

November 27, 2023

## Public Hearing

Present: Doon Hinderyckx, Pat Harvey, Frank Severy

**Guests:** Julie Smith, Kristen LaPell, Sandy Haas, Orca Media, Sarah Wraight, Nancy Woolley, Deb Matthews, Tom Paquette, Lary Straus

**Guests attending via zoom:** Martha Slater, Burma Cassidy, Troy LaPell, Orca Media, Dan McKinley, Robert Franks, Kevin Geiger

Doon called the Public Hearing for the Rochester Draft Zoning Bylaws to order at 6:00 pm.

Doon confirmed the open meeting law conformity.

Doon shared the work was completed with the help of Two Rivers Ottauquechee Regional Commissioners and Rochester Planning and Zoning board for over a year to conform with State mandates and to also reflect the intentions of the board and town better. Doon shared the overview. He said this is all being done in accordance with the Vermont Municipal and Regional Planning and Development Act. The intent of this bylaw is to promote the health, safety, and general welfare of the inhabitants and protect the value of existing property and ensure orderly growth in the Town of Rochester by preventing the over crowding of land and new development promoting adequate sewage disposal, water supplies, transportation, schools, and other necessary town services. He went on to say that this is not the intent of this bylaw to plant or replace any state or federal regulations. He said any proposed development must also satisfy applicable State of Vermont regulations.

Doon asked Sarah Wraight, senior regional planner with Two Rivers Ottauquechee Regional Commission to address the highlights. She shared the town's current bylaws needed a lot of work to bring it into agreement with State laws. She said the current new draft bylaws compared with the previous has changes made to every section. She said there were a lot of regulations out of date and missing. She said after looking at the draft bylaw you will see high level big changes made to the structure to easily navigate and understand. It also clarifies different kinds of uses. There are specifics showing what uses would not require a permit and then in each of the districts, which are not changing is the name to be consistent with the Town Plan such as Business District was call the village district to now be known as the Village Area. The maps have not been changed. Within each of the districts there will be a list of permitted uses. This means a permit would be required. Permitted use would go through the zoning administrator and the conditional use would go through review by the planning commission. The bylaws have spelled out which uses are permitted and which uses are prohibited in each district, and anything not named is considered conditional use. It has made things clearer which type of activities fall under those categories.

Sarah explained they did a lot of work to follow the latest housing legislation. The draft bylaws include the regulations for compliance. This also included increased allowed density for

residential units in certain areas. They also made sure to include group homes and family childcare facilities are protected under state law and to be regulated in certain ways. They made sure that those boundaries set by state statute are respected under local law as well.

No changes were made under the flood hazard overlay district. The reason for that on the part of the planning commission was that the flood maps are going to be revised soon by FEMA. Later the town could make the necessary changes once the information is available.

Sandy Haas shared the existing zoning bylaws were updated in 2009 and the committee felt it was time to make the necessary changes. She also shared the Town Plan that was redone about 3 years ago. She said it's important to keep them consistent and compliant with the overall vision of the town.

Deb Matthews spoke of her concerns about her role in the Housing Committee. She shared the neighborhood and the state incentives for housing development and if you're in the designated village you can get state tax credits. She shared how the Town of Waitsfield took part in a designated neighborhood would be able to take part in the tax credits within a half a mile of the designated area. Deb asked if it was too late to make the changes. Sandy said it was two different processes. Sarah explained the confusion is there are district areas in the zoning and the state is talking about district areas solely designation process. She said the village designation through the state, the state will draw a boundary and they may not line up with what the zoning boundary is. She said that it is ok since the state has very specific rules, they have to follow through. Sarah said when it comes time for the town to pursue a neighborhood designation, there is nothing in the bylaw to prohibit you. She said it's a separate process and you would work with the state to figure out where the boundaries would fall. Kevin Geiger from Two Rivers said the neighborhood designation is not terribly related to the zoning. Sarah asked Kevin if the process would go through the planning commission and the selectboard or is it just the selectboard. Kevin felt it was just the selectboard. He said the foundational stuff would need to be included in the Town Plan. Doon asked if the foundational stuff is included in the current Town Plan. The board will need to research that information.

Public Comment:

Burma asked if there is an updated or printed document to see the changes to the zoning bylaws. Doon said the document is in the town office or you can find it under document on the town website.

Dan thanked Sarah for all her efforts helping the zoning commission working on the updated zoning bylaws. Dan said the goal to synch with the Town Plan went as planned and updates that follow the States statues.

Doon moved to close the hearing at 6:22 pm Frank seconded the motion. All in favor.

Respectfully submitted,

Julie Smith