

Bolton Planning Commission Report

for Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. §4441(c) which states in part: *“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments.”*

Brief Explanation and Statement of Purpose of the Proposed Amendments

The Bolton Planning Commission has proposed a series of amendments to the Bolton Land Use and Development Regulations. The amendments are intended to:

1. Improve protections for existing contiguous forest blocks and provide increased connectivity for wildlife habitat, and to provide regulatory relief for property owners on the Bolton Valley Access Rd. who want to expand homes or accessory structures;
2. Improve the protection and review of natural resources identified in the 2017 Bolton Town Plan;
3. Lessen the need for DRB review by allowing limited administrative approval of dead tree removal within stream buffers;
4. Reduce environmental hazards in Bolton by disallowing motor vehicle salvage yards as a conditional use;
5. Increase the size and variety of accessory dwelling units as associated with primary dwelling units with the intended effect of increasing housing options and affordability;
6. Provide increased regulatory guidance for accessory on-farm businesses.

Natural Resources

1. Zoning Map: Rezone several parcels from the Rural I or Rural II District to the Forest District. This rezoning lessens the development potential of the affected parcels, thus advancing the community’s conservation goals.
2. Zoning Map: Rezone several parcels from the Forest and Rural II District to the Conservation District. These changes better reflect the status of these parcels as permanently conserved lands because of purchases by the State of Vermont, the Vermont Forest Legacy Program or other conservation entities and improve the protection and review of natural resources.
3. Table 2.6, Table 5.1, Section 5.3(C)(2), Section 7.2(D)(3), Section 7.3 (E)(1-4) and Section 8.5(A)(2)(b): Add “wildlife travel corridors” and “productive forest land” to the list of existing site features that must be mapped and considered in site plan review and subdivision review in the Forest and Conservation Districts.

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4. Section 7.3(H): Change “forest land” or “forestlands” to “productive forest land” to standardize the review of forested areas during the regulatory process.
5. Section 10.2: Clarify or add definitions of “critical wildlife habitat,” “forest fragmentation,” “productive forest land,” “recreational trail” and “wildlife travel corridor” to provide consistent standards for how resources may be identified and how they will be regulated under Bolton’s regulations.
6. Section 3.17(G): Allow the removal of a limited number of dead trees in stream buffers with an approved zoning permit and tree warden certification rather than a conditional use permit. This will reduce the cost for landowners to engage in low-impact property maintenance, while relieving the DRB of projects that don’t warrant a strict level of scrutiny.
7. Table 2.4, Table 2.5, Section 4.18 and Section 10.2: Deleting salvage yard regulations, removing salvage yards from the use table and modifying the definition of a salvage yard. The Town doesn’t currently have any of these land uses and this change will prevent the negative environmental effects caused by salvage yards.

Housing

8. Section 3.4(A)(5), Section 4.2(A) and addition of Section 4.2 (C): Clarifying regulations related to accessory dwelling units, including increasing the maximum allowable size for an accessory dwelling unit in some cases and clarifying that accessory dwelling units on wheels are subject to the same regulations as campers. This change will improve the review of accessory dwelling units.
9. Table 2.6: Changing single family dwellings and group homes from permitted uses to conditional uses in the Forest District. This change will ensure that the construction of new housing units (single family or group homes) in the Forest District does not negatively impact natural resources in the district due to careful siting on each parcel

Other

10. Zoning Map: Rezone several parcels along the Bolton Valley Access Road from Rural I or Rural II to Village. This rezoning lessens the regulatory burden for preexisting non-conforming small lots.
11. Addition of new Section 4.21, definition in section 10.2, and amendments to section 2.3: Defining the agricultural businesses that are exempt from the land use regulations and clarifying that casual or seasonal sales of produce, eggs, maple syrup and other food products are exempt from new accessory on-farm business rules, if produced on site. This change will provide clarity to those using the regulations.

Brief Description and Findings Concerning the Proposed Amendments

The proposed amendments have been considered by the Planning Commission for their consistency with the text, goals, and objectives of the adopted 2017 Bolton Town Plan. For each of the amendments, the Commission has addressed the following as enumerated under 24 VSA 4441(c):

The report ... shall include findings regarding how the proposal:

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*
- 2. Is compatible with the proposed future land uses and densities of the municipal plan:*
- 3. Carries out, as applicable, any specific proposals for any planned community facilities.”*

How the proposal conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

Amendments 1-7 are related to the protection of natural resources and the advancement of recreation. The amendments advance the following goals and objectives from the 2017 Bolton Town Plan:

Objective 15.1: Minimize fragmentation of Bolton’s contiguous habitat units and significant wildlife habitats (as shown on Map 1), by minimizing subdivision, the incursion of roads and clearing for development.

Goal 20: Maintain, protect and improve Bolton's recreational areas and resources to ensure continued public access and sustainable use by Bolton residents and visitors.

Goal 21: Bolton’s future development will protect the town’s unique natural resources as described in the Natural Resources and the Natural Hazards and Resilience sections of this plan.

Amendment 8 allows for larger accessory dwelling units associated with principal dwelling units and clarifies the treatment of accessory dwelling units on wheels. These amendments advance Objective 6.1 of the 2017 Bolton Town Plan:

Objective 6.2: Increase the number of safe, affordable housing opportunities in Bolton.

Amendment 9 is intended to ensure that the construction of new housing units (single family or group homes) in the Forest District does not negatively impact natural resources in the district through careful siting on each parcel. It is not intended to prevent the development of safe and affordable housing. The amendment advances Objective 15.1 of the 2017 Bolton Town Plan:

Objective 15.1: Minimize fragmentation of Bolton’s contiguous habitat units and significant wildlife habitats (as shown on Map 1), by minimizing subdivision, the incursion of roads and clearing for development.

Amendments 10-11 are intended to allow for easier use of the Land Use Regulations by applicants, the zoning administrator and the Development Review Board alike. These amendments advance Action 66 of the 2017 Bolton Town Plan:

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Action 66: Review and update the Bolton Land Use and Development Regulations (BLUDRS) for clarification and ease of use, to incorporate new statutory requirements under Chapter 117, and to conform to and advance the goals and objectives of this plan...

How the proposal is compatible with the proposed future land uses and densities of the municipal plan:

All amendments are compatible with the proposed future land uses and densities of the municipal plan.

Rezoning certain parcels to the Forest or Conservation District to reduce the allowed uses and changing housing units from permitted to conditional uses in the Forest District reflect the mapping of natural resources and policies for the protection of those resources, which were included in the 2017 Bolton Town Plan. The removal of salvage yards as a conditional use in the Rural 1 district is in alignment with Goals 12 and 21 in the Town Plan, which state that development will not increase the community's risk from natural and man-made hazards, and that development will protect the town's unique natural resources. It is also consistent with the Proposed Land Use Map in the Town Plan (Map 12), which does not indicate salvage yards as a desired use in any district.

Rezoning certain parcels to the Village District is in keeping with the policies of the 2017 Bolton Town Plan. The Village District is described in the plan as a district to "allow for the continuation of existing commercial, residential, and public uses in this area, and to encourage future development that is compatible with and promotes an historic village settlement pattern. Such development may include higher densities of development, as supported by existing and planned infrastructure." The Future Land Use Map "expands the boundary of this district to include several parcels near the foot of the Bolton Valley Access Road which were previously part of the Rural I District" because "The parcels have uses and densities more similar to the Village District than the Rural I District." The amended zoning map will reflect this extension of the Village District.

How the proposal carries out, as applicable, any specific proposals for any planned community facilities:

These amendments will have no effect on any specific proposals for any planned community facilities.