

Redistricting Project Q & A - UPDATED

➤ **Why is the Planning Commission proposing to change the zoning district boundaries?**

The 2010 Town Plan includes specific recommendations for reviewing the existing district boundaries and revising them where necessary to recognize the Town's historic settlement patterns, technology improvements and the latest State requirements, and planning philosophies and practices. The proposals include district boundaries that follow parcel boundaries, road centerlines or right-of-way edges, and stream centerlines wherever possible. All of the proposed changes recognize the pattern in which the town has developed, and allow such development to continue in conformance with applicable requirements and while maintaining the existing protections of natural features – rivers, streams, brooks, wildlife habitats, floodplains, etc.

➤ **What is the benefit to landowners?**

Currently there are many properties that are either “split” by zoning districts and/or are nonconforming to the district minimum requirements. It may be difficult to obtain approval for development on “split” parcels as the regulations require a proposed development – from a shed or deck to a subdivision – to meet the requirements of both zoning districts. Split parcels are also challenging because the zoning district line may be difficult or nearly impossible to locate. Landowners have expressed difficulty in siting proposed developments because the zoning district boundaries are not fixed to points on the ground or established markers.

Nonconforming parcels are those that have developed prior to the establishment of the zoning districts and thus do not meet the district requirements. As with “split” parcels, landowners may have to obtain approval from the Development Review Board for even small developments like porches or decks simply because the lot was created prior to the creation of the zoning districts.

With parcels located wholly within one district, both property owners and local administrators will know for certain which district requirements apply and whether proposals are compliant. The proposed changes have the potential to reduce the number of proposals requiring additional review by making a majority of the nonconforming parcels compliant with the new district boundaries, and by adding clarity to the zoning requirements.

➤ **How did the Planning Commission decide on the proposed changes?**

Better information, including parcel maps and more accurate soils maps, have allowed for a more comprehensive and holistic approach to planning. Changes to the State requirements, such as for septic and stormwater permitting, are also recognized and incorporated in the analysis of the zoning districts. The historic/traditional development patterns of the areas were gathered from historical review of documents and maps as well as field verification of setbacks, heights, siting, and general neighborhood characteristics.

➤ **How many districts will be changed?**

Underhill Flats: The current Underhill Flats Village Center zoning district boundaries will be revised. A new Underhill Flats Village Residential zoning district is proposed surrounding the revised Underhill Flats Village Center zoning district. The Underhill Flats Village Residential district will include some parcels from the current Village Center and Rural Residential zoning districts.

Underhill Center: The proposed Underhill Center Village zoning district will include some parcels currently in the Water Conservation zoning district.

North Underhill area: The proposal to remove the three identified “outliers” from the Soil & Water Conservation zoning district will move the affected parcels into the surrounding Rural Residential zoning district.

➤ **What will the new districts look like?**

See the proposed maps on the town website.

➤ **What is the effect of the changes on parcels?**

District	Current # of parcels in district*	Current “split” parcels	Proposed # of parcels in district	Proposed “split” parcels
Underhill Flats Village Center	150	38	73**	2
Underhill Flats Village Residential (<i>new district</i>)	N/A	N/A	95**	3
Underhill Center Village (<i>new district</i>)	N/A	N/A	53**	0
Water Conservation (Village)	337	--	284	--
Soil & Water Conservation (outliers)	31	31	0	0
Rural Residential (outliers)	--	31	Add 31	--

*Includes parcels split by the district. This number may be considered +/-.

**Includes parcels separated by road rights-of-way. Parcels recently subdivided are considered one parcel unless sold.

➤ **Won't this have the effect of increasing density and the number of subdivisions?**

Yes and no. The proposed revised district boundaries offer few opportunities for additional subdivisions and limited potential for infill development. More development opportunities exist in the Underhill Flats Village Center district due to the large vacant parcel in the area and the availability of water, gas, and transportation services. However, none of the proposed zoning district changes will remove the requirements for riparian and wetland setbacks and buffers; floodplain development, steep slope, and elevation restrictions; permits from the State for water and wastewater, stormwater, stream crossings,

Act 250; and other applicable regulations. Any proposal that does not meet all local, State, and federal requirements will not be approved.

➤ **Does the proposal change the minimum acreage for the field behind the Underhill Jericho Fire Department to ¼-acre?**

The field behind the UJFD is one large parcel of over 25 acres. Part of this parcel, directly behind the UJFD, is proposed to be included in the Underhill Flats Village Center District, under ¼ acre zoning. The upper portion, roughly where the treeline and existing parcels on Jacobs Hill begin, is included in the proposed Underhill Flats Village Residential District – a one acre zone. A map showing the specific boundaries may be found on the Town website. This property was intentionally included in these districts to accommodate limited future village development, as recommended in previous community forums and design exercises (charrettes). A high water table and septic system limitations, however, will limit the type and amount of development that this parcel can support.

➤ **Won't the proposal change the look and feel of the area?**

We don't want change the look and feel of existing neighborhoods – existing neighborhoods were used to define new zoning standards. Proposed zoning is specifically intended to replicate and promote the existing character of Underhill's historic villages, while current zoning mandates a more suburban form of development. The "traditional village settlement pattern" referenced in the Town Plan was determined for redistricting from historic maps and available studies; and from an evaluation of *existing* lot sizes, lot coverage, road frontage and setback distances, using grand list data, digital imagery and mapping and field measurements.

Based on an initial analysis of 50 parcels in Underhill Flats with frontage along Route 15 and Park Street, based on mapped acreage only 11 (22%) were one acre or more (including church, cemetery, and fire station parcels). The remaining 78% were nonconforming – of these, 59% were less than ½ acre and 13% were less than ¼ acre. This did not include parcels on the west side of Park Street, which are mostly in Jericho – all but one of these parcels have less than 1/10th of an acre in Underhill.

The proposal creates a district where the majority of existing lots will be conforming. As proposed, 33 full parcels in the Underhill Flats Village Center District are less than the current minimum acreage requirement of 1 acre. Of those 33 nonconforming parcels, 21 (64%) are ½ acre in size or smaller.

The minimum acreage requirement in Jericho just across the town line (Park Street area) is also ¼ acre. In 2010, Jericho and Underhill were awarded joint "Village Center" designation from the State of Vermont for the Riverside/Underhill Flats area. Coordinated Village planning, especially for existing parcels that cross the town line, is enhanced with the proposed zoning district changes. As with any development, limitations may exist with regard to meeting setbacks to natural features (rivers, streams, wetlands, etc.) and septic capacity.

➤ **How many new lots could be developed after the proposed changes?**

There is no definitive answer as to how many new lots will be created. Several factors, also regulated by the state or town, must be taken into consideration before a parcel can be subdivided and developed,

including septic capacity, water capacity, setbacks to natural features (rivers/streams, wetlands, habitats, etc.), presence of floodplains, steep slopes, ledge outcrops, and conformance to other zoning requirements. A full build-out based on lot size alone has not been presented because not all parcels larger than the proposed minimums can or will be subdivided, due to other existing site constraints.

Site-specific considerations as listed above will limit the number of new lots and any development on parcels. It's also important to remember that any future subdivision will require approval from the Development Review Board, following public hearing, based on a complete review of a particular parcel's development potential, physical site constraints, and potential impacts to public facilities and services and neighboring properties. Not all subdivision and multifamily dwellings will be approved.

The following includes an ESTIMATE of subdivision potential for each district based on an analysis of available information:

District	Currently able to subdivide (acreage only)	*Possible to subdivide	**Total possible new lots	Able to subdivide post changes (acreage only)	*Possible to subdivide	**Total possible new lots
Underhill Flats Village Center	34 of 150	23	81	44	13	123
Underhill Flats Village Residential (<i>new district</i>)	N/A	N/A	N/A	45 of 95	34	71
Underhill Center Village (<i>new district</i>)	N/A	N/A	N/A	30 of 53	8	35
Water Conservation (within new district limits)	1	0	0	--	--	--
Rural Residential and Soil & Water Conservation (outliers)	6 of 31	6	101	26	18	183

*Possible to subdivide = considering streams, floodplains, wetlands, current usage, etc.

**Total possible new lots = maximum build-out estimates of current minimum lot size requirements for the current Underhill Flats Village Center District, the Rural Residential District, and the Soil & Water Conservation District; ¼-acre lots in the proposed Underhill Flats Village Center District; 1-acre lots in the proposed Underhill Flats Village Residential District; and ½-acre lots in the proposed Underhill Center Village District.

➤ **I heard that 1000 new residences will be built. How many new dwellings could be constructed after the proposed changes?**

Realistically, 1000 new residential structures will not be created as a result of the proposal. As stated above, site-specific considerations as listed above will limit the number of new lots and any development on parcels. Additionally, all proposals for subdivision and multifamily dwellings are required to go before the Development Review Board. Not all subdivision and multifamily dwellings will be approved.

The current maximum residential density in Underhill Flats Village Center District, the Rural Residential District, and the Water Conservation District is one multifamily dwelling (with a maximum of 8 units if approved by the Development Review Board) per lot.

District	Current maximum residential density	Proposed maximum residential density
Underhill Flats Village Center	1 multifamily* dwelling (maximum 8 units) per lot	8 units/acre (maximum multifamily* dwelling size = 8 units)
Underhill Flats Village Residential (<i>new district</i>)	N/A	1 multifamily* dwelling (maximum) 4 units/lot
Underhill Center Village (<i>new district</i>)	N/A	4 units/acre (maximum multifamily* dwelling size = 4 units)
Water Conservation (Village)	1 multifamily* dwelling (maximum 8 units) per lot	No change
Soil & Water Conservation (outliers)	1 two-family dwelling/lot	No change
Rural Residential (outliers)	1 multifamily* dwelling (maximum 8 units) per lot	No change

*Multifamily dwellings require Development Review Board approval as Conditional Uses.

➤ **It seems the question is whether or not we want to encourage the construction of more homes in the Flats, or if we want to maintain rural character.**

State and local planning goals call for planning development “to maintain Vermont’s historic development pattern of compact village centers surrounded by rural countryside.” The Flats has historically been an area of higher density of development and has been identified in our town plan as the area where more dense development is most likely to occur and, due to the availability of services, where it can best be supported. The traditional rural Vermont town has a core Main Street or downtown area surrounded by increasingly larger, less developed parcels of land. Local regulations currently include provisions for protecting rural areas outside of our villages wherever possible. The proposal is to maintain this development pattern in Underhill.

➤ **Can’t the existing small lots be “grandfathered?”**

Nonconforming lots are considered “grandfathered”— but for size only, not for subsequent development. All development on grandfathered lots must meet the same requirements as development on conforming lots, including setbacks from roads and property lines and lot coverage

(developed areas) requirements. Where these requirements can't be met, variances or waivers must be obtained from the Development Review Board, per state statutes. Variance criteria set by the state are based on hardship criteria that are very difficult to meet and approve. Waivers, though less restrictive, still require a formal hearing before the Development Review Board. Many existing lots require a variance or waiver even to build a garage or porch. There is no legal mechanism to "grandfather" nonconforming lots to avoid variance or waiver requirements. The only way to comprehensively address nonconforming lots is to adjust the regulations so that they become conforming lots.

➤ **It is my understanding that the proposal will make the process easier for more development as well as for existing landowners to add structures.**

To clarify, the PROCESS by which subdivisions, conditional uses/site plan reviews, variances/waivers are reviewed is NOT changing – these kinds of proposals will still require the same Development Review Board hearings with public notification requirements and participation opportunities. The proposal includes changes to district requirements, including reductions in minimum lot sizes and setbacks, for the Underhill Flats Village Center District. Landowners with existing nonconforming lots who wish to add a porch, deck, shed, etc. may not have to obtain prior Development Review Board approval due to the proposed reduction in setback requirements in the proposal.

➤ **I am concerned about crowding in the Flats and traffic on VT Route 15.**

Proposals requiring Development Review Board review must also meet performance standards and requirements in addition to setbacks, minimum lot size, and other zoning regulations. This includes impact on traffic in the area. Septic capacity will additionally be considered in determining the proper density of development.

➤ **The regulations will limit the use of private property.**

The proposed redistricting is specifically intended to benefit affected property owners by reducing some existing restrictions on the use of their property, and by reducing the number of lots that are split between two zoning districts. The proposal removes some of the requirements for Development Review Board hearings for owners of nonconforming lots who wish to add small sheds, decks, porches, and similar developments on their properties by reducing the property line setback requirements in the area. It also recognizes the historic settlement patterns in the area and brings many nonconforming properties into a conforming district.

➤ **Where was information on the proposed changes available in town?**

Information about the proposed changes has been posted throughout the process on the [Town website](#), at the Town Hall, at the Underhill Country Store, at Wells Corner Market, at Jacobs IGA, at the Deborah Rawson Memorial Library, at both post offices, on Front Porch Forum, in the Mountain Gazette, in the Burlington Free Press, and one of the October public forums was recorded by MMCTV 15. The proposal is directed by the 2010 Town Plan, and the 2011 Town Report stated that the Planning Commission would begin the process in 2012. All information about the proposals can be found on the Town website. A direct link to the information is on the home page.

➤ **Were public comments made on the proposed changes?**

Yes, the Planning Commission held two public forums on the proposed changes in October followed by two public hearings in December. Comments were received at all public events and considered by the Planning Commission at their final meeting in December. Based on comments received, and in an effort to reduce the number of parcels “split” by zoning district boundaries, the Planning Commission changed the northern boundary of the proposed Underhill Center Village district to follow property lines. This change is consistent with other changes recommended by the project. Additional public comments were received by the Selectboard at their hearing in January.

➤ **Can Australian ballot items be discussed at Town Meeting?**

Yes, they can be discussed at the appropriate time during Town Meeting. The Moderator will announce that time.