an otherwise complying structure, of a solar energy device that heats water or space or generates electricity. For the purpose of this subdivision, "flat roof" means a roof having a slope less than or equal to five degrees.~~
- ~~7. Prohibit or have the effect of prohibiting the installation of solar collectors not exempted from regulation under subdivision (3) of this subsection, clotheslines, or other energy devices based on renewable resources.~~

### **3.7 SITE DEVELOPMENT PLAN**

~~For all division of land, and wherever else required by provision of this bylaw, a Site Development Plan shall be submitted with an application for a permit or other approval. Such Site Development Plan shall be at a scale prescribed by the Development Review Board and shall show, where applicable:~~

- ~~p. the boundaries and area of the lot,~~
- ~~q. Existing and proposed buildings on the lot and on adjacent lots within a distance of 200 feet from the subject lot,~~
- ~~r. Existing and proposed streets and driveways within a distance of 200 feet from the subject lot,~~
- ~~s. Proposed vehicular circulation and parking,~~
- ~~t. Proposed pedestrian circulation, open space, park and playground facilities,~~
- ~~u. Landscape details, (including proposed removal of living trees over 6" diameter breast height (DBH) located forward of the building line of the principal building within any yard fronting a street, and which are also within 150' of the street right-of-way).~~
- ~~v. Proposed grading,~~
- ~~w. Water supply and fire protection,~~
- ~~x. Sanitary sewage, storm drainage and natural drainage ways and watercourses,~~
- ~~y. Existing contours, land conditions.~~

~~and such other information as the Development Review Board may require. The Administrative Officer will make an initial determination of what details are needed. The Development Review Board may, at its discretion, require additional information when relevant to an application.~~