

Town of Rockingham Planning Commission
Public Hearing to Amend Zoning Bylaws
7:00pm, Wednesday, March 2, 2016
Lower Theater, Town Hall, 7 Square, Bellows Falls, VT

The public hearing is to receive public testimony regarding a petitioner's proposed zoning bylaw amendment to change the definition of public facilities for the entire town and to make public facilities a conditional use in the Riverfront 14 zoning district. The full text of the petitioner's proposed zoning bylaw amendment is available at the Planning & Zoning office and online at www.rockbf.org.

**TOWN OF ROCKINGHAM PLANNING COMMISSION
ZONING BYLAW AMENDMENT REPORT¹**

February 15, 2016

We ask the Town of Rockingham property owners and residents to carefully review this written report, the petitioner's zoning amendment, and to be prepared to attend the public hearing scheduled at:

Rockingham Planning Commission Public Hearing
7:00pm, Wednesday, March 2, 2016
Lower Theater, Town Hall

Property owners and residents may find a copy of the Planning Commission written report, the petitioner's zoning bylaw amendment, and all other supporting materials on www.rockbf.org under the Planning & Zoning webpage. If unable to attend the public hearing, interested parties may submit written comments by (1) emailing the Administrator at planning@rockbf.org, (2) mailing comments to the Town of Rockingham, PO Box 370, Bellows Falls, VT 05101, or (3) hand delivering written comments to the Planning & Zoning Office until 5:00pm, Wednesday, March 2, 2016. All written comments will be read aloud at the public hearing and recorded as public testimony in the official minutes.

Background

When considering a proposed bylaw amendment, including this petitioned amendment, the Planning Commission is required to prepare and approve a written report. The report shall include the bylaw amendment, a brief explanation of the amendment, and statements for how the amendment is compatible with and furthers the goals of the Rockingham Town Plan. The Planning Commission's written report is a mandated requirement under Vermont State Law.

In reviewing the proposed petitioner's zoning bylaw amendment, the Planning Commission restricted its review of technical deficiencies to section numbering only, specifically the renumbering of the permitted uses to reflect the removal of "Public/Municipal Facility" from the permitted uses category to the conditional uses category. No other changes have been made.

To summarize the ongoing steps involved in processing the petitioner's zoning bylaw amendment.

1. The Town Clerk received a voter petition and certified that the petition was supported by at least five percent of the town's voters. January 25, 2016
2. The Planning Commission took formal receipt of the proposed amendment at an official meeting of the Board. February 10, 2016
3. In order to respond as quickly as possible, the Planning Commission scheduled a special meeting to develop a written report and to formally warn a public hearing at the next regularly scheduled Planning Commission meeting. The special meeting was needed to meet all the time-sensitive public notice warning requirements for a public hearing. February 15, 2016

¹ Reviewed and approved by the Planning Commission at the February 15, 2016 Special Meeting.

4. The Planning Commission will hold a public hearing to collect official testimony on the petitioner's zoning bylaw amendment. The Planning Commission may warn another public hearing if necessary. Following the public hearing(s), the Planning Commission will discuss the public testimony and revise the written report to reflect recommendations that were learned during the public hearing(s). March 2, 2016, Date TBD
5. The Planning Commission will formally transmit the petitioner's zoning bylaw amendment and written report to the Town of Rockingham Selectboard. The Selectboard is responsible for bylaw adoption and will hold its own zoning bylaw amendment public hearing and adoption process. Date TBD

Explanation of the Petitioner's Zoning Bylaw Amendment

There are two substantive changes proposed in the petitioner's zoning bylaw amendment.

The first change is to revise the definition of public-municipal facility to exclude a specific definition/type of incarceration facility. This change would affect all zoning districts in the Town of Rockingham.

The second change is to amend a specific zoning district within the Village of Bellows Falls called the Riverfront 14 zoning district. There are two parts to this change. One, change the public-municipal facility category to a conditional use. Two, add a description that makes a specific definition/type of incarceration facility not compatible with this zoning district.

It is the Planning Commission's understanding that the petitioner's overall purpose of these amendments is to provide property owners and residents a greater town-wide participatory role in the zoning permitting process should a justice-police type institution and/or public-municipal type facility apply for a zoning permit in the Town of Rockingham. It is also their purpose to prevent the citing of certain types of incarceration type facilities anywhere in town.

Conformity with the Town Plan

The first change, a revision of the public-municipal facility definition, is not addressed in the Town Plan. This is not a statement of conformity as the Town Plan was never intended to address land use definitions.

The second set of changes to the Riverfront 14 zoning district is general supported by the Town Plan. With the establishment of the Connecticut River Scenic Byway, the Town actively encourages land uses that improve access to the river, expands recreational activities adjacent to and on the river, and overall seeks to implement 'shoreline' type zoning that protects the scenic, historic, natural wildlife, and water resources of the area. There are over 100 citations in the Town Plan that site the need to preserve the cultural and economic resources found alongside the Connecticut River. While not specifically supported in the Town Plan, the Riverfront 14 Zoning District was created to advance these goals in the Town Plan. It is entirely consistent with the Town Plan to place public-municipal facilities under conditional use review criteria. Conditional use criteria expand the number of planning level criteria that are examined in development review. It is consistent with the Town Plan to exclude a certain type/definition of incarceration facility in this district as it does not advance the goals of the Town Plan.

Recommendations of the Planning Commission (TBD)

The Planning Commission will develop a set of recommendation(s) to the Selectboard following the public hearing process. The Selectboard may consider any recommendations or opinions it considers appropriate.

PETITION TO AMEND THE ZONING BYLAW OF THE TOWN OF ROCKINGHAM BY AUSTRALIAN BALLOT

We, the undersigned voters of the Town of Rockingham, Vermont hereby petition to amend the Zoning Bylaws of the Town of Rockingham as set forth below by Australian ballot as provided for in 24 V.S.A. §§ 4441-4442 and Article I § 1600 of the Zoning Bylaws of the Town of Rockingham. This petition is intended to require a direct vote by the citizens of Rockingham on the proposed amendments. Proposed alterations to the existing Zoning Bylaws are identified in **bold**.

1. Shall the definition of “Public/Municipal Facility” set forth in Article V of the Zoning Bylaws of the Town of Rockingham be amended to read:

Public/Municipal Facility: A building or operation, owned or leased, and operated by federal, state, or local government, or a public utility facility which provides essential services for police and fire protection, libraries, water, sewer, electricity, telephone, highways, post offices, but excluding any facility which exists primarily as an administrative office **or any facility in which more than eighteen (18) people are incarcerated or held for short-term psychological evaluation at any time or in which any person or persons are incarcerated for seven (7) or more consecutive days or held for short-term psychological evaluation for thirty (30) or more consecutive days**, and also excluding the bulk storage of fossil fuels and natural gas and schools.

2. Shall the definition of the zoning district “Riverfront 14” set forth in Article II § 2428 of the Zoning Bylaws of the Town of Rockingham be amended to read:

Purpose. This district is a narrow strip of land between the Connecticut River on the east and the railroad tracks and a steep embankment on the west. It is long and narrow with easterly portions subject to flooding. What is now open and wooded land was once a large ~~peppermill~~ paper mill site with intense industrial use which was strongest in the early 1900s. Five remaining historic mill buildings are located within the district which is crossed by high tension lines from the hydroelectric plant and substations.

The district allows for recreational uses of land adjacent to the Connecticut River while also allowing for other commercial or industrial uses which would not negatively impact this fragile area. While few mill buildings remain, the district allows for adaptive re-use of these structures for activity compatible with the recreational potential of riverfront property. **Any facility in which more than eighteen (18) people are incarcerated at any time or in which any person or persons are incarcerated for seven (7) or more consecutive days is not compatible with the recreational potential of riverfront property.**

Permitted Uses

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| 1. Community Center | 2. Club |
| 3. Retail Store | 8. [REMOVED] |
| 4. Motel/Hotel | 9.8. Business Office |
| 5. Recreation Indoor | 10.9. Financial Institution |
| 6. Recreation Outdoor | 11.10. Personal Service |
| 7. Parking Facilities | 12.11. Accessory use or Structure |

Conditional Uses

1. Residential Accessory Use per section 4541
2. Religious Institution
3. Restaurant with or without Lounge
4. Wireless telecommunication tower or facility—Type A, B, and C
5. Multiple Family Dwelling
6. Planned Unit Development
7. Other General Commercial & Light Industrial Uses
8. **Public/Municipal Facility**