

Issue	Comments	LDC Edit?	Main LDC Section #	Other LDC Section #	Main Statutory Reference	Other Statutory Reference	Year Legislation was Passed
Statutory Changes							
<p>Act 41 S.102 An act relating to the regulation of agricultural inputs for farming Link: https://legislature.vermont.gov/bill/status/2022/S.102. Noteworthy for communities with a designation, it prohibits a farm from initiating the production of compost on or within a downtown, village center, new town center, neighborhood development area, or growth center designated under 24 V.S.A. chapter 76a, unless the municipality has expressly allowed composting in the designated area under the municipal zoning or subdivision bylaws or in an approved municipal plan.</p>	<p>I don't think we need a change here because your only farm is outside of the village and neighborhood development area.</p>	<p>N</p>					<p>2021</p>
<p>Public Utility Limitations on Municipal Bylaws & Act 250 Act 54 H.431 §4 An act relating to miscellaneous energy subjects Link: https://legislature.vermont.gov/bill/status/2022/H.431 The act modifies limitations on municipal bylaws, expanding the limitation on public utility power generating plants regulated under 30VSA§248, to electric generation facilities, and energy storing facilities regulated under §248 and 30VSA§8011 covering energy storage facilities. The act also makes some similar modifications to Act 250.</p>	<p>Edited this in the additional exemption section that I added to 403.</p>	<p>Y</p>	<p>Section 403.F.3</p>		<p>24 V.S.A. § 4413 (b)</p>		<p>2021</p>
<p>Act 55 H.433 An act relating to the Transportation Program and miscellaneous changes to laws related to transportation Link: https://legislature.vermont.gov/bill/status/2022/H.433. State Highway Section 1111 Access Permits §36 The act also amends the Planning Act to require that site plans involving work in the State highway right-of-way submit a letter from the Agency of Transportation determining if a highway access permit will be needed, and if so, any conditions of approval. It adds similar language for projects undergoing subdivision review and eliminates the fee for Section 1111 permit amendments.</p>	<p>I added this language in both Site Plan and Subdivision submittal requirements. We can talk through whether this is needed at every stage of review (sketch, preliminary, final?).</p>	<p>Y</p>	<p>502.F (site plan) & 503.H (subdivisions)</p>		<p>24 V.S.A. § 4416 (b)</p>	<p>24 V.S.A. § 4463(e)</p>	<p>2021</p>

<p>Act 164 An act relating to the regulation of cannabis S.54. Link: https://legislature.vermont.gov/bill/status/2020/S.54 [and Act 62 S.25 An act relating to miscellaneous cannabis regulation procedures Link: https://legislature.vermont.gov/bill/status/2022/S.25] Fully effective in 2022, this act legalizes the production, testing, distribution, and retail sales of cannabis under a new Cannabis Control Board. The key elements affecting municipal planning are found in §863, which outline:</p> <ul style="list-style-type: none"> • That retail sales will only be allowed in communities that vote to opt-in; • Opt-in municipalities may establish a local cannabis control commission for license review; • Opt-in municipalities may not outright prohibit the use by ordinance; and • That licenses may be conditioned upon compliance with local zoning, sign, and nuisance ordinances. Cultivation, testing, warehousing, and distribution are not subject to an opt-in and will generally not be regulated as farming, but nonetheless will be subject to some Required Agricultural Practices. 	<p>Has the Junction thought about this?</p>	<p>?</p>					<p>2020 & 2021</p>
<p>Technical Correction to Housing Deed Restrictions Act 4 S.14 An act relating to deed restrictions and housing density Link: https://legislature.vermont.gov/bill/status/2022/S.14 The act makes technical correction to Act 179 (S.237) of 2020 that affected a broader set of development restrictions than intended. The correction narrows the prior a limitations on certain deed restrictions, covenants, and binding agreements that prevent infill and housing development otherwise allowed by the municipal bylaws. As a result, covenants and deeds cannot prohibit accessory dwelling units and small lot development as specified and as allowed in the Planning Act. Retroactively effective January 1, 2021.</p>	<p>This is good for you to know about, but this isn't governed by you. So you don't need to include it in your bylaws.</p>	<p>N</p>			<p>27 V.S.A. § 545</p>		<p>2021</p>
<p>Act 179 An act relating to promoting affordable housing S.237. Link: https://legislature.vermont.gov/bill/status/2020/S.237. Allow accessory dwelling units (ADUs) as a permitted use on owner-occupied lots with a single-family dwelling to have more than one bedroom and be as large as 900 s.f. or 30% of the floor area of the principal dwelling (whichever is greater) -- a municipality may continue to be more permissive than this statutory minimum, subject the ADU to the same controls that apply to a single-family dwelling, and regulate it distinctly from a short-term rental; Enable the development of existing small lots that can connect to water and sewer infrastructure and continues to allow municipalities to prohibit development of other specified small lots; Prohibit denial of small (<4 units) multi-family dwellings based on an undue adverse effect on character of the area. In addition, the act allows municipalities to regulate short-term rentals using ordinances that do not adversely affect long-term housing.</p>	<p>Edits made. I don't think you need the conditional use edit. Also this now allows an ordinance for short term rental regulation (not mandatory). But that is out of the scope of my work right now.</p>	<p>Y</p>	<p>ADUs: Section 721; Existing small lots: Section 592.L.</p>	<p>ADUs: Section 502.I</p>	<p>24 V.S.A. § 4412(1)(E);</p>		<p>2020</p>

<p>Act 38 H.526, §1. Municipal Clerk Recording Fees & Record-Keeping Funds. Increases filing and recording fees for deeds and most documents of public record from \$10 to \$15. Increases filing and recording fees for survey plats from \$15 to \$25. Requires the creation of a restoration and preservation reserve fund for the restoration, preservation, digitization, storage and conservation of municipal records.</p>	<p>Added the plat recording fee of \$25 to the fee schedule.</p>	<p>Y</p>	<p>Fee Schedule</p>				<p>2019</p>
<p>Act 38 H.526, §3 Survey Plat Filings & Statewide Digital Survey Library. Link: https://legislature.vermont.gov/bill/status/2020/H.526. Requires surveyors to file a digital survey plat in PDF format with VCGI upon filing the plat with the town clerk.</p>	<p>Some of these edits were included in Jim and Chelsea's comments. But we'll make sure to get it added in everywhere it's needed.</p>	<p>Y</p>	<p>various</p>				<p>2019</p>
<p>Group Home & Residential Care Home Bylaw Limitations. Act 130 H.856 An act related to miscellaneous amendments to municipal law. https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT130/ACT130%20As%20Enacted.pdf Effective July 1, the act modifies protections for group homes and residential care homes by eliminating the provision that allowed a municipality's land use regulations to require that such facilities be separated by at least 1,000 feet. Now a residential care home or group home operated under State licensing or registration, serving up to 8 disabled persons, must be considered an allowed permitted single-family residential use of property, and may be within 1,000 feet of a like facility.</p>	<p>State definition: (G) A residential care home or group home to be operated under State licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of property. This subdivision (G) does not require a municipality to allow a greater number of residential care homes or group homes on a lot than the number of single-family dwellings allowed on the lot. Recommend changing definition of "family care home" in LDC to mimic this. It's not quite right in the LDC.</p>	<p>Y</p>	<p>Section 201.C</p>	<p>Section 620.E</p>			<p>2018</p>
<p>Municipal Regulation of Accessory On-farm businesses & hemp cultivation Act 143 (H.663 of 2018). This act authorizes and limits municipal land use regulation of an "accessory on-farm business" as defined in the act. It allows a municipality to subject accessory on-farm business activities to site plan review; though a municipality can be less restrictive. It sets forth requirements for posting warning signs when agricultural pesticides are applied in an area in which such a business conducts activity. The act also brings Vermont statutes into conformance with federal law on industrial hemp programs and establishes a pilot program to research the growth, cultivation, and marketing of industrial hemp. It includes provisions on hemp testing.</p>	<p>Municipal bylaw regulations should be updated to acknowledge that no bylaw shall have the effect of prohibiting accessory on-farm businesses at the same location as a farm, and should list this in their exemptions section. A municipality could include the definition of an "accessory on-farm business" or refer to the definition in statute. Municipalities can also choose to review on-farm businesses that are more intense than those defined herein as "accessory" under site plan review and require that they meet the same performance standards as other similar commercial businesses. I don't think the latter needs to be added to Essex Junction's LDCs, but I do think we should include the exemption in 403. And while we are at it, I'd recommend the list of statutory exemptions. I've added these changes. There is an "agriculture sales activity use" definition, but then it doesn't appear to show up anywhere else, so I'm not sure anything needs to be edited.</p>	<p>Y</p>	<p>403</p>		<p>24 V.S.A. 4412(11)</p>		<p>2018</p>

<p>Economic Development Bill Act 69 (S.135) of 2017 - does a variety of things, including changes the definition of affordable housing. Definition of Affordable Housing (24 V.S.A. Chapter 117 and Act 250) – Adjusts definition of “affordable housing” in 24 V.S.A. § 4303 (municipal zoning) and 10 V.S.A. § 6001 (Act 250) for owner-occupied housing in the following ways:</p> <ul style="list-style-type: none"> • The housing unit must be affordable to a household (30% of income) that earns 120% of the area median income, as defined by HUD. Current law requires 80% of area median income for owner-occupied housing. • The percentage of gross annual income – 120% for owner occupied and 80% for rental – may be based on either the county median income or on median income defined in the standard metropolitan statistical area as was the case previously or on the statewide median income as defined by HUD, whichever is higher. • For rental housing, the definition of “mixed income housing” was changed to reduce the duration of affordability to not less than 15 years. These changes in the definition of “affordable housing” are intended to encourage more middle income housing development. 	<p>LDC defines "affordable housing" for the TOD district only, and this is based on the old statutory definition, and should be updated. But then "affordable housing" is referenced in a generic way in MU-MF1 (606); and in association with a density bonus option under the Planned Agricultural district (Section 613). Note that it is not mentioned in the TOD district. I'm inclined to delete the definition from the LDCs for now b/c I don't see what purpose it is serving. You can always fall back on the state statute definition if need be. The one exception may be in the Planned Agriculture section.</p>	Y	201.D.1	613	24 V.S.A. 4303		2017
<p>Permitting for Planting Projects in Flood Hazard Areas - Act 4 (H.53) of 2017. The Act amends the required provisions and prohibited effects of 24 V.S.A. 4412, prohibiting a bylaw from requiring an application or the issuance of a permit by the municipality for a planting project considered to have a permit by operation. The permit by operation is detailed in a new subsection in 24 V.S.A. § 4424(c).</p>	<p>Added in 516.A.1 to explain this exemption from municipal review. I'm not sure that it needs to be in the floodplain section too. Generally speaking the floodplain regulations don't seem to follow the state model regulations, but that might be okay, and/or we should do some updates.</p>	Y	516		24 V.S.A. 4412	24 V.S.A 4424(c)	2017
<p>Review of Energy Facilities and Telecommunications Siting - Act 53 (S.52) of 2017. The name of the Vermont Public Service Board has been changed to the Vermont Public Utilities Commission.</p>	<p>Public Service Board not found in pdf of LDC so no edits needed.</p>	N			30 V.S.A.		2017
<p>Forests and Planning Act 171 (H.857) of 2016. The state planning goals in 24 V.S.A §4302 are amended to explicitly include forests in the list of resources to be “maintained” and “improved,” adding that “Vermont’s forestlands should be managed so as to maintain and improve forest blocks and habitat connectors.” Also, the Act requires that the land use plan for a municipality must indicate those areas “identified by the State, the regional planning commission, or the municipality that require special consideration for aquifer protection; for wetland protection; or for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes,” as well as “indicate those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests” (24 V.S.A §4382).</p>	<p>Need to look to see how this was addressed in the Town Plan, and make sure those resources are now properly protected in the LDCs as described in the next row. But this work is potentially outside of the scope of what can be accomplished this time around.</p>	N			24 V.S.A 4382	24 V.S.A 4302	2016

<p>Forests and Planning Act 171 (H.857) of 2016. Definitions are created for the following terms: "Forest block," "Forest fragmentation," "Habitat connector," and "Recreational trail" (24 V.S.A §4303). Also, effective July 1, 2016, the list of activities that a municipal zoning bylaw shall not regulate (24 V.S.A. §4413) is amended to include "forestry operations" and a paragraph is added to the section (24 V.S.A. §4413 (d)(4)): "This subsection does not prevent an appropriate municipal panel, when issuing a decision on an application for land development over which the panel otherwise has jurisdiction under this chapter, from imposing reasonable conditions under subsection 4464(b) of this title to protect wildlife habitat, threatened or endangered species, or other natural, historic, or scenic resources and does not prevent the municipality from enforcing such conditions, provided that the reasonable conditions do not restrict or regulate forestry operations unrelated to land development." The intent is to protect forest blocks and habitat by preventing forest fragmentation. The addition to 4413 clarifies that the Town can protect forest resources and habitats through reasonable conditions on land development applications within your jurisdiction, so long as those reasonable conditions do not restrict or regulate forestry operations unrelated to land development.</p>	<p>See above. Need to review Town Plan. Section 516 includes development review within 200' of a waterway, floodplain or wetland. Section 905.D in Subdivision General Standards is protection of significant features which includes "forest lands" without a more precise definition. But this work is potentially outside of the scope of what can be accomplished this time around.</p>	<p>maybe depending on Town Plan review</p>			<p>24 V.S.A 4303</p>	<p>24 V.S.A 4413</p>	<p>2016</p>
<p>Case Law</p>							
<p>Reed v. Gilbert - sign regulations. US Supreme Court Case. Essentially, if you have to read a sign to know whether it meets the regulations or not, it is content based and subject to strict scrutiny AND presumed unconstitutional.</p>	<p>Add a substitution clause - The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. Also, there should be regulations for permanent signs (both on and off site) and temporary signs (with a clear distinction between a temporary sign and a temporary message). Beyond that try to only identify time, place and manner type regulations (i.e. size of sign appropriate for each zoning district), but nothing that requires the ZA to read the content of the sign in order to determine if it meets the regulations or not. Burlington and Manchester VT have made their sign regs content neutral. We can look to those as examples.</p>	<p>Y</p>	<p>Section 714</p>	<p>Definitions: 201.G</p>			<p>2015</p>

<p>JAM Golf, Vermont Supreme Court. Essentially South Burlington denied a housing project in a knoll of trees they considered important. Ultimately, the Vermont Supreme Court agreed with the developer. "The court stated that section 26.151 [from So. Burlington's zoning ordinance] was flawed "since it provides no standards for the court to apply in determining what would constitute a failure to 'protect' the listed resources." The court decided the standards in the City of South Burlington's ordinance were not clear enough to give notice of what developers can and cannot do. The Court's decision highlights the difficulty of balancing the need to protect local natural resources with the need to give notice of the types of development allowed (Source: From Katherine Garvey, LOCAL PROTECTION OF NATURAL RESOURCES AFTER JAM GOLF: STANDARDS AND STANDARD OF REVIEW)." Probably one of the most important cases for zoning. All of the resources called for protection in the Town Plan should be identified in the BLUDRs and clearly protected. See line 8 above as well (its all related).</p>	<p>Likely that improvements could be made here, along with forestry sections above. But these are out of scope for this round of LDC edits.</p>	<p>Y</p>	<p>multiple sections</p>				<p>2008</p>
<p>Bianchi v. Lorenz, VT Supreme Court, Decided July 11, 1997. Regarding CO's. A property was sold without a CO when the zoning regulations required one to be issued prior to occupancy. Septic design was not followed, and failed. http://caselaw.findlaw.com/vt-supreme-court/1100935.html</p>	<p>Doubt any changes are needed.</p>	<p>N</p>					<p>1997</p>

Issue	Best	Better	Needs Improvement
<p>Economic Development Bill - Act #? (S.94 of 2018). Does a variety of things to improve economic infrastructure in rural areas including broadband. Also does a couple of things relevant to Town Plans and bylaws. State designations now last for 8 years to match Town Plan timeframes. Plans and bylaws can be sent electronically to neighboring municipalities and other interested parties.</p>			
<p>Right to Forest - Act #? (S. 101 of 2018) - Title 123 V.S.A 196 is added to clarify the right to conduct forestry operations and protects these operations from nuisance law suits. Nothing to change in zoning regulations or Town Plans but helpful to know.</p>			
<p>Renewable Energy Facilities and Municipal/Regional Plans Act 174 (S.260) of 2017 - enhanced energy planning.</p>			X
<p>Water Quality Act 64 (H.35) of 2015. Amendments include: 24 VSA § 4302: The following is added to the state planning goals: (6) (B) Vermont's water quality should be maintained and improved according to the policies and actions developed in the basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.</p>	X		
<p>Water Quality Act 64 (H.35) of 2015. 24 V.S.A 4413 - Limitations on municipal bylaws amended to read: (d) A bylaw under this chapter shall not regulate accepted required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets or accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices which are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation.</p>			X

<p>Renewable Energy and Siting of Facilities Act 56 (H.40) of 2015. The act gives municipalities party status in Section 248 proceedings and establishes statewide solar facility setbacks from property lines and highways. Municipalities are also enabled to adopt bylaws or ordinances related to solar screening for PUC (formally PSB) consideration in section 248 proceedings. 24 V.S.A. § 4414(15) or § 2291 for an ordinance.</p>			
<p>Incentives for Development in Designated Centers and changes to Act 250 Act 147 (H.823) of 2014. The bill also amends the enabling authority for “inclusionary zoning”. Previously, a municipality could require that a certain percentage of housing units in a subdivision or planned unit development meet affordability limits that may include lower income limits and different affordability percentages from those otherwise specified in law. The amendment allows a municipality to adopt similar requirements for any multi-unit development.</p>			
<p>Municipal Jurisdiction and NFIP Act 107 (H.676) of 2014. Section 4413(a) of Title 24 lists development that municipalities may regulate for limited purposes, and it was previously unclear whether municipalities may regulate such development for the purposes of NFIP. The change in language explicitly states that municipalities may regulate the development listed in 4413(a) for the purposes of compliance with NFIP, except for state-owned and operated institutions and facilities.</p>		X	
<p>Site Plan Review and State Highway Access Act 167 (H.872) of 2014. Added to 24 V.S.A 4416: (b) Whenever a proposed site plan involves access to a State highway, the application for site plan approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the section 1111 permit.</p>			X

<p>Flood Resilient Communities Element Required in Municipal and Regional Plans Act 16 (H.401) of 2013. Amends 24 V.S.A. §4382(a), adding subsection (12) Flood Resiliency. Act 16 also amends 24 V.S.A. §4412, giving municipalities the authority to regulate accessory dwelling units in flood hazard and fluvial erosion areas by adding: "(E) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of this title, no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling..."</p>		X	
<p>Energy Standards, Zoning Permits and Certificates of Occupancy Act 89 (H.520) of 2013. Provisions of this bill require administrative officers to provide applicants with building energy standards when issuing applicable zoning permits and also require the permittee to provide the administrator with the required Residential Building Efficiency Standards Certificate prior to the issuance of a Certificate of Occupancy.</p>			X
<p>Economic Development Element Required in Municipal and Regional Plans Act 52 (H.287) of 2011. Amends 24 V.S.A. §4382(a), adding subsection (11).</p>	X		
<p>Complete Streets - Accommodate All Users in Road Planning, Design and Maintenance Act 34 (H.198) of 2011. Amends highway statutes under Title 19. The purpose of this bill is to ensure that the needs of all users of Vermont's transportation system—including motorists, bicyclists, public transportation users, and pedestrians of all ages and abilities—are considered in all state and municipally managed transportation projects and project phases, including planning, development, construction, and maintenance, except in the case of projects or project components involving unpaved highways. These "complete streets" principles shall be integral to the transportation policy of Vermont.</p>			
<p>Unfair Housing Practices - Land Use, Mobile Homes, Affordable Housing Act 137 (S.99) of 2012. Amends 9 V.S.A. § 4503 and 24 V.S.A. § 4412; adds 9 V.S.A. § 2608. Title 9 V.S.A. , § 4503 has been amended to prohibit discrimination "in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or receipt of public assistance." Additionally, V.S.A. § 4412 has been amended to make it illegal for any bylaw to have the effect of discriminating in the permitting of housing as specified above. Existing provisions in Chapter 117 require bylaws and municipal plans to 'provide for' affordable housing, whereas this change makes it illegal to deny permits based on the fact of who is going to be living there.</p>			X
<p>Flood Hazard Areas Act 138 (S. 202) of 2012. Revised definitions and resulted in model bylaws.</p>			X

<p>River Corridor Management – Act 110 of 2010 adds protection of river corridors and buffers as a permissible type of zoning regulation and also describes the uses and benefits of using bylaws to protect river corridors. It adds “uses within a river corridor and buffer” to the list of types of land development that can be permitted, prohibited, and regulated by municipalities, and adds new language to allow additional zoning classifications for fluvial erosion areas, river corridors, and buffers in municipal zoning bylaws. Definitions for buffer, lake, river corridor, and river are added to chapter 49 of Title 10, Protection of Navigable Waters and Shorelands, and the same definitions are used in the amendments to Title 24 affecting zoning.</p>			X
<p>Water Supply and Wastewater System Permits – Act 145 of 2010. The Act amends § 4414(13) to enable municipalities the option of conditioning final zoning and subdivision permits upon the issuance from ANR of a wastewater and potable water supply permit. This statutory amendment clarifies that it is the issuance or denial of the final municipal zoning or subdivision permit (and not the decision to require the applicant to obtain a wastewater or potable water supply permit prior to issuance of the final municipal permit) that is appealable. ACT 145 creates a new requirement for applicants for a water or waste water permit to notify affected property owners when the isolation distance required for the proposed system extends onto abutting property. ANR cannot issue a permit for at least seven days after the affected property owner has received notice and been given the opportunity to comment.</p>			
<p>An Act Relating to Salvage Yards—Act 56 of 2009. Act 56 changed "junk yards" to "salvage yards" and transferred authority from VTrans to ANR. Act 56 also amended municipal requirements for the certification of approved locations for salvage yards, authorizing municipalities to consider additional factors in the location of salvage yards and prohibiting salvage yards from locating within 100 feet of the nearest edge of a state or town road or within 100 feet of navigable waters. The act allows municipalities to include in a certificate of approved location appropriate conditions to ensure the protection of public health, the environment, or safety, and to ensure protection from nuisance conditions. The municipal certificate of approved location must also include a requirement that a salvage yard existing on July 1, 2009 be set back 100 feet from a state or town road or from navigable water, and allowed municipalities to treat existing salvage yards that cannot meet the setback requirement as a nonconformity under municipal bylaw. The act also authorizes municipalities to inspect salvage yards and to recommend that ANR initiate enforcement actions.</p>			X

<p>Economic Development & Broadband Deployment (2009) – Act 54 of 2009. Also keep in mind Act 79 of 2007. The Act seeks to expedite permitting and development for infrastructure needed to expand broadband and cellular communications throughout the state by making several changes to telecommunications permitting under Title 30. In 2007, Act 79 [Advancing Broadband and Telecommunication Infrastructure] established authority for the Public Service Board (PSB) to permit telecom facilities under 30 V.S.A 248a, thereby exempting these from local land use regulations under 24 V.S.A. chapter 117. Act 54 amends 30 VSA 248a(c)(2) to include “[n]othing in this section or other provision of law shall prevent a municipal body from basing its recommendations on an ordinance adopted under 24 V.S.A. § 2291(19) or bylaw adopted under 24 V.S.A. chapter 117 by the municipality in which the facility is located.” This language clarifies that within the 248a process a town may make recommendations to the PSB that are based on local ordinances or bylaws. The Act adds a new section to chapter 117, 24 V.S.A. § 4470a, addressing misrepresentations of material fact and allowing an Authorizing Official (AO) or Appropriate Municipal Panel (AMP) to reject an application because of misrepresentation and setting forth a process to award attorney’s fees incurred due to a misrepresentation.</p>			X
<p>Challenges For Change – Act 146 of 2010. Act 146 adds a requirement that all local zoning permits, certificates of occupancy, and municipal land use permits include a statement (approved by the Secretary of Natural Resources) noting that state permits might be required and the applicant has the responsibility to contact state agencies to clarify their responsibility for a state permit. The Act also amends the section on subdivision review to require the same notice.</p>			
<p>With the passage of Act 121 of 2008, the legislative bodies in urban and rural towns can now choose to adopt bylaws, amendments, and repeals by Australian ballot on a case by case basis. In rural towns, however, only the voters can elect to adopt or amend all bylaws, by Australian ballot and, if they do, they must retain that process until it is subsequently rescinded by a town vote.</p>			

<p>Nonconformities [Section 4412(2) and Section 4412(7)] - protect the rights of property owners whose property does not conform to standards adopted after a parcel or use was established.</p>		<p>X</p>	
<p>Required Frontage/Access to Public Roads or Waters (Section 4412 (3)) - provides the means to allow development on lots that lack the minimum road (or surface water) frontage required by a bylaw - in particular to protect the ability to access, and therefore make use of, nonconforming lots.</p>	<p>X</p>		
<p>Protection of Home Occupations (Section 4412 (4)) - bylaw may not prevent a resident from using a minor portion of the dwelling unit for an occupation which does not have an undue adverse impact upon the character of the residential area.</p>	<p>X</p>		
<p>Home Child Care Facilities (Section 4412 (5)) - care of up to 6 FT children within a single family dwelling as a permitted use; 6 FT and 4 PT is a permitted use but can be subject to site plan review; and over 6 FT and 4 PT may be subject to all municipal bylaws.</p>			<p>X</p>
<p>Heights of Certain Structures (Section 4412 (6))</p>	<p>X</p>		
<p>Public Facilities (Section 4413(a)) Regulate certain community and religious functions only with respect to location, size, height, building bulk, yard, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements and only to the extent that regulations do not have the effect of interfering with the intended functional use. Also power generation & transmission facilities.</p>	<p>X</p>		
<p>Ag & Silviculture, and Hunting/Fishing/Trapping Exemptions</p>	<p>X</p>		

Comments	BLUDR edit?	Main BLUDR Section #	Main BLUDR Page #	Other BLUDR Section #	Town Plan edit?
Possible municipal plan edit needed, if you reference the timeframe of the designation. Still need to include content in the Town Plan about the designation - beneficial effects and boundary map. Possible Bylaw edit if you reference specific details about amendments, including how you notify interested parties. Bolton doesn't include this level of detail in the BLUDRs so no change is needed.	N				24 V.S.A. 4384e
It is possible to include some reference to this right to forestry operation language, but there are no changes to 4412 or 4413.	N				10 V.S.A. 196
Town Plan enhancements if Bolton wants substantial deference.	N				24 V.S.A. 4302(c)(7), 4345, 4345a, and creates new 4352
The Town Plan includes narrative about the Tactical Basin Plans, makes reference to the specific Winooski Basin strategy that relates to Bolton, and incorporates the Tactical Basin Plan by reference.	N				N
Amend BLUDR exemptions accordingly.	Y	9.2 (B)			N

<p>Consider adding a freestanding bylaw to establish screening requirements that apply to a ground-mounted plant that generates electricity from solar energy in accordance with 24 V.S.A. § 4414 (15). The bylaw can not have the effect of prohibiting the installation of such a plant or the effect of interfering with its intended functional use.</p> <p>Screening requirements under this subdivision shall not be more restrictive than screening requirements applied to commercial development in the municipality. And "screening" means reasonable aesthetic mitigation measures to harmonize a facility with its surroundings and includes landscaping, vegetation, fencing, and topographic features. Approval for these facilities is by the PUC, not the municipality. But the municipality could provide their required screening to the PUC for consideration.</p>	Y				N
<p>If you require affordable units (which I don't think you do now) you can require it for subdivisions, PUDs and multi-unit developments. I don't recommend any edits for Bolton at this time.</p>	N				N
<p>I think the BLUDRs already makes this point clear under 4.17 (D), by inclusion of "...which are subject to municipal regulation..." but you could amend or add something that explicitly states "except for state-owned and operated institutions and facilities."</p>	Y	4.17 (D)	58		N
<p>Add Vtrans' letter of intent to Site Plan application requirements in Section 5.2 and Table 5.1. I'd also recommend requiring this for all DRB applications on state highways, not just site plans.</p>	Y	5.2	67	Table 5.1	N

<p>Already added flood resiliency to the Town Plan; but you may want to consider clarifying whether accessory dwelling units are allowed or not in flood hazard areas. It appears you could allow them if you'd like. The BLUDRs are currently silent on accessory dwelling units in this district.</p>	Y	Table 2.8 (E)(4)	22	4.2; 3.4 (5)	N
<p>While not all procedures need to be written into the BLUDRs, it may be helpful to add that the ZA must provide the applicant with a copy of the State's building energy standards; and that the certificate of occupancy can not be issued until the required certificate has been submitted.</p>	Y	9.4 (A)	109	9.3	N
<p>Bolton's Town Plan already includes the required economic development element.</p>	N				N
<p>If anything, I'd recommend including this in the Town Highway Standards, because I'm not sure how many new paved roads Bolton will see and so I'm not sure this needs to be in the BLUDRs.</p>	N				N
<p>Section 3.4(A)(2) calls for housing necessary to meet the needs of the local population, as identified in the Bolton Town Plan (among other things). I understand the purpose of that statement, but one could read it and find it to be discriminatory against people (and particularly protected classes) that don't currently live in Bolton. It may be useful to expand this or re-write it to be clear that the Town of Bolton can't discriminate; and/or add another statement regarding Title 9 housing discrimination.</p>	Y	3.4 (A)(2)	26		N
<p>Compare model bylaws with current regulations and definitions to ensure compliance with statute.</p>	Y	5.5	74	Table 2.8; 10.2	N

<p>Consider adding river corridor regulations for protection from erosion and ERAF incentives (not currently required). Add to flood hazard areas, or create new sections.</p>	<p>Y</p>	<p>2.8</p>	<p>21</p>	<p>Table 2.8, 5.5, 10.2</p>	<p>N</p>
<p>You can prohibit the initiation of construction under a zoning permit until a wastewater and potable water supply permit is issued (by the State). You can also condition the issuance of a final permit upon issuance of a wastewater and potable water supply permit is issued (by the State). I think the latter happens all the time in practice; not so much for the former. I'm not sure you need to do anything here, unless you've had issues that you want to address with either of these.</p>					<p>N</p>
<p>The BLUDRs already uses the term "salvage yard". Section 4.18 (A)(2) allows salvage yards to be 50' from roads - that can be changed to 100'. Also 4.18 (A)(7) prohibits review under performance standards under Section 3.12, which I believe is now allowable (i.e. nuisance conditions). The certificate of approved location is issued by the SLB and may be covered under another municipal ordinance.</p>	<p>Y</p>	<p>4.18</p>	<p>58</p>		<p>N</p>

<p>Currently jurisdiction for telecommunications facilities is shared by Public Utilities Commission and municipalities (the sunset date keeps getting extended). At some point that may change and the PC may want to update your telecommunications to meet newer FCC requirements. Also, Sharon's notes include: "consider excluding new facilities from a redefined Conservation District and/or limiting to existing locations/towers within the Conservation District." Also, the addition made regarding misrepresentations of fact is interesting, and good for the Planning Commission to be aware of, but no change is needed in your BLUDRs unless you would want to mention this specifically.</p>	<p>Y</p>	<p>4.19</p>			<p>N</p>
<p>I did not see this mentioned in the BLUDRs, however it may be on your zoning permit application itself which is all that is needed. The PC should check to ensure the language is there.</p>	<p>N</p>				<p>N</p>
<p>This is just about process. No change is needed in the BLUDRs.</p>	<p>N</p>				<p>N</p>

<p>This section meets statute as written. However, you could consider the following edits: combining these all into one section; no longer require lot merger for small lots that do not have functioning wastewater systems and potable water supplies (Section 3.7 (B)); add DRB waiver provision to lots section; specify maximum allowable setback reduction as approved by the DRB for an increase in nonconformity and the specific review criteria for this waiver; remove "volume" from the "degree of noncompliance" definition; and add a diagram for illustrative purposes. RM has included an option for you.</p>	Y	3.7	28	3.8	N
<p>The BLUDRs meets this statute as written in a variety of sections - 3.2 (B), and section 7.6 (B).</p>	N	3.2 (B)		7.6 (B)	N
<p>The BLUDRs meets this statute as written in Section 4.13 (A).</p>	N				N
<p>Section 4.8 to allows for 6 FT students as a single family residential use of property requiring a zoning permit; and identifies everything over that for site plan review. This section should be amended to clarify that 6 FT and 4 PT children must be considered a permitted use, but may be reviewed with site plan approval.</p>	Y	4.8 (A)	48		N
<p>The BLUDRs meets this statute as written in Section 3.5.</p>	N	3.5			N
<p>The BLUDRs meets this statute as written in Section 4.17.</p>	N	4.17			N
<p>The BLUDRS meets this statute as written in Section 9.2 (B). But see line 13 for other edits that may be needed based on new statutory changes.</p>	N	9.2 (B)			N

Main Statutory Reference	Other Statutory Reference	Year Legislation was Passed
24 V.S.A. 2793, 4385c, 4441e, etc		2018
		2018
24 V.S.A. 4345, 4345a, and creates new 4352		2016
24 V.S.A 4302		2015
24 V.S.A 4413		2015

24 V.S.A 4414 (15)		2015
		2014
24 V.S.A. 4413 (a)(2)		2014
24 V.S.A 4416		2014

24 V.S.A. 4382(a) (12)		2013
24 V.S.A. 4449		2013
24 V.S.A. 4382(a)(11)		2011
Title 19		2011
24 V.S.A. 4412	9 V.S.A. 4503	2012
		2012

24 VSA 4411	24 VSA 4414	2010
24 VSA 4414 (13)		2010
24 V.S.A. chapter 61, subchapter 10		2009

30 VSA 248a(c)(2)		2009
		2010
24 VSA 4442(c)		2008

24 VSA 4412(2)	24 VSA 4412(7)	2004
24 VSA 4412(3)		2004
24 VSA 4412(4)		2004
24 VSA 4412(5)	33 VSA 3511(7)	2004
24 VSA 4412(6)		2004
Section 4413(a)		2004
Section 4413 (d)		2004

NOTES:

I have not included open meeting law amendments from 2014 & other years as the BLUDRs don't seem

RESOURCES:

DHCD's Legislative Summaries for more information can be found here: <http://acd.vermont.gov/comm>

