

TOWN OF LONDONDERRY
100 Old School Street, South Londonderry, Vermont 05155

**PLANNING COMMISSION REPORT
ON PROPOSED BYLAW AMENDMENTS
May 8, 2023**

In accordance with 24 V.S.A. §4441, the Town of Londonderry Planning Commission (PC) has prepared and approved this written report on May 8, 2023 prior to warning and holding a public hearing on the adoption of revised Town of Londonderry Unified Development Regulations (UDRs).

Brief Explanation of the Proposed Amendments

The Town of Londonderry currently has an adopted Zoning Bylaw that was initially adopted in 1975 and last amended in 2009. The town does not currently have a subdivision ordinance, but does regulate the subdivision of land through the Zoning Bylaw.

The 2017 Londonderry Town Plan recommended a number of zoning changes to realign the bylaws with the town's current planning policies. There was also a need to address inconsistencies resulting from the many changes that have been made to state statute since the regulations were last updated, and fix identified shortcomings of the current regulations that had resulted in confusion or difficulties for applicants, the Administrative Officer and Development Review Board over the years. There was also a commitment from the PC to improving the clarity of the regulations and the town's development review and permitting processes.

To achieve those aims, the PC has prepared the UDRs to replace the Zoning Bylaw, including a Zoning Map with new districts and boundaries. The proposed UDRs include subdivision regulations under the authority provided in 24 V.S.A. § 4418. While the draft UDRs appear very different from the Zoning Bylaw in their structure and organization, the overall planning policies the UDRs are implementing remain largely the same. There are a discrete number of substantive policy and procedural changes that are critical to aligning the UDRs with the goals and objectives of the Town Plan and to conforming with statute, which are described in more detail below:

1. The list of exemptions (structures and activities that do not need a permit) has been expanded and clarified (Section 1101).
2. The process for allowing for multiple uses or buildings on a lot has been simplified (Sections 2005-06).
3. The requirement for a minimum amount of land per dwelling unit on a lot has been replaced with a new lot coverage standard, offering greater flexibility for creative responses to the current housing shortage (Section 2007).
4. The dimensional standards in the village districts have been modified so that the town would be eligible to seek a state Neighborhood Development Area designation in the future in support of housing creation in the village (Sections 2101-03).

Planning Commission Report on Proposed Bylaw Amendments

Approved May 8, 2023

5. A requirement to designate building envelopes that specify where buildings will be placed on a parcel has been added to the Rural and Resource Protection districts to guide development away from significant agricultural and natural resources (Section 2107-08).
6. In the districts intended to accommodate businesses (Village Business, Village Mixed Use, General Business and Recreation), more businesses and other non-residential uses will be permitted rather than conditional. This will simplify the development review process for those uses, reducing the time and cost of permitting (Sections 2101, 2102, 2104, 2105).
7. The town's policy for development on Class 4 roads has been clarified and further residential development accessed from Class 4 roads will not be allowed without upgrading the road (Section 3002).
8. Specific requirements for erosion prevention and sediment control (Section 3011) and stormwater (Section 3024) have been added. In practice, the DRB sometimes asks applicants to address erosion control and stormwater management when it is deemed an issue on a particular site, but the proposed regulations establish specific triggers related the amount of disturbance or impervious surface being created to determine whether applicants will need to meet the standards. As the town now has responsibility for run-off and sediment once it travels off private property and into the public road drainage system under a state general permit, it is in the town's interest to ensure that private development is responsibly and appropriately managing its stormwater and controlling erosion.
9. Steep slope provisions (Section 3021) have been strengthened with a definition of what constitutes a steep slope and additional criteria for reviewing development on steep slopes. The draft UDRs establish a conditional use approval process for considering applications to disturb steep slopes that includes a requirement that applicants demonstrate that the proposed development cannot reasonably be accommodated elsewhere on the lot.
10. Chapter 310 adds more detailed site design and performance standards for landscaping, parking, outdoor lighting, outdoor use areas and other aspects of proposed multi-unit or nonresidential development. The current zoning bylaw addresses these elements but has very broad, general standards for the DRB to interpret and apply. The proposed standards make it clear what the community wants and make it easier for applicants to propose projects that meet community expectations.
11. Chapter 330 and Section 4310 will regulate subdivision of land. The adoption of subdivision regulations in accordance with statute will change Londonderry's status as a 1-acre town under Act 250 to a 10-acre town. In practice, Londonderry has been reviewing land subdivisions under the Zoning Bylaw following the procedures for site plan review.
12. Major subdivisions in the Rural and Resource Protection districts would be required to be conservation planned unit developments (PUDs) that will cluster development and retain open space or working lands. The Conservation Commission will be consulted when land will be subdivided in the Rural and Resource Protection districts. Building envelopes would be established on all new lots larger than 2 acres to specify what land within a larger parcel can be developed. Building envelopes have to be sited to minimize resource impacts and fragmentation. (Sections 2107, 2108, 3232 and 3301)

Planning Commission Report on Proposed Bylaw Amendments

Approved May 8, 2023

13. The authority of the Administrative Officer (AO) to review signs, minor projects, boundary adjustments, sketch plans and small modifications to approved development has been expanded. The intent is to streamline the permitting process for small projects and avoid unnecessary delays and expense. (Section 4204, 4303, 4304, 4307, and others)
14. The zoning districts and map have been replaced in their entirety. This affects all property in town, although the extent to which zoning district standards are proposed to change varies depending on the district. For most existing homeowners, the zoning change is unlikely to affect typical projects like small additions, sheds, carports, pools, etc. The dimensional standards of Rural district remain largely unchanged. The changes to the zoning districts were guided by clear and specific strategies laid out in the 2017 Town Plan and include:
 - The village areas are being zoned for higher densities (smaller lots, more units per acre, higher lot coverages) in response to the planning policies expressed in the Town Plan to guide housing and businesses to the villages and for the villages to be places with the highest intensity of development and use in town. It is recognized that without supporting infrastructure, the land in the village zones cannot be developed to the full potential that would be allowed under the draft UDRs.
 - Residential areas have been re-shaped to reflect existing settlement patterns and the potential for housing creation on lands in proximity to the villages and major travel corridors where development is feasible with less impact on significant natural resources.
 - Currently, most outlying land is part of the Rural zoning district. The proposed zoning map creates a new Resource Protection district for more remote, higher elevation and development restricted land. The proposed Resource Protection district provides a more accurate indication of lands that are generally not available or are very poorly suited for development. Homes and other uses could be approved in this district, but at a lower intensity with significant natural resource protections in place.
 - The General Business and Recreation districts have been re-shaped to reflect the availability of developable land. The district standards offer a broad range of uses and encourage full utilization of buildable land and existing facilities in alignment with town economic development goals.

The Londonderry PC began work on the proposed UDRs in 2019 and has been offering community members an opportunity to ask questions and make comments at all meetings. Community members have also had an opportunity to offer verbal comments at several public information sessions. The draft UDRs proposed for public hearing incorporate the PC's response to that community feedback.

Statement of Purpose

The purpose of the proposed amendments is to further the goals and objectives of the 2017 Londonderry Town Plan. The proposed UDRs include a purpose statement in Section 1003, which enumerates a set of 13 guiding principles. The overarching principle of the Town Plan and the UDRs is to guide future development into the villages and away from sensitive natural resources.

Planning Commission Report on Proposed Bylaw Amendments

Approved May 8, 2023

Municipal Plan Goals and Policies

The Londonderry PC commenced the process of preparing the UDRs with a technical review that recommended regulatory approaches to effectively implement the goals and policies of the 2017 Town Plan. The proposed UDRs include many of the recommendations from the technical review.

Municipal Plan Future Land Use

The 2017 Town Plan states:

The primary objective and challenge of Londonderry's land use plan is to retain its rural character and compact villages while providing an appropriate economic and employment base for its citizens. The Town should direct commercial development in the designated commercial areas, retaining large open spaces and agricultural uses between the commercial areas as well as open spaces among residential development. Additionally, Londonderry's land use plan must provide for a sustainable forestry base, recreational opportunities, public and quasi-public facilities, as well as recognize the need to provide space for and protect flood plains, wetlands, ridgelines, and conservation and fragile areas.

The proposed UDRs are compatible with the future land uses and densities set forth in the 2017 Londonderry Town Plan. They designate the existing village, business and recreation areas for the highest density of development and seek to protect important natural resources in the more remote areas of town. The Plan identifies six land use area designations and provides guidance for how those designations should direct land use policy as implemented through the UDRs:

- Commercial. The proposed UDRs provide for commercial and industrial uses, including recreation and tourism oriented businesses, primarily in the Village Business, Village Mixed Use, General Business and Recreation districts. Some provision is made for traditional rural businesses, primarily resource or recreation based, in the Rural and Resource Protection districts. The Village Residential and Residential districts have limited opportunity for commercial and industrial uses beyond home occupations and home businesses.
- Residential. The proposed UDRs allow for residential uses in all districts except General Business. They seek to expand housing choice in Londonderry by allowing for a range of housing types in most districts. The Village Residential and Residential districts are crafted to promote a neighborhood residential setting with small to moderate lot sizes. The Rural district will continue to offer a rural residential setting with moderate to large lot sizes. The Resource Protection district is intended to discourage residential development, but does allow for housing at a low density with thoughtful siting to minimize natural resource impacts.
- Conservation and Resource. The proposed UDRs include a new Resource Protection district established to protect land with significant natural resource value. The Resource Protection district in coordination with other resource protection provisions in the regulations (wetlands, steep slopes, building envelopes, conservation subdivisions) is intended to guide development away from high elevation land, riparian areas, wetlands, shorelands, interior forest blocks and other important resources.
- Shoreland. The shoreland areas in Londonderry have been incorporated into the proposed Resource Protection district. The proposed UDRs include riparian buffer provisions that will guide development away from streambanks and shorelines, and promote retention of vegetated buffers adjacent to surface waters.
- Agriculture and Forestry. The proposed UDRS allow agriculture and forestry townwide in accordance with state statute and regulation. They support agricultural enterprises, agri-tourism

Planning Commission Report on Proposed Bylaw Amendments

Approved May 8, 2023

and value-added businesses like food or beverage manufacturing broadly in the rural areas of town.

The area and density standards for the adopted and proposed districts are summarized below for comparison:

ADOPTED DISTRICT	TOTAL AREA	MINIMUM LOT SIZE
Village Commercial	211 acres	1 acre
Village Residential	575 acres	1 acre
Service Commercial	122 acres	1 acre
Recreation Commercial	232 acres	1 acre
Rural Residential 1	3,952 acres	1 acre
Rural Residential 3	17,246 acres	3 acres
Shoreland	687 acres	10 acres

PROPOSED DISTRICT	TOTAL AREA	MINIMUM LOT SIZE
Village Business	33 acres	0.25 acre
Village Mixed Use	170 acres	0.25 acre
Village Residential	364 acres	0.25 acre
General Business	377 acres	3 acres
Recreation	250 acres	1 acre
Residential	1,471 acres	1 acre
Rural	9,756 acres	3 acres
Resource Protection	10,600 acres	15 acres

Planned Community Facilities

The proposed amendments do not directly implement any specific proposals for planned community facilities. The draft UDRs continue to implement a community vision and set of land use policies that have been in place for many years. Growth will be directed to the villages, business and recreation districts. Residential areas will welcome new housing in the villages, existing neighborhoods and nearby suitable lands. Outlying development will fit into the landscape, seek to preserve rural character and protect natural resources. Further fragmentation and development of high elevation, inaccessible and environmentally sensitive lands will be discouraged. Given that there is no substantive change in direction, the draft UDRs are not anticipated to create new or different demand for community facilities than the current Zoning Bylaw.

END