

Material reviewed at this meeting: Part 2

Material to be reviewed at the next meeting: Chapter 320 (site plan standards)

GENERAL DISCUSSION

The Planning Commission reviewed a map of the flood hazard area and the river corridor. There was discussion of whether to regulate development within the river corridor similarly to the flood hazard area. This one of the requirements for the town to qualify for more state recovery funding should there be a declared emergency in the future. The Planning Commission requested a list of structures (from 911 points in the flood hazard area and river corridor by zoning district) to assess how many more structures would be affected by including the river corridor areas.

There was a question of where veterinary office would fall into the listed uses. It would be within the “office or personal/business service” category.

There was discussion of whether a car dealership’s inventory should be considered “parking” or “outdoor storage.” This is unclear in the current regulations. There was a general consensus that it should be treated as outdoor storage and the draft regulations should make this clear.

NOTES BY SECTION

CHAPTER 220. OVERLAY ZONING DISTRICTS

Section 2201. Airport (AIR) Overlay District. This new overlay district is being proposed in response to discussion with the airport during the past several years. There are specific federal requirements for land uses and intrusions into the airspace in proximity to airports. While these are already in effect in Berlin, they are not incorporated into the current zoning. This overlay district is intended to clarify what federal restricts exist around the airport. Brandy and Tom have been working with VTrans to map their area of concern and VTrans has had an opportunity to review and comment on the proposed language.

Subsection 2201.A Purpose. No changes made.

Subsection 2201.B Applicability. Revised to refer to the map as provided by VTrans rather than the specified distance.

Subsection 2201.C Uses. No changes made.

Subsection 2201.D Height Limitations. No changes made.

Subsection 2201.E Performance Standards. No changes made.

Subsection 2201.F Hazard Marking and Lighting. No changes made.

Subsection 2201.G Referral. No changes made.

Section 2202. Source Water Protection (WTR) Overlay District. This new overlay district is being proposed to protect the wells that serve the town’s new water system from contamination. At this time, the Planning Commission decided not to include any of the source water protection areas for other public water supplies (as defined by the state) in Berlin, but instead to focus on protecting the town’s recent investment in public infrastructure. The language in this section is based on a Vermont League of Cities and Towns model bylaw.

Subsection 2202.A Purpose. No changes made.

Subsection 2202.B Protection Areas. No changes made.

Subsection 2202.C Uses. No changes made.

Subsection 2202.D Performance Standards. No changes made.

Subsection 2202.E Referral. No changes made.

Section 2203. Flood Hazard (FLD) Overlay District. The Berlin currently has a flood hazard overlay district and that would remain in the draft zoning. This section is needed and must meet state and federal requirements for property owners to be eligible to purchase flood insurance.

Subsection 2203.A Purpose. No changes made.

Subsection 2203.B Precedence. No changes made.

Subsection 2203.C Liability. No changes made.

Subsection 2203.D Applicability. No changes made.

Subsection 2203.E Base Flood Elevations and Floodway Limits. No changes made.

Subsection 2203.F Applicability. No changes made.

Subsection 2203.G Uses. This section represents a change from the currently adopted flood hazard regulations. It allows for somewhat more development outside the floodway but in the floodplain in districts other than the Rural district and Residential district. There is a similar provision in the currently regulations, but it applies only to the Highway Commercial district. This section also proposes to make a number of the uses that are now conditional in the flood hazard area permitted, which changes the permitting process but does not change the need to meet the floodproofing standards.

The Planning Commission made two changes to the table – construction of new single- and two-family dwellings will not be allowed anywhere in the flood hazard area, and storage or use of recreational vehicles will not be treated as a separate use.

There was considerable discussion of the precise meaning of the terms grading, excavating and fill. Brandy will do further research on the issues raised and report her findings to the Planning Commission.

Subsection 2203.H Development Standards. Minor changes made in relation to replacement manufactured homes within manufactured home parks and elevation requirements for nonresidential structures in accordance with federal standards and current regulations.

Subsection 2203.I Nonconformities. No changes made.

Subsection 2203.J Variances. Minor changes made to better align provisions with state recommendations.

Subsection 2203.K Applicability. Requirement for project review sheet added and procedures for issuing a certificate of compliance revised to better align with state recommendations.

Subsection 2203.L Definitions. Minor changes to better align provisions with state recommendations.