



VILLAGE OF  
MANCHESTER  
VERMONT

**Memorandum**

**NOTICE OF PUBLIC HEARING**

**AND**

**PUBLIC HEARING AGENDA**

**VILLAGE OF MANCHESTER**

**PLANNING COMMISSION**

**PLEASE TAKE NOTICE** the **VILLAGE OF MANCHESTER PLANNING COMMISSION** will hold a **PUBLIC HEARING** at **11:00 A.M.** on **WEDNESDAY, JANUARY 15<sup>TH</sup> 2025**, at the **VILLAGE OFFICES**, located at 45 Union Street, on the following matters:

1. Review and Possible Vote on an Amendment to the Manchester Village Zoning Bylaws Concerning:
  - a. Re-Zoning of a Portion of the Southern Vermont Arts Center Campus from the Forest Zone to the Rural Residential 5 Zone

Curan VanDerWielen  
Zoning Administrative Officer  
Dated: December 30<sup>th</sup>, 2024

Join via Zoom at:  
<https://us02web.zoom.us/j/81449715642?pwd=VXo1VmRad0tZWFY2eCtRYiswbnc5dz09>

Meeting ID: 814 4971 5642  
Passcode: 026291



## MEMORANDUM

*For General Distribution*

Dated: December 31<sup>st</sup>, 2024

### **Re: Report of the Village of Manchester Planning Commission on Proposed Zone Change of the SVAC Campus from Forest to Rural Residential 5**

#### *Statement of Purpose*

The purpose of the proposed zoning change is to produce two outcomes: (1) to better align the applicable zone and its associated permissible uses with the existing Southern Vermont Arts Center (SVAC) campus; and (2) to allow for the future limited development of the campus.

#### *Summary of Proposed Zone Change*

The proposed zoning change consists of a rezoning of a portion (hereafter the “subject area”) of the existing lot at Parcel ID: 9405, specifically the ~35-acre area including the facilities and parking areas of the existing SVAC campus and the immediate surrounding area. Excluded from the subject area are the lands West, South, and East of the main campus, consisting of mostly undeveloped forested land and the sculpture park to the East.

The subject area is currently zoned within the Forest District, which restricts the land to the following permitted uses under Section 6.1.2 of the Village Zoning Bylaws:

- a. Commercial forestry and related uses.
- b. Forestry carried on for research, demonstration, education and related uses.
- c. Municipal recreation area or private recreation area, not operated for profit, which is suitable to a forest environment.

Also applicable is the following conditional use under Section 6.1.3:

- a. Water collection, storage and underground transmission facilities.

The current zoning for the subject area makes most land development untenable, including any additions made to existing or the construction of new facilities for the SVAC campus. The proposed zone change for the subject area would thus take it out of the Forest District and place it within the Rural Residential 5 District. The Rural Residential 5 District would possibly allow for the following conditional use to apply to both the existing campus and any proposed new facilities within the subject area, as found under Section 5.1.4:

- a. A public park or playground, community recreation building or center, library, museum, art center, medical clinic, or similar philanthropic use, operated by a governmental unit, or a community association.

Please see the attached proposed zoning map for a comparison between the existing and proposed zoning for the subject area.

### *Geographic Areas Effected*

The proposed changes of the Manchester Village Zoning Bylaws will affect the following geographic areas:

- All addresses along West Fields Road and within Parcel ID: 9405, including:
  - o 770 West Fields Road
  - o 774 West Fields Road
  - o 820 West Fields Road
  - o 830 West Fields Road
  - o 840 West Fields Road
  - o 860 West Fields Road

All addresses listed currently belong to and are incorporated within the existing Southern Vermont Arts Center.

### *Findings on Municipal Plan Furtherance*

The proposed zoning change is also predicated on its merits relative to the furtherance of the following Goals for the Village (Chapter 2) found in the Village Plan:

- 16. Special consideration should be given to cultural and educational institutions, and the need to accommodate their architectural design requirements and uses.

The SVAC property has historically proven to be one of the most highly valued within Manchester Village for its continuing cultural enrichment of the community, provision of regular educational opportunities for the public, and its sustained contribution to the health of the local economy. As a cornerstone cultural and educational institution within Manchester Village, the Planning Commission recognizes the need to give special consideration to accommodate its architectural design requirements and uses, per the Manchester Village Plan of Development (2022).

The proposed amendment is compatible with the proposed future land uses and densities of the municipal plan. The proposed amendment would assist with “[m]aintaining a continuity of existing development types...as the primary way of assuring continued preservation of the character of the Village,” and “[e]nsuring that future growth is visually compatible with the existing character of the Village,” (Chapter 5, Village Plan of Development 2022). The proposed amendment is not found to contradict any of the general or District-specific guidelines for development found within the Village Plan of Development.

The proposed amendment will not affect the availability of safe and affordable housing.

The proposed amendment will not carry out any specific proposals for any planned community facilities.

## *Table of Contents*

The proposed changes of the Manchester Village Zoning Bylaws will pertain to the following sections:

### APPENDIX A – Zoning Map

## *Where Text May Be Examined*

A full text of the proposed zone change may be examined at the Village Offices during normal operating hours, Monday-Thursday 9:00am-3:00pm. For a PDF version of the proposed zoning change, please contact:

Curan VanDerWielen  
Zoning Administrative Officer  
[zoning@villageofmanchester.com](mailto:zoning@villageofmanchester.com)  
Office: (802) 362-1515  
Cell: (802) 379-1333

## *Findings on Statutory Compliance*

Vermont Act 47 of 2023 requires municipalities to include findings on the conformance of the proposed amendment with 24 V.S.A. § 4412, 4413, and 4414.

The proposed amendment conforms with 24 V.S.A. § 4412 insofar as the proposed amendment does not have the effect of excluding the following categories, as described within the statute:

- 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 homes or facilities;
- Heights of renewable energy structures;
- Communications antennae and facilities;
- Planting projects in flood hazard areas;
- Accessory on-farm businesses;
- Lot and dimensional standards for minimum dwelling unit density;
- Density for affordable housing.

The proposed amendment conforms with 24 V.S.A. § 4413 insofar as the proposed amendment does not have the effect of interfering with the intended functional use of nor regulating nor prohibiting the following categories, as listed and described within the statute:

- State- or community-owned and -operated institutions and facilities;
- Public and private schools and other educational institutions certified by the Agency of Education;
- Churches and other places of worship, convents, and parish houses;
- Public and private hospitals;
- Regional solid waste management facilities certified under 10 V.S.A. Chapter 159;
- Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.A.A. § 6606a;
- Emergency shelters;
- Hotels and motels converted to permanently affordable housing developments;
- Electric generation facilities, energy storage facilities, and transmission facilities regulated under 30 V.S.A. § 248 or subject to regulation under 30 V.A.A. § 8011;
- Required agricultural practices, including the construction of farm structures;
- Accepted silvicultural practices;
- Forestry operations;
- 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;
- Installation of solar collectors not exempted from regulation...clotheslines, or other energy devices based on renewable sources;
- Ancillary improvements that do not exceed a footprint of 300 square feet and a height of 10 feet;
- The attachment of a new or replacement cable or wire to an existing electrical distribution or communications distribution pole;
- The replacement of an existing electrical distribution or communications distribution pole with a new pole, so long as the new pole is not more than 10 feet taller than the pole it replaces;

The proposed amendment conforms with 24 V.S.A. § 4414 insofar as the proposed amendment relates to the definition of zoning districts and identification of permitted and conditional land uses allowed by statute for the municipality to adopt and maintain in conformity with its Plan for Development and for the purposes established in 24 V.S.A. § 4302. Specifically, the proposed amendment relates to the change in zone of the subject area from a Forest zoning district to a Rural Residential zoning district. This is allowable under 24 V.S.A. § 4414(1)(B) which allows the municipality to define and identify land uses consisting of the following districts:

“(B) Agricultural, rural residential, forest, and recreational districts....”

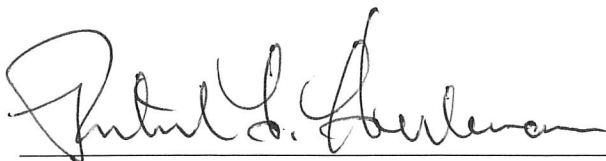
### *Notes on Procedure*

1. The Planning Commission shall hold at least one public hearing within the municipality after public notice on any proposed bylaw, amendment, or repeal.
2. At least 15 days prior to the first hearing, a copy of the proposed plan or amendment and the written report shall be delivered with proof of the receipt or mailed by certified mail, return receipt requested, to each of the following:
  - a. The chairperson of the planning commission of each abutting municipality, or in absence of any planning commission in an abutting municipality, to the clerk of that abutting municipality;
  - b. The executive director of the regional planning commission of the area in which the municipality is located;
  - c. The Department of Economic, Housing and Community Development within the Agency of Commerce and Community Development.
3. The planning commission may make revisions to the proposed bylaw, amendment, or repeal and to the written report, and shall then submit the proposed bylaw, amendment, or repeal and the written report to the legislative body (Board of Trustees) of the municipality. If requested by the legislative body or supported by petition, the planning commission shall promptly submit the amendment with changes only to correct technical deficiencies, together with any recommendations.
4. Simultaneously, with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed bylaw, amendment, or repeal, and the written report for public review.

### *Certification*

This report has been prepared pursuant to 24 V.S.A. § 4412, 4413, 4414, 4441, and 4444 and all other Vermont laws pertinent to the restrictions, review, and adoption of an amendment to the municipal zoning bylaws. This report is intended for and hereby authorized for general public distribution on the 31<sup>st</sup> day of December, 2024,

Respectfully submitted,



Rich Heilemann, Chair of the Planning Commission

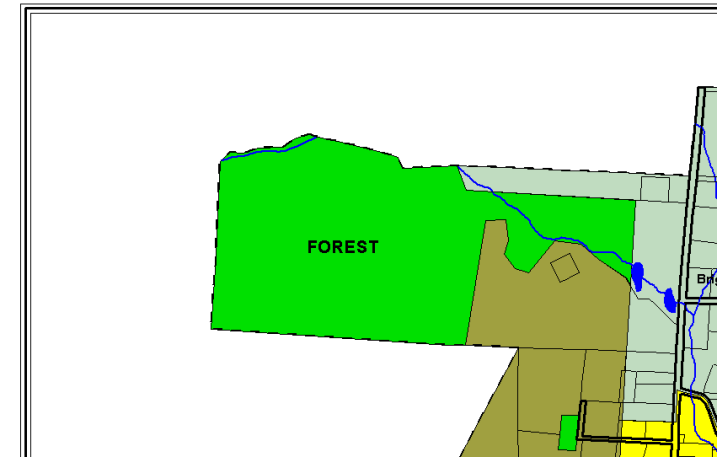
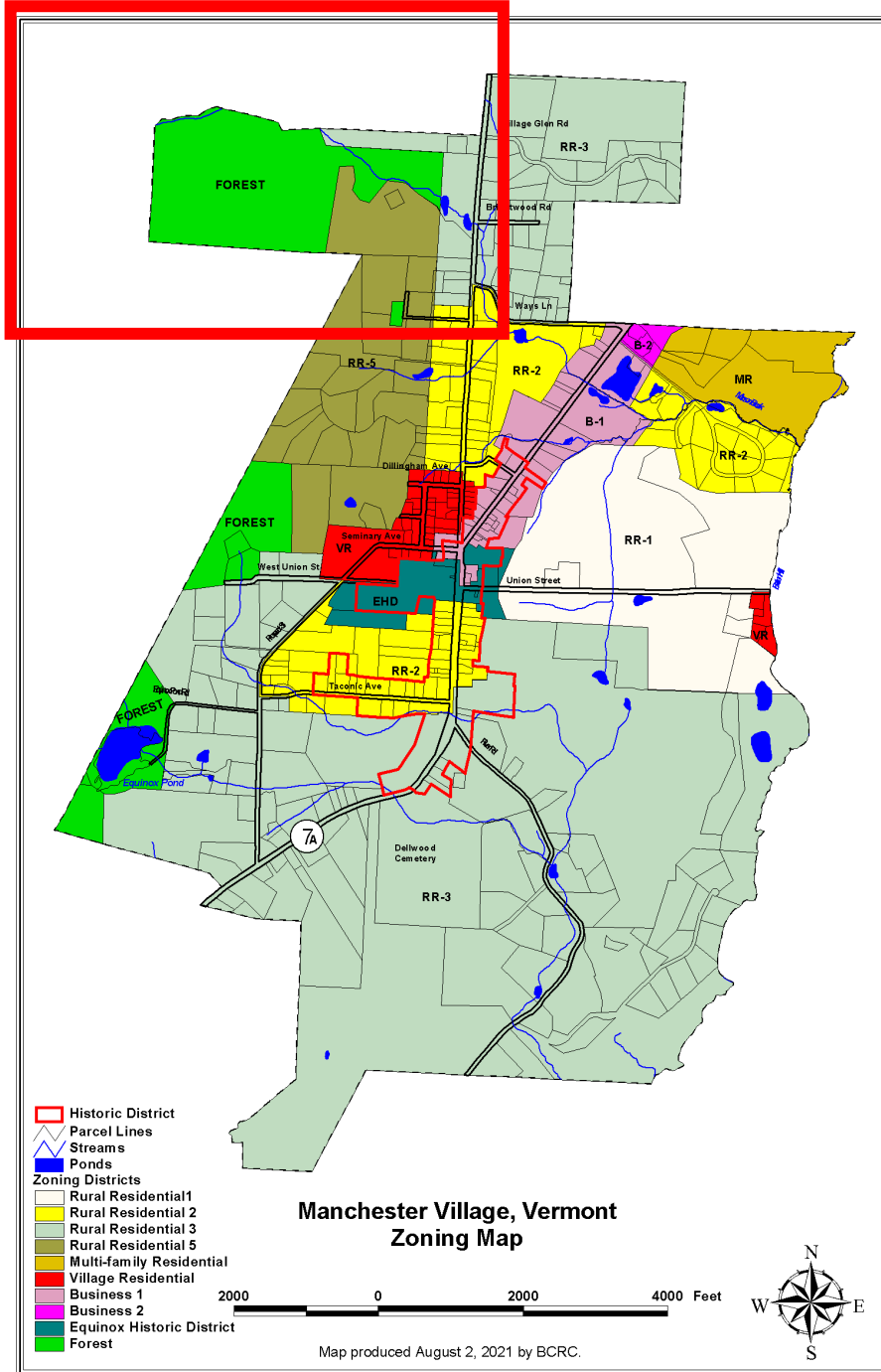


Figure 1: Existing zoning of the subject area, consisting of the Forest District. Road depicted East is West Road.

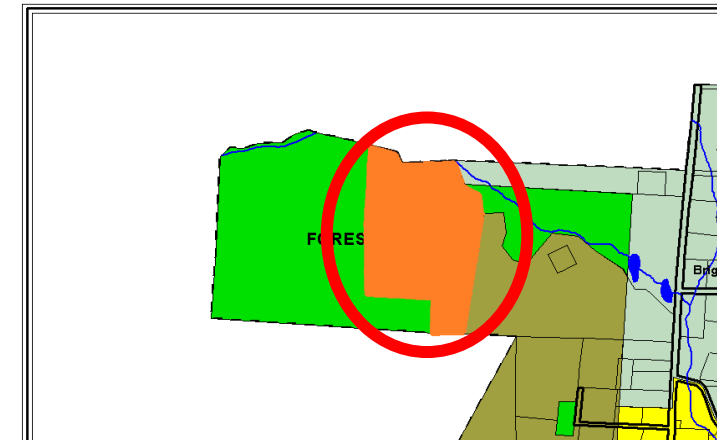


Figure 2: Subject area displayed over the existing zoning map, in orange and encircled in red. As proposed, the subject area would be rezoned to the Rural Residential 5 District.