

PLANNING COMMISSION REPORT TO BERLIN SELECTBOARD ON PROPOSED BYLAW AMENDMENTS

In accordance with 24 V.S.A. §4441, the Planning Commission has prepared and approved this written report on April 13, 2022, after holding public hearings on proposed amendments to the town's Land Use and Development Regulations, Official Map and Berlin Town Plan.

Brief Explanation of the Proposed Amendments

The Town of Berlin is proposing to revisions to make uses with specified levels of traffic generation conditional in the zoning districts where commercial and industrial uses are permitted. The PC is also proposing minor changes to the Town Center zoning district language and an update to the Official Map to comply with the conditions imposed by the Downtown Board on approval of Berlin's designated New Town Center. The zoning district changes primarily relate to clarifying language related to street frontage and on-street parking. The Official Map has been amended to reflect the most current planning for the roadway network serving the Route 62 Gateway area of the Berlin Town Center.

Statement of Purpose

The purpose of the proposed amendments is to ensure new development will not unreasonably burden or degrade the capacity of public highways and to meet the conditions of the town's New Town Center approval.

Municipal Plan Goals and Policies

The proposed amendments are intended to further a principal objective of the Berlin Town Plan to obtain New Town Center and Neighborhood Development Area designations. Those designations will support development of affordable and workforce housing. They also align with the plan's recommended action to adopt revised land use regulations that promote a safe and efficient transportation network.

Municipal Plan Future Land Use

The proposed amendments do not change the allowed uses or density of development within the Town Center or any other zoning district.

Planned Community Facilities

The proposed amendments do not directly implement any specific proposals for planned community facilities. They provide the town with greater ability to address the impacts of uses that generate higher levels of traffic, which is envisioned to lead to highway improvements when necessary to accommodate proposed development. To the extent that the proposed amendments support the town's effort to obtain New Town Center and Neighborhood Development Area designations, they indirectly further the vision for the Berlin Town Center including for public spaces and facilities. The proposed amendments do not directly create new demand for community facilities not already anticipated in the Berlin Town Plan and the Berlin Town Center Plan.

Proposed 2022 Amendments to the Berlin Land Use and Development Regulations

The PC is proposing revisions to make uses with specified levels of traffic generation conditional in the zoning districts where commercial and industrial uses are permitted. The PC is also proposing minor changes to the Town Center zoning district language to comply with the conditions imposed by the Downtown Board on approval of Berlin's designated New Town Center. Those changes primarily relate to clarifying language related to street frontage and on-street parking.

Added to 2101.B Town Center District Permitted Uses:

(32) The applicant must obtain conditional use approval from the Development Review Board before the Zoning Administrator may issue a permit for (d) A use that is expected to generate 75 or more peak hour trips accessed from a state highway or 25 or more peak hour trips accessed from a town highway.

Revised 2101.D Town Center District Dimensional Standards

The Regulating Map Notes were removed from the map and incorporated into this section. The following additional language was added:

Land development within this district must front on a street in conformance with the provisions of this section. Dimensional standards within this zoning district are established based upon the type of street a parcel or development envelope has frontage on.

(2)(b) A development envelope must front on a street and meet the dimensional standards, including lot width, for the street type they front on.

(3)(b) The tables on page 2-10 through 2-15 establish the dimensional standards associated with for development fronting on each street type ~~are shown on the pages that follow.~~

(3)(d) When proposing to construct an unplanned street or develop a site or building that does not front on a street or street segment classified on the Regulating Map, the applicant must select a type for the street or street segment to be reviewed and approved by the Development Review Board as part of the development application as follows:

(3)(d)(i) An applicant may also propose to construct or extend a street, upgrade a service and circulation drive to a street or reclassify a street or street segment, subject to Development Review Board approval.

(3)(f) Service and circulation drives will not be considered streets for the purposes of this section if they do not meet all applicable standards for roads under these regulations, including the street standards of Paragraph 2101.E.

(4) Precedence. In the case of a conflict between a provision of this section and another provision of these regulations, the provision of this section will take precedence.

Added a note to the tables for A and B Streets in the Town Center District:

There must be one on-street parking space along the frontage for every 20 feet of primary street facade within the designated New Town Center.

Revised 2101.E Town Center District Street Standards:

(2) Curbing. New or reconstructed streets must be curbed except: (b) The Development Review Board may waive this requirement upon the applicant demonstrating that the street is designed (a) for slow

traffic speeds and (b) ~~that an uncurbed design would result in improved stormwater management~~ in accordance with Vermont's Green Streets Guide.

(3) On-Street Parking. (a) On-street parking may be provided on one or both sides of A, B, C and H streets (diagrams above not to be interpreted to limit parking to one side or specify a side for parking).

(3) On-Street Parking. (c) Within the designated New Town Center, on-street parking is required along any street segment that will serve as frontage for new development.

Added to 2102.B Mixed Use District Permitted Uses:

(40) The applicant must obtain conditional use approval from the Development Review Board before the Zoning Administrator may issue a permit for (c) A use that is expected to generate 75 or more peak hour trips accessed from a state highway or 25 or more peak hour trips accessed from a town highway.

Added to 2103.B Commercial District Permitted Uses:

(42) The applicant must obtain conditional use approval from the Development Review Board before the Zoning Administrator may issue a permit for a use that is expected to generate 75 or more peak hour trips accessed from a state highway or 25 or more peak hour trips accessed from a town highway.

Added to 2104.B Light Industrial District Permitted Uses:

(27) The applicant must obtain conditional use approval from the Development Review Board before the Zoning Administrator may issue a permit for a use that is expected to generate 75 or more peak hour trips accessed from a state highway or 25 or more peak hour trips accessed from a town highway.

Added to 2105.B Industrial District Permitted Uses:

(30) The applicant must obtain conditional use approval from the Development Review Board before the Zoning Administrator may issue a permit for a use that is expected to generate 75 or more peak hour trips accessed from a state highway or 25 or more peak hour trips accessed from a town highway.

Added to 2107.B Hamlet District Permitted Uses:

(29) The applicant must obtain conditional use approval from the Development Review Board before the Zoning Administrator may issue a permit for (b) A use that is expected to generate 75 or more peak hour trips accessed from a state highway or 25 or more peak hour trips accessed from a town highway.