

Planning Commission Reporting Form for Municipal Bylaw Amendments

This is the second reporting form by the Westfield Planning Commission, submitted on February 28, 2024 with the draft of the revised Westfield Zoning Bylaw. This draft includes revisions made in response to public comment at a hearing warned on November 16, 2023 with the public hearing on December 5, 2023. This report includes amendments in the narrative to reflect the revisions made in response to public comment, and a list of specific changes that have been made since the November 15, 2023 draft.

This report is in accordance with 24 V.S.A. §4441(c) which states:

“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..... The report shall provide(:)

(A) brief explanation of the proposed bylaw, amendment, or repeal and include a statement of purpose as required for notice under §4444 of this title,

The purpose of the proposed revisions to the Westfield Zoning Bylaw are to:

- 1) make the document more user-friendly for both applicants and administrators,
- 2) bring the Bylaw into compliance with State of Vermont and Federal regulations, and
- 3) further the goals of the Westfield Town Plan

Specific changes in the version of proposed revisions submitted to the Selectboard for adoption, which differ from the November 15, 2023 version include:

- Change Conservation District to Mountain District
- Areas that are Recreational/Residential District will continue to be Recreational/Residential even if these areas are at or above 1600 feet.
- Make dwellings in the Mountain District permitted through Conditional Use Review.
- Make it clear that a change of use is an improvement for river corridor purposes.
- Increase maximum height for a camp to 35 feet.
- Clarify that 900 sq ft limit for camp is the footprint of the structure, not interior living space.
- Include a stipulation that it is a permitted use to move a camp in the Mountain District, or move any structure on a parcel as long the new location meets setbacks, etc.
- Clarify the language in shipping container section.
- Wetland and habitat restoration permitted in Mountain District.
- Increase side yard setbacks in village to 20 ft, with option to reduce to no fewer than 10 feet with Conditional Use Approval.
- Add hydro energy conversion systems as a specific use.
- Re-order specific uses in Article 9 to appear alphabetically.
- Add to accessory dwelling definition to include that it is a single household dwelling.

- In the allowed structures on lots, make it clear that the maximum dwelling units administratively permitted on parcel is 6.
- Removal of building in the floodway requires a permit; does not require permit in river corridor and any other Zoning District.
- Include definition for “destructive event.”
- Remove the criteria of “monthly” fee from definition of self storage.
- Subdivision – require a survey of any parcel to be conveyed for clarity in the land records.
- Boundary line adjustment – require a survey of the affected area only.
- Add “two household dwelling” to the explanation of allowed accessory dwelling units (§901) to be consistent with the description of allowed structures on lots which allows up to two single-household or two-household dwellings on a parcel (§802.)

(A)nd 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:*

The Westfield Town Plan sets out recommendations and goals regarding stormwater and erosion.

- Amend Zoning Bylaw to include storm water management and erosion control responsibilities for property owners.
- Review and amend Bylaws for new construction to ensure stormwater is managed on site
- Ensure zoning and permitting comply with Act 64, Vermont’s Clean Water Act, that is, ‘the spirit of the law’ even if a state stormwater permit is not required.

The proposed revisions further these goals with a requirement for stormwater and erosion control plans as part of the application materials for Conditional Use approval (502.02). A new section, §811 Stormwater Management and Erosion Control specifies design principles and standards for stormwater and erosion controls. Any change in the drainage of stormwater or erosion caused by excavation and grading must be mitigated (806.02).

The Westfield Town Plan sets out recommendations and goals regarding flood hazards and setbacks from waterways for development.

- Amend Zoning Bylaw to increase buffers and/or erosion control measures where 50’ set back does not provide sufficient erosion control.
 - Minimize the risk exposure and associated expense to Westfield residents.
 - Ensure that the Town and its facilities are prepared to meet the demands of the next flood.
 - Ensure that the Town can receive the maximum outside assistance in the event of the next federally declared disaster.
- Ensure that Westfield’s flood hazard regulations maintain the Town’s eligibility for the National Flood Insurance Program. Consider amending the regulations as needed, especially to address erosion hazards.

The proposed revisions to the Special Flood Hazard Area regulations update the language to ensure that the Town of Westfield is eligible for the National Flood Insurance Program (11001.01). The proposed additional protection in River Corridors maximizes the Town’s eligibility for cost reimbursement from the Emergency Relief Assistance Fund in the event of a disaster. The proposed River Corridor protections apply to lands identified by

the Agency of Natural Resources according to their physical characteristics, rather than an arbitrary 50' setback to create a buffer directly tied to erosive potential and protect sensitive area (301.06).

The Westfield Town Plan sets out recommendations and goals regarding protection and preservation of Westfield's forests.

- This plan encourages the protection and preservation of Westfield's forests and discourages large developments in forested areas. ... Appropriate uses include silvicultural practices, sugaring, woodlots, wildlife habitat conservation, recreation, and primitive camps. Permanent road construction (with the exception of truck roads used in forestry operations) is discouraged in forest tracts. New roads must be built to avoid soil erosion, disturbing habitat, increasing runoff, degrading water sources or fragmenting blocks of forestland.
- Amending Zoning Bylaw to minimize fragmentation by driveways and new private roads in forest blocks.

The proposed revisions create a Mountain Zoning District for lands at and above 1600' in elevation with the exception of lands that are currently in the Recreational/Residential Zoning District (301.04.) All land in Westfield above this elevation is listed as Priority Interior Forest and Connectivity Blocks by the Agency of Natural Resources referenced in the Town Plan. The proposed revisions further the Town Plan's goals to protect the integrity of forest-land with permitted uses in the Mountain District as outlined in the Town Plan (i.e. silviculture, sugaring, recreation, camps) and Conditional Uses in the Mountain District (dwellings.)

The Westfield Town Plan emphasizes the desirability of agricultural, value-added businesses:

- Encourage new businesses that fit well with the character of the Town, especially new value-added businesses that utilize the products of local farms.
- Ensure zoning is flexible enough to allow agricultural diversification.

The proposed revisions bring the Zoning Bylaw into compliance with State regulation of Accessory On-Farm Businesses, making these enterprises permitted in all Zoning Districts subject only to Site Plan Review (§911.)

The Westfield Town Plan highlights specific uses that are believed to be important in near future development and are to be addressed in the Zoning Bylaw. The proposed revisions provide regulation and permitting for these structures including helipads (§909,) junk car storage (804.03 and §901,) siting of telecommunications facilities (915.05), tiny houses (definitions-Dwelling,) repurposed shipping containers and portable shed structures (§913.) In addition, increased tourism and home-based lodging are identified in the Town Plan as important economic development in the near future. The proposed revisions include new uses and permitting for specific uses associated with this economic development including Food Trucks (§910,) Large Events (§912,) Short term rentals (§914,) and Indoor Recreation (see Table of Uses,) as well as more permissive provisions for Outdoor Recreation (see Table of Uses.)

The Westfield Town Plan sets out recommendations for safe and affordable housing:

- Ensure zoning regulations offer options for future home sites, especially in the areas of town most able to support new growth.
- Investigate ways to maintain productive land and enhance the resiliency of disturbed land while allowing additional residential development.
- Consider provisions in the Zoning Bylaw that encourage greater density and clustered residential development in some zoning districts.
- Monitor residential growth to ensure that municipal services are adequate.

- Consider additional development in Alpine Haven area; review permitted and conditional uses for this area in Zoning Bylaw. (i.e. Amount of growth, Type, and Density).

The proposed revisions decrease the minimum parcel size from ½ acre to ¼ acre in the Village Zoning District (Table 2 Dimensional Requirements.) The revisions also increase the allowed housing density per parcel from one (1) structure to (2) principal dwellings plus (2) accessory dwellings (§802 and §902.) These changes will allow for increased housing in existing residential areas, while utilizing existing roads, driveways, electricity distribution, and in some areas shared water supply and wastewater systems.

The proposed revisions include a new section for Planned Unit Development (PUD) (§918.) In Westfield, land conservation covenants and limited access to municipal water supply limits residential development within and adjacent to the Village Zoning District. The flexibility of the PUD provides housing opportunity that can minimize encroachment on open farmland and intact forests by creating a permitting pathway for higher density, village like development with shared driveways and water systems in Zoning Districts with historically larger lot minimums. The purpose of the PUD is to create a more desirable environment than would otherwise be possible through the strict application of minimum dimensional standards for lots.

2. Is compatible with the proposed future land uses and densities of the municipal plan:

The overall vision for land use and density in the Town Plan is “We want to maintain local recreation access to farm and forest land for hunting, fishing, skiing, biking, snowmobiling, and hiking. We welcome residential growth at a pace that allows us to retain Westfield’s rural character, and provide municipal services. We will maintain community spirit by welcoming newcomers, and by maintaining the Town’s neat appearance.” The Westfield Town Plan heavily emphasizes the goal of keeping open working land viable for agriculture, while including residential uses in the same areas. The Town Plan states “traditional large-lot zoning often fragments large tracts of working lands. Allowing for alternative siting standards (such as clustering) may help to minimize fragmentation.” The addition of Planned Unit Development (PUD) (§918) in the proposed revisions provides a permitting pathway is compatible with this goal.

On future forest-land use, the Town Plan states: “This plan identifies forest resources, and provides planning guidance to encourage environmentally sustainable forestry practices that also provide adequate wildlife habitat and connectivity. It allows some subdivision and residential growth at edges of forest blocks along existing roads.” The proposed Mountain Zoning District maintains forest blocks while permitting dwellings through Conditional Use Review and other development near existing roads by placing the Zoning District boundary at 1600’ in elevation. There are areas at this elevation that have existing infrastructure in areas currently designated as Recreational/Residential Zoning District. These areas will remain in the Recreational/Residential Zoning District with the current permitted and conditional uses for that District. Properties in the Rural-Agricultural Zoning District with some portion above 1600’ will have all the uses of the Rural-Ag District still available on the portion closer to existing roads and below 1600’.

3. Carries out, as applicable, any specific proposals for any planned community facilities.”

There are no specific proposals for planned community facilities in the Westfield Town Plan.