

1.0 INTRODUCTION

The Town of Berlin is commencing a comprehensive revision to its zoning and subdivision regulations. Under Vermont statute, a town's land use regulations must be in conformance with its town plan. This technical review assesses the degree of conformance between the town's adopted zoning and subdivision regulations and the goals and policies contained in the Berlin Town Plan. Where the current regulations are not effectively implementing the Town Plan, it offers alternative regulatory approaches that would improve conformance with the plan.

Additionally, this technical review identifies recent changes in state statute and case law that affecting provisions of the town's adopted zoning and subdivision regulations. It incorporates input from the town's Zoning Administrator and Development Review Board about provisions of the adopted regulations seen as problematic or in need of updating to streamline the permitting process. The review also identifies elements of the adopted regulations that no longer reflect "best practices" in land use planning and development.

2.0 ROUTE 302

TOWN PLAN. The Berlin Town Plan calls for revitalization of Route 302 (the Barre-Montpelier Road) and makes the following specific recommendations for the corridor:

- Improve the safety and efficiency of the Barre-Montpelier Road in a manner that supports the revitalization of businesses served by the highway, improves pedestrian circulation, better manages access and incorporates streetscape improvements (e.g., sidewalks, landscaping) into the roadway design.
- Better manage highway access by requiring the consolidation and/or narrowing of curb cuts and, in appropriate locations, shared access between parcels and driveway connections to adjacent parcels in the rear of buildings.
- Retain and re-energize this important commercial area while minimizing the adverse impacts of traffic congestion and improving pedestrian safety and amenity.
- Support and progress the proposed regional recreation path parallel to Route 302 along an abandoned railroad right-of-way and encourage additional path connections among major activity centers in the town.
- Pursue opportunities to encourage riparian vegetation to restore itself, especially along the Stevens Branch where redevelopment activities and the construction of the bicycle path along the existing rail lines are planned.
- Promote greater pedestrian access by requiring sidewalks along all road frontage, and ensuring that sidewalks are provided within a site to connect building accesses with parking areas and public sidewalks.
- Reduce the amount of land area devoted to parking by requiring shared parking in appropriate locations, and reducing the amount of parking required for shared facilities serving multiple uses.
- Improve site design along the corridor by locating parking areas to the side and rear of buildings, where practical, and establish landscaping standards for front yards.
- Establish a consistent streetscape by siting buildings close to the road.
- Encourage better building design, including multi-story buildings, which are oriented to relate to the highway both functionally and visually.

ADOPTED REGULATIONS. Currently, the Route 302 corridor is within the Highway Commercial zoning district from the Montpelier city line to Vine Street. From Vine Street to the Barre City line, the corridor is within the Modified Residential zoning district.

With regard to the Highway Commercial zoning district, the Town Plan states:

“The historic purpose of the district was to allow for the development of an automobile-oriented highway commercial strip along the heavily traveled state highways. The district’s purpose has evolved, however, to promote the continued economic viability of this important regional commercial center in a manner that improves the function and appearance of the district, improves traffic flow, enhances pedestrian circulation, protects water quality in the Stevens Branch and provides access to open space and important natural features.”

The developable frontage within the Highway Commercial district has been largely built-out with what would now be described as auto-dependent strip development with poor access management and frontages dominated by excessive expanses of parking. Following the Vermont Route 62 and Barre-Montpelier Road Corridor Study, Berlin attempted to address the traffic, aesthetic and stormwater problems resulting from this development pattern by revising the zoning regulations. More recent projects have provided better access management and provided more greenspace enhancing the frontage of the site. However, the regulations could be further strengthened to more effectively implement the Town Plan as discussed below.

The Highway Commercial zoning district permits a range of business uses including offices and banks, hotels and motels, restaurants and bars, retail stores and shopping centers, vehicle sales and service, wholesale sales and distribution, trucking and freight terminals, and warehousing – all of which are represented within the corridor. The regulations currently require buildings to be set back 50 feet from the street, although there are a number of pre-existing buildings located closer.

ALTERNATIVE APPROACHES. The following should be considered within the Highway Commercial zoning district:

- Requiring a minimum of 10 to 20 feet of landscaped greenspace along the street frontage with a specific amount of plant material required per footage of frontage. As sites are redeveloped, applicants should be required to eliminate excess pavement within the minimum front yard setback and replace it with greenspace. It would be necessary to determine what level of alteration of a previously developed site would trigger this requirement (change of tenant, change of use, building expansion, new building construction, etc.). This greenspace could also incorporate green stormwater infrastructure. Section 3.08 and Section 5.05(D) of the adopted zoning establishes general requirements for landscaping. It could be strengthened by requiring: a minimum of amount of plant materials; a diversity of plant materials; plant materials in specific locations or for specific purposes; and/or a landscaping plan designed by a landscape architect or certified horticulturist.
- Establishing a maximum width for driveway entrances of not more than 30 to 40 feet. There could be flexibility so the DRB could allow uses like trucking terminals that have significant heavy truck traffic to have wider curb cuts - up to 60 feet - if needed. The adopted zoning does not specify a maximum driveway width.
- Requiring that previously developed sites with excessively wide access better define their entrance and narrow the width of the curb cut. This is encouraged in Section 3.02(D) of the adopted zoning, but the “DRB may”

language could be strengthened to “DRB must” unless the applicant can demonstrate why the change would not be feasible or safe. Given the hazards associated with open access along the street frontage, this should be a top priority improvement on previously developed sites.

- Limiting additional curb cuts onto Route 302. Section 3.02(D) of the adopted zoning limits the number of curb cuts to one “where possible” and allows the DRB to require shared access or access from a secondary road rather than the highway. This language could be strengthened by requiring applicants to demonstrate that the only feasible option for access is a new curb cut onto Route 302 before the DRB could approve it.
- Requiring easements for shared or cross access. Section 3.02(D) of the adopted zoning encourages shared and cross access and authorizes the DRB to require it. This language could be strengthened by again changing the “may” language to “must” where physical conditions make it feasible and by establishing the easement(s). Without an easement, it is more difficult to enforce the access conditions of a prior approval at a future time when an adjoining property is being developed or redeveloped. Where the terrain and development pattern would allow it, a service road paralleling the highway could be established if properly aligned easements are placed on multiple properties over time. The DRB could also be authorized to require “stubs” be constructed to the property line to facilitate a connection between parcels in the near future.
- Requiring that previously developed sites with multiple curb cuts consolidate access to a single entrance unless multiple curb cuts are necessary for safe access or circulation. This is encouraged in Section 3.02(D) of the adopted zoning, but the language could be strengthened from the current “the DRB may” require consolidation to “the DRB must” require unless certain conditions are met.
- Reducing the current minimum 50-foot minimum setback and establishing a maximum setback for buildings of 80 to 100 feet from the street. This setback range allows for 1 or 2 rows of parking in front of the building. This will bring buildings closer to the street to better define and improve the aesthetics of the corridor. Maximum front setback could also be tied to building height so that multi-story buildings could be set further back while single-story buildings would have to be set closer to the street.
- Establishing some basic design standards for buildings. This could include requiring: building entrances to face the street; vehicle bay doors, loading docks and similar service areas to be to the side or rear and screened from the front; a minimum amount of openings (windows and doors) on the facade; that large buildings be designed with changes in wall plane and roof form that reduce their perceived mass and create a more attractive facade; smaller footprint buildings to be multi-story; and/or a minimum building height of 20 to 24 feet for a depth of 20 to 30 feet along the facade.
- Reducing parking requirements substantially. There is an excessive amount of parking already existing within the corridor. The minimum parking requirements in Section 3.12 of the adopted zoning regulations require more spaces for many uses than contemporary standards would recommend for a community like Berlin.
- Establishing maximum parking requirements or otherwise limiting additional parking. Given the existing amount of parking, a significant amount of infill and redevelopment could be accommodated along the corridor without providing any additional parking. Applicants could be required to demonstrate why they need to construct additional surface parking and that shared parking with adjoining properties is not feasible.
- Eliminating excess parking on previously developed sites. This would have stormwater and aesthetic benefits. It would also free up space for infill development. It would be necessary to determine what level of alteration of a previously developed site would trigger this requirement. Applicants would have to provide a parking study to determine their parking need.
- Allowing for shared parking. The adopted regulations reference the concept of shared parking, but do not clearly make provision for it. The regulations should encourage shared parking between multiple uses on the same site and between adjoining sites. They could allow parking to be located anywhere with a certain distance of the proposed use (500 to 1,000 feet is typical) with a formal agreement between the applicant and the provider of off-site parking. It could reduce the number of total spaces required if multiple uses can use the same parking

spaces at different times of the day/week. It could allow shared parking to locate across lot lines with appropriate easements to ensure ongoing access by both properties.

- Establishing design and landscaping requirements to break-up large parking lots into smaller units (with 40 to 80 spaces) and to break-up long rows of parking spaces with landscaped islands (not more than 10 to 20 contiguous spaces). Increasing the amount of landscaping within parking lots improves aesthetics, provides shade and creates opportunity to incorporate green stormwater infrastructure. The site plan review criteria in Section 5.05 of the adopted zoning could be strengthened with more specific standards. For example, rather than stating that “large uninterrupted expanses of parking shall be avoided,” the regulations could specify that “large parking lots must be broken up into units of not more than 60 spaces separated by landscaped medians not less than 10 feet wide.” This approach creates clear, up-front expectations for applicants that can streamline the development review process. It also ensures more consistent decisions as the result is less dependent on the DRB’s interpretation, which can change with the composition of the board. More quantitative standards would also facilitate administrative review for more applications, further reducing the time and expense of the permitting process for applicants.
- Requiring parking to be set back further from the street, but allowing a minimum amount of parking in front of buildings. Expansive parking lots between the street and buildings is the major contributor to the poor aesthetic quality of the corridor. There is little greenspace or landscaping between the street and parking lot on most sites. Providing 10 to 20 feet of landscaped greenspace along the street frontage would greatly enhance the appearance of the corridor. Landscaping would do much better in a greenspace closer to 20 than to 10 feet given the impacts of snow plowing, snow storage, road salt and roadside drainage on plant health. Section 5.05(B) of the adopted zoning requires parking to be located to the side or rear of buildings but allows the DRB to modify this requirement. Another approach would be to allow just one to two rows of parking in front of the building, and require all the remaining parking to be located to the side or rear. This approach recognizes that the types of businesses located in the corridor typically want some parking in front so that it appears to passing motorists that the business is open and popular. By making a provision for some front parking, there is less justification for the DRB to waive the requirement for most of the parking to be to the side or rear.
- Eliminating requirement for sidewalks along the street but requiring a sidewalk easement where the public right-of-way is constrained or otherwise too narrow to accommodate a sidewalk in the future. Section 5.05(C) of the adopted zoning requires pedestrian access along public roads. There are currently no sidewalks along Route 302. There are relatively few people living within walking distance of the corridor. The Town Plan does not call for increasing residential development in this corridor. Many of the businesses along the corridor are not the type of places people would walk to - they are by their nature auto-dependent. There is a plan to extend a multi-use path through the corridor, roughly following the railroad and Stevens Branch. If completed, the corridor would become much more accessible by bicycle from both Montpelier and Barre City, and the path would likely attract recreational riders from outside the area. Given the relatively low density of people living in the corridor now, it seems more logical to focus efforts on the planned path and ensuring that businesses in the corridor will be accessible from that path. Sidewalks should be considered where there is a neighborhood within 1/4 mile and/or a transit stop. Otherwise requiring wider greenspace along the street, potentially with an easement where appropriate, should be adequate to accommodate sidewalks at a future time if conditions and development patterns in the corridor change considerably.
- Establishing standards for pedestrian access within parking lots and from parking lots to buildings. Safe pedestrian access within and between sites is important. Everyone becomes a pedestrian once they exit a vehicle and they need to be able to safely get from parking lots and transit stops to building entrances. If people can safely walk between adjacent buildings, they will be more likely to leave their vehicles parked. This reduces congestion within the corridor. The regulations should require delineated pedestrian walkways within multi-building development sites and large parking lots, and along any service roads or through interconnected parking lots. Within higher traffic areas, these should be separated sidewalks. Within lower traffic areas, walkways may be differentiated from vehicle travel lanes by a change of surface material or painted lines.

- Requiring bicycle storage. Section 5.05(C) of the adopted zoning authorizes the DRB to require bicycle racks. This provision could be strengthened by requiring a minimum number of bike parking places per vehicle parking space. Bicycle parking should be located relatively close to building entrances, preferably within 200 feet, and providing covered parking should be encouraged. Bicycle storage should be a requirement for service businesses that would be accessible from the planned bike path.
- Establishing standards for outdoor storage and display. There are many car dealerships and other businesses characterized by outdoor storage and display already located along the corridor, and such uses are currently permitted in the Highway Commercial district. The adopted zoning does not include any specific requirement related to outdoor storage and display. To improve the aesthetics of the corridor, outdoor storage of business vehicles, equipment, parts, supplies, materials, etc. should be located to the side or rear of buildings and screened from view at the street. Retail businesses with outdoor sales lots will want some merchandise to be visible from the street. However, the display areas should be set back behind a landscaped greenspace.
- Establishing a maximum lot coverage in each zoning district. This is another approach to ensuring a minimum amount of greenspace. This approach is most effective for new “greenfield” development, however. The Highway Commercial zoning district is largely built-out at a very high lot coverage. It may be preferable to use land that is already developed more efficiently and intensively than to encourage development on currently undeveloped sites. It may be more appropriate in other districts, including the Modified Residential district, where greenfield development is anticipated or where developed lots retain a greater amount of greenspace.

In addition, some adjustments to the boundaries of the Highway Commercial district along the Route 302 corridor should be considered as described below:

- The eastern boundary should be largely defined by the river from the Montpelier city line to where the river crosses to south side of the highway. Currently, the district extends across the river and the boundary is based on elevation causing a number of parcels to be divided into multiple zoning districts with the location of the boundary not readily apparent from the ground.
- The western boundary should be largely defined by property boundaries (rather than elevation) until where the river crosses to the south side of the highway and then it should follow the river (as it currently does).
- The southern boundary should be redrawn to exclude the residential and smaller commercial properties just west of Vine Street. Those properties should be incorporated into the mixed use district proposed below. These smaller properties are not well-suited for the larger-scale and intensity commercial uses typical of the Highway Commercial district.

The eastern segment of the Route 302 corridor is currently in the Modified Residential zoning district. The purpose of that district to “maintain residential character of the area while allowing for commercial uses” - essentially a mixed use district. The allowed uses and standards could be revised to more effectively implement the goals of the district and distinguish this area from the Highway Commercial district as described below:

- A maximum building footprint could be used to ensure that the scale of new development would be compatible with surrounding homes.
- A maximum lot coverage could be used to ensure that nonresidential properties would provide a similar amount of greenspace as residential properties.
- Requiring parking to be located behind the frontline of the building and screened with landscaping would help maintain the character of the streetscape.
- Architectural standards could be used to require new buildings to be similar in scale, form and massing to surrounding residences.

- With adequate standards to ensure compatibility, the range of allowed uses could be expanded.

In addition to updating the name of the districts and its uses and standards, some adjustments to the boundaries of the existing Modified Residential district along the Route 302 corridor should be considered as described below:

- The smaller properties off the upper portion of Midway Avenue and along Evergreen Drive should be moved from the Highway Commercial district to this district as described above.
- The northern boundary should be defined by property boundaries rather than being defined as the area within 400 feet of Route 302, which results in a number of relatively small parcels being divided into multiple zoning districts.
- The existing residential neighborhood off Highland Avenue should be moved to a higher density residential district. It is currently zoned Rural Residential but is a pre-existing, developed subdivision with lots that do not conform to district requirements.

3.0 ROUTE 2

The Berlin Town Plan contains little specific guidance on future land use and development within the Route 2 corridor. Much of the corridor is constrained by proximity to the Winooski River on the north side and steep slopes on the south side of the highway.

The corridor is currently part of the same Highway Commercial zoning district as the Route 302 corridor. However, the land in this corridor is generally not capable of supporting the intensity of development possible in the Highway Commercial zoning district. Natural constraints have limited the scale and amount of development so that the Route 2 corridor retains more of its rural character. There are also more residences located on Route 2 than there are on most segments of Route 302.

Given the constraints and existing development pattern, rezoning the Route 2 corridor is recommended as follows:

- The gun club property and low-density residential lots accessed via Goodnow Road should be placed in the Rural Residential district.
- Place the bus garage and the developed commercial properties on the south side of the highway in the western portion of the corridor into a different district, such as the mixed use district as discussed in Part 1, above. The intensity and scale of development envisioned for the Highway Commercial district is not feasible or desirable in this area, which has smaller lot sizes and considerable natural resource constraints.
- Place the remainder of the land north of the highway in a rural district. There is only one substantially developed property in this area. Given the limited amount of land between the road and the river, there is little opportunity for further development that would not be subject to flood and erosion hazards.
- Place the remainder of the land south of the highway in a rural district. There are steep slopes, ledges and significant grade changes throughout this portion of the corridor that limit development opportunities.

4.0 BERLIN FOUR CORNERS

TOWN PLAN. The Berlin Town Plan speaks to strengthening the historic development pattern of Berlin Four Corners and sets the following goals for this area:

- Recognize the Historic District near the “Four Corners.”
- Continue to function as a pleasant concentration of dwellings.
- Remain a compact residential area with modest residential densities.
- Reinforce the historic scale and pattern of development with the enhancement of the town center area, contiguous to the historic settlement, to serve as a location of a mix of small-scale commercial, high density residential and civic uses in a traditional village setting
- Development in the vicinity of Paine Turnpike and Exit 7 should be designed to prevent commercial strip development (especially along Paine Turnpike) and protect the residential character of existing and planned neighborhoods.
- Encourage the expansion of the historic town area in the vicinity of Berlin Four Corners to adjacent areas to allow the development of a compact multiple use community center.
- Reinforce the existing neighborhood around Berlin Four Corners through use of community gathering facilities such as parks, meeting places, or recreation facilities.
- Encourage pedestrian connections within and between residential neighborhoods and other facilities, such as the Elementary School, the town offices, and commercial facilities.
- Consider mixed commercial and residential uses to minimize vehicular travel between home and shopping or service facilities, a pedestrian network to facilitate walking between retail, office, service, and residential establishments, and a unified, coherent vehicular circulation system.
- Demarcate the transition between the well developed non-residential section to the east and the more sparsely settled areas to the west.

ADOPTED REGULATIONS. Currently, the Berlin Four Corners area is divided into multiple districts, most of which do not have a purpose that aligns with the vision for this area established in the plan. The land within 500 feet of the west side of Paine Turnpike on either side of Route 62 is within the Commercial zoning district. South of Route 62, the Light Industrial district associated with the airport extends westward to Paine Turnpike. North of Route 62, the land is in the Town Center district. The land around Crosstown Road is in the Rural Residential district.

ALTERNATIVE APPROACHES. The proximity of the elementary school, various municipal facilities, a grocery store and other services and a historic cluster of homes makes a more compact, walkable, pedestrian-oriented development pattern both desirable and feasible in this area. Berlin Four Corners also has convenient access to transit service and major transportation corridors. While there is larger-scale and auto-dependent commercial uses existing in the area, the regulations should encourage higher-density, mixed-use infill development within and around these sites.

Berlin Four Corners should be re-zoned into a traditional town center that would recognize its specific planning goals. This district could be located on both sides of Route

62, transforming Paine Turnpike into Berlin’s “main street.” On the south side of Route 62, the traditional town center district would extend along Paine Turnpike to Crosstown Road. On the north side of Route 62, the district would extend to the self-storage business. This district should:

- Require infill building fronting on Paine Turnpike to be multi-story, located relatively close to the street with no or limited front parking. The “strip commercial” character of this corridor could be transformed with the addition of several new well-designed buildings oriented to the street on currently open land.
- Require sidewalks and street trees to be provided along Paine Turnpike. The corridor is approximately one-quarter mile on each side of the Route 62 intersection, making this a very walkable corridor. People already are walking on the narrow paved shoulders, which is dangerous given the amount of traffic in the vicinity.
- Encourage businesses of a type and scale that relate to the needs of the local market (restaurants, personal services, professional offices, etc.) rather than the development of businesses primarily intended to serve the traveling public and regional markets.
- Encourage mixed-use development that includes housing. Due to its location and accessibility, this is a particularly good area of town for multi-family housing. There is a strong demand in the region for smaller, efficient, conveniently located housing in both the rental and ownership markets. Such housing meets the needs of the increasing number of smaller households.

From Crosstown Road south to the cemetery, a higher density residential district should be considered. Such a district should encourage development of compact single-family and smaller multi-family (2-4 units) housing on small lots. Such a residential neighborhood would strengthen the role of Berlin Four Corners as the town’s traditional center and create a market for the nearby neighborhood-serving businesses.

5.0 TOWN CENTER

TOWN PLAN. The Berlin Town Plan calls for the development of a town center for Berlin as the town did not historically develop with a major village center or downtown as is typical of many Vermont communities. The Berlin Town Plan incorporate many of the recommendations from earlier studies (the Town Center Study and the Berlin Mall Village Center Study) including:

- Enhance and expand the town center area.
- Create an economically viable core with a mixture of retail, office, residential, and service uses, built on a small-scale that is conducive to pedestrian activity.
- Result in an aesthetically pleasing public realm of streets and sidewalks framed by building facades, enhanced by street trees, plazas, parks, natural and recreational areas, and other public amenities.
- Guide future development in a manner that will encourage a compact, pedestrian-friendly, multiple use village center.
- Promote concentrated development in the proposed Town Center District that is already essentially surrounded by development to take development pressure off of other, more viable farmland.
- Encourage the expansion of the town center area to adjacent areas to allow the development of a multiple use, high density neighborhood with a range of housing types.

- Maintain traditional compact settlement patterns to efficiently use land resources, and infrastructure investments by encouraging high density in Town Center District.
- Become an area that is safe and appealing for pedestrians and bicyclists, where the need to move traffic through is balanced against the need to make the pedestrian experience safe and enjoyable.
- Improve the safety and efficiency of Route 62 in a manner that supports the Town's land use goals, including the development in the area of the town center, and improves pedestrian connections throughout the Four Corners/mall/hospital area, to be referred to hereafter as the Plateau area.

ADOPTED REGULATIONS. Currently, the town center district encompasses the land bounded by Route 62, Paine Turnpike and Fisher Road. The town center district was created to implement the recommendations of the Berlin Mall Village Center Study about 10 years ago. Despite the zoning change, there has been little change in the development pattern within the district. The concept of a pedestrian-oriented, mixed-use center has not been realized. While factors outside the scope of town regulations (infrastructure capacity, market demand, economic conditions, land availability, interest of owners in developing their property, natural resource constraints, etc.) are likely the major contributors to this outcome, the current zoning is not adequate to ensure the envisioned development pattern will be achieved over time.

ALTERNATIVE APPROACHES. Adjustments to the boundaries of the town center district are recommended as follows:

- As described in Part 4, a portion of the current town center district should be re-zoned to become part of a traditional town center district.
- Consider placing the portion of the current town center area between Paine Turnpike and Pond Brook north of the self-storage business into a high density residential district. Currently, this land is lightly developed with a small number of single-family homes. There are some wetlands associated with the streams in this area.
- Those two changes would reduce the overall size of the current town center district considerably and result in fewer opportunities for greenfield development. This would encourage better utilization and infill or redevelopment of the remaining largely developed parcels.
- Also consider extending this district across Fisher Road to encompass the medical center and several additional smaller developed parcels. As with the recommendations for the traditional town center district, this would create another "main street" to anchor the new town center. Sidewalks and crosswalks on Fisher Road and Berlin Mall Road would enable those working at or visiting the hospital to walk to shops and restaurants across the street.

This area is a largely developed, auto-oriented environment with major traffic generating uses. The feasibility of transforming it into the community center envisioned in the Town Center Study and the Berlin Mall Village Center Study is questionable. It also seems unlikely that a substantial residential base could be established in this area without significant changes to the existing land uses that do not appear to be likely in the near future. That recognition is one of the reasons for proposing a traditional town center anchored around Paine Turnpike (see Part 4) and zoning of nearby land for higher density residential development.

However, this area does have the potential to become a more walkable and compact area through appropriate infill development. Smaller commercial structures could be added to developed sites in the area, particularly uses that would serve those working or living nearby like restaurants and personal services. It is conceivable that such infill development could also include upper floor residential uses.

The standards for the district should require developers to build pedestrian walkways and sidewalks when a new principal building is proposed or an existing building will undergo a substantial renovation. Most of the recommendations made in Part 1 for the highway commercial district with regard to parking, landscaping, building placement, and architectural design are also relevant for this district.

6.0 COMMERCIAL AND INDUSTRIAL AREAS

TOWN PLAN. The Berlin Town Plan emphasizes the town's role as a commercial and industrial center in the region as outlined below:

- Continue to attract commercial, office, and industrial development in appropriate locations that will provide employment opportunities, enhance the town's tax base, and not generate excessive service requirements.
- The town's role as a regional commercial center should be maintained and enhanced.
- Develop a strong commercial/industrial center in the northeast quadrant of the town.
- Continue to develop, as a regional commercial and service center.
- Industrial and manufacturing uses should be focused within the town's industrial districts, and those district standards should be reviewed to avoid the development of incompatible land uses in those areas.
- Enhance the commercial/industrial complex that has evolved in the town's northeast quadrant and recognize that development in most other areas will be predominantly rural.
- Encourage the concentration of most non-residential land uses in designated portions of the northeast quadrant of the town where they can mutually reinforce each other, with an emphasis on revitalization of the Barre-Montpelier Road and development of the town center area.
- Encourage non-residential development in designated growth areas.
- Protect existing residential neighborhoods and insure transitional buffers (including but not limited to the establishment of heavy landscaping and associated screening, increased setbacks and/or careful attention to site design to minimize noise, glare and related impacts) between such neighborhoods and large commercial and industrial developments.
- Maintain the commercial and industrial areas near the mouth of the Dog River.
- Encourage commercial and industrial activities along the western edge between the Winooski River and US Route 2 extending as far south along Route 12 as the first bridge over the Dog River.

ADOPTED REGULATIONS. Berlin has placed land designated for commercial and industrial uses into multiple zoning districts as described below:

- Town Center (this district is discussed in Part 5).
- Commercial. There are three areas zoned Commercial. One is around the Route 12 - Dog River Road intersection and another is at Exit 6 along Route 63. The primary Commercial area is located in the northeastern quadrant of town abutting the Town Center and Light Industrial districts. It includes land along Paine Turnpike and around the

medical center recommended to be rezoned as discussed in Parts 4 and 5. It also includes land on the north side of Airport Road. This district allows for retail, lodging, office and service uses. Light manufacturing is possible. Housing is not encouraged but may be constructed within the district.

- Highway Commercial (this district is discussed in Parts 2 and 3). In addition to this district covering the Route 302 and Route 2 corridors, there is also a small area zoned Highway Commercial along Route 12.
- Light Industrial. The area around the airport is zoned Light Industrial. This district allows for a wide range of nonresidential uses typical of business or office parks including light manufacturing, offices, laboratories, business services and trucking terminals. It allows for vehicle, equipment and machinery sales, service and repair, gasoline stations and retail stores. New housing is discouraged but possible within the district.
- Industrial. There are two areas currently zoned Industrial. The one near Riverton is discussed in Part 8. The other is located along Junction Road near the mouth of the Dog River. This district primarily accommodates warehousing, wholesale and manufacturing uses, trucking terminals, salvage yards, contractors yards, extraction, and the sales, service or repair of machinery and equipment. Unlike the Light Industrial district, it generally does not allow for office and retail uses. No new housing is allowed, although there is existing housing within the district.

ALTERNATIVE APPROACHES. The Berlin Town Plan speaks to guiding most development to the northeastern quadrant, revitalizing the Route 302 corridor, creating a town center, and maintaining the rural character of the remainder of town. In light of this, the following changes to the outlying commercial and industrial areas should be considered:

- Part 8 offers recommendations related to re-zoning the industrial area near Riverton.
- The size of the Industrial District along Junction Road should be reduced. It should continue to cover the developed industrial properties at the town line and abutting the railroad. It should not continue south along the railroad to the substation and solar facility. Much of that land is in the flood hazard area and the utility uses would be allowed in any district (they are largely exempt from local regulation). East of the railroad, Junction Road becomes a rural residential corridor. The Industrial district should not continue east along Junction Road. The residential properties should be zoned into an appropriate rural district.
- The Commercial district along Route 12 near the mouth of the Dog River contains a mix of residential and nonresidential uses, including a sizable mobile home park. As the corridor continues into Montpelier, there is also higher density housing. A mixed use district (as described in Part 3) should be considered for this area, which would accommodate higher density housing and compatible small businesses. This type of development could be clustered on the areas above the floodplain.
- The Highway Commercial district along Route 12 should be eliminated. It is a spot zone for a single, developed property. That site is fully built-out and there is no opportunity for any meaningful expansion. It is located almost entirely in the flood hazard area.
- The Commercial district at Exit 6 should be eliminated or substantially reduced in size. A large portion of the district covers an extraction operation, which could be allowed in any rural district. North of Route 63, there are two small existing businesses, but otherwise the surrounding land is rural or residential. If there is a desire to allow for a business park or similar coordinated development at the exit, that could be accommodated through a planned unit development (PUD). As currently zoned, there is the potential for a poorly coordinated, low-density commercial strip development pattern that is not consistent with the town's planning goals.

Within the northeastern quadrant, various changes were proposed to the commercial and industrial zoning in Parts 4 and 5. If those recommendations were followed, that would leave only just the area north of Airport Road in the Commercial zoning district. In that case, eliminating the Commercial district altogether should be considered. The land north

of Airport Road could be consolidated into the Light Industrial District. The existing land uses in that area are compatible with the Light Industrial district. The transmission line should be used as the northern boundary for this area, rather than Route 62. Limiting the amount of available land zoned for commercial and industrial uses will be necessary to spur the redevelopment and infill of previously developed sites as envisioned in the Town Plan. As long as there is excess supply of open land available, there is little incentive to use land more efficiently or redevelop underutilized or obsolete properties.

With regard to the standards for commercial and industrial development, the recommendations related to parking, access, landscaping and site design made in Part 2 should apply generally to nonresidential development anywhere in town. This would involve strengthening the site plan review standards and providing more specific requirements for new development.

7.0 RESIDENTIAL AREAS

TOWN PLAN. The Berlin Town Plan includes the following policies related to housing and residential areas of town:

- Review local land use regulations for compliance with State housing guidelines, as well as for any unnecessary barriers to the development of new housing.
- Encourage a mixture of housing sizes, types, and costs in order to provide housing opportunities for all persons wishing to reside in Berlin.
- Continue to accommodate all types of housing.
- Maintain the town's current stock of affordable housing.
- Encourage the development of a variety of housing types, including multi family, affordable, and elderly housing, in the proposed town center area.
- Support the development of multi-family dwelling units in currently developed areas of Berlin that have adequate sewer and water facilities.
- Multi-family dwellings should be located in areas supported by water and sewer service, and with convenient access to commercial and employment opportunities
- Encourage the development of accessory dwelling units in accordance with Section 4412 of 24 VSA, Chapter 117
- Encourage pedestrian connections within and between residential neighborhoods.
- Reinforce existing and new clusters as neighborhoods by providing such amenities as meeting spaces, paths linking dwellings, and/or play areas.
- Evaluate the conditional use of land in residential areas of non-intrusive home offices and similar uses determined not to have a negative impact on the residential character of a neighborhood.
- Recommend that the portion of Berlin adjacent to the Montpelier boundary develop as a residential area with modest densities and lot sizes of less than one acre.

8.0 RIVERTON

TOWN PLAN. The Berlin Town Plan calls for the establishment of a hamlet district for Riverton:

- Consider the designation of a Riverton Hamlet District.
- Encourage the slight expansion of the existing hamlet of Riverton.
- Consider creating a Hamlet District under the Town's zoning regulations to encompass Riverton in order to promote housing density and reinforce the area's village character.
- Consider an alternative to the current zoning in and around Riverton to create a multiple use village designation that would permit appropriate, small scale commercial enterprises while encouraging residential and associated uses at historic densities.

ADOPTED REGULATIONS. The Riverton area is currently divided into multiple zoning districts. The area south of Route 12 between Chandler Road and the railroad is in the Industrial district, as are the properties on either side of Route 12 east of the railroad. Other land is in the Rural Residential district and the land above the 600-foot elevation is in the Highland Conservation district.

ALTERNATIVE APPROACHES. The Riverton area should be consolidated into a new rural hamlet district as recommended in the Berlin Town Plan. Such a district should reflect the existing compact settlement pattern with small lots and buildings located close to the street. It should allow for a mixed of residential, commercial and light industrial uses similar in scale and intensity to what already exists in the area.

The proposed rural hamlet district should be located as follows:

- It should commence at the Chandler Road - Route 12 intersection near the cemetery and continue south along Route 12 to the tributary stream south of School Street.
- It should be bounded by the Dog River and generally be one lot deep.
- It would include the lots around the Crosstown Road - Route 12 intersection, and around School Street.

Beyond this area, the land should be placed in one of the rural districts. The industrial district between Chandler Road and the railroad should be eliminated in conjunction with adding provisions for rural enterprises (see Part 9).

9.0 RURAL AREAS

- Essentially maintain the rural qualities of the remainder of the town as presently zoned.
- Expect that development in the interior or upland portions of town will be rural and occur at lower gross densities.
- Expect that development in the valley areas may be at slightly higher densities, but will be limited by soil capability and slope.
- Review densities relative to the land use and growth management objectives.

- Encourage rural residential development in the remaining three quadrants of the town, while allowing for appropriate non-residential uses including farming, forestry, resource extraction and home-based businesses.
- Allow for a greater degree of flexibility with regard to home businesses such as allowing cottage industries to encourage economic development that does not undermine the community's rural character.
- Protect Berlin's natural and historic features in order to preserve the rural qualities of the town.
- Protect environmentally sensitive or unique areas.
- Identified natural and fragile areas should receive protection from harmful uses.
- Protect resource production lands and the livelihoods of the people who use them.
- Preserve and promote a viable agricultural economy, culture and land base.
- Promote resource-based products.
- Accommodate earth resources operations while guarding against their more harmful aspects. Utilize the planning process to encourage locations and operating procedures that minimize the conflicts and uncertainties of the regulatory process.
- Town natural resources, including but not limited to those defined in the Plan, must be carefully protected from incompatible uses and development.
- It is the policy of Berlin to encourage the preservation of existing wildlife habitats.
- Protect significant and scenic features.
- Recognize the existing scenic qualities of our Town roads and encourage the maintenance of rural characteristics whenever feasible.
- Facilitate development in the more level portions of the Town and discourage development in the steep and mountainous area.
- Protect steep slopes and high elevations from development.
- Discourage land development on steep slopes
- Discourage development on Berlin's higher ridgelines- even if those areas happen to be relatively flat.
- Encourage protection of forested mountain ridges.
- Facilitate cluster residential development where appropriate.
- Encourage small clusters of dwellings where soil and slope conditions are favorable.
- Encourage clusters of dwellings, or neighborhoods through the use of planned development designs and innovative zoning provisions.

10.0 WATER RESOURCES

- Protect and enhance water quality.
- Continue to protect Berlin Pond a major natural attribute that contributes much to the overall character of the Town and which is also a major public water supply. The Plan shows the Pond surrounded by a Highland Conservation zone.
- Encourage protection of Berlin Pond.
- Any activity that would degrade important groundwater supplies is discouraged.
- Encourage protection of the Dog River Valley.
- Encourage protection of Benjamin Falls
- Encourage the protection of smaller upland streams, through the maintenance of forested buffers.

- Pursue opportunities to encourage riparian vegetation to restore itself, especially along the Stevens Branch where redevelopment activities and the construction of the bicycle path along the existing rail lines are planned.
- Respect flood plain conditions.
- Protect against flood related hazards.
- Maintain municipal eligibility in the National Flood Insurance Program (NFIP).
- Consider establishing stream buffers as protective setbacks in the zoning bylaws, to prevent people from building structures too close to rivers, such that the structures could be flooded or swept away by strong currents in a storm.
- Consider revising local bylaws to reflect the dangers of developing in fluvial erosion areas.
- Follow local and state regulations to protect the important aquifer that exists along the Dog River from inappropriate development activity,

DRAFT

DRAFT