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MEMORANDUM

To: David Saladino, Resource Systems Group, Inc.
From: Natalie Steen, LandWorks
Subject: Municipal Document and Land Use Review
Project: Burke Mountain Area Development Transportation Infrastructure and Planning Study
Date: July 12, 2007

Introduction

This memorandum provides a review of applicable planning and zoning documents of towns within the project's study area, which includes the towns of Burke and Lyndon. An overview and assessment for both towns is provided, which summarizes their effectiveness in addressing transportation and related issues. Relevant excerpts from each of the towns' planning documents are also included at the end of this memo. Preliminary recommendations for improving and strengthening these documents are also provided.

Overview and Assessment

SUMMARY

The study area is typically defined by its rolling hills, lofty peaks and river valleys. The western portions of Burke are mountainous and forested, providing spectacular scenery and views. Lyndon on the other hand provides the hub of commerce and transportation for Burke and the surrounding area and can be considered a bedroom community for St. Johnsbury (see Figure 1. Land Use Map).

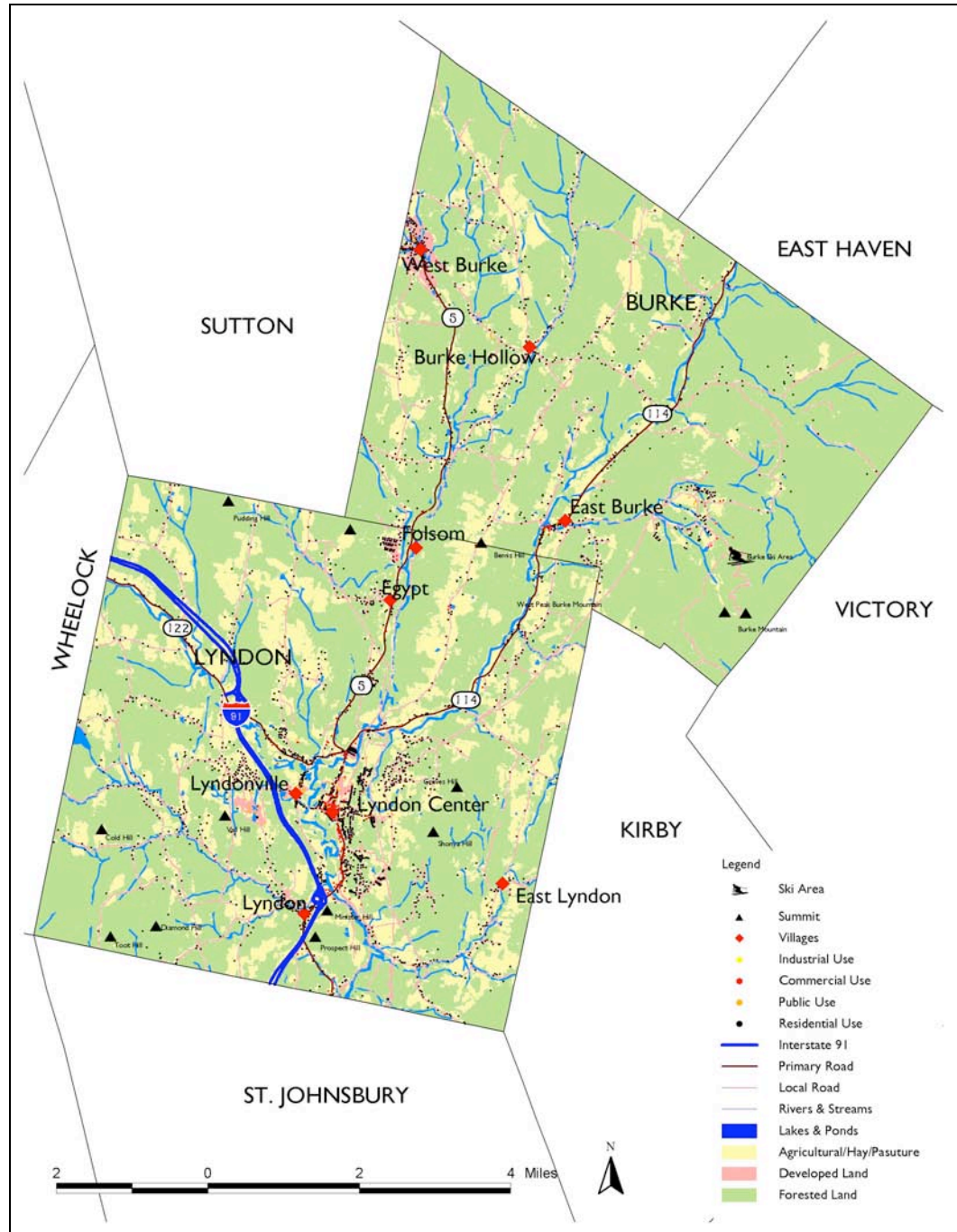
Tourism related to recreation is a dominant feature of the economy and growth in this region. Testimony to this fact is the collaboration with National Geographic in developing a geotourism program for the Northeast Kingdom. This program allows Vermont to promote tourism that enhances and sustains the environment, culture, and heritage of tourism destinations. A key summer activity highly promoted in the area is biking and cycling. Every year hundreds of people travel the shoulders of local roads to enjoy the region's spectacular scenery.

Burke Mountain Resort is also listed as one of the geotoursim destinations. The Ginn Corporation, recent purchaser of the resort, is in the process of expanding it to a 4-season operation, offering a new golf course, over 800 residential units, and facilities for other non-winter recreational activities. The expanded resort will create hundreds of new jobs and will provide a boost to the local economy. It will also result in secondary growth that will likely have a significant impact on the local transportation system, and the potential for impacts to the rural and historic village character.



The transportation corridors are an integral part of the communities' daily life and provide easy access to the region's breathtaking scenery and recreational resources. These characteristics make it a popular area to live, work, and play. The expansion at Burke Mountain coupled with impending growth indicates the need to address transportation and land use management in an effective and efficient manner in order to maintain and preserve the core values of the communities. A review of how each town addresses these important elements follows.

Figure 1. Land Use Map



TOWN OF BURKE

Community Profile:

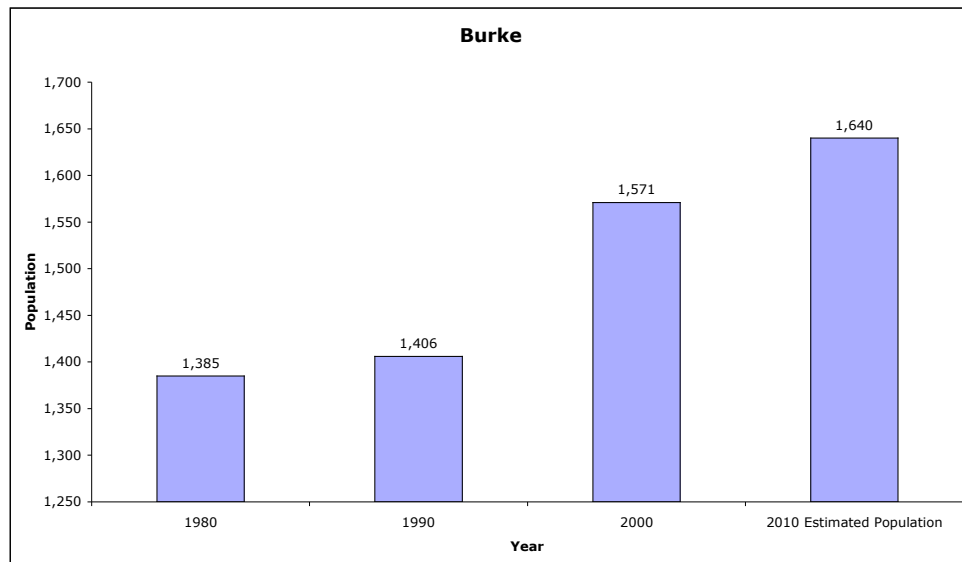
The Town of Burke, Vermont is located in the northeast corner of Caledonia County. Residents of Burke rely heavily on the main transportation corridors, Route 5 and Route 114. Route 114 runs in a north – south manner through the eastern section of the town while Route 5 travels along the southwestern portion of the town. Today, most homes and businesses are concentrated in the village centers of West Burke, Burke Hollow and East Burke, which is adjacent to the Burke Mountain ski area.

The Town of Burke hosts Burke Mountain Ski Resort, (the home of the prestigious Burke Mountain Academy ski school) as well as Kingdom Trails Association (KTA), which is responsible for the upkeep of recreational trails in the area. Aside from a few small farms and other modest businesses, the ski resort and KTA are the principal source of economic activity within the town, along with a modest amount of tourism.

Demographics:

Since it's charter in 1782, Burke has constantly fluctuated in population. However, in the past 20 years the town has seen a steady increase in residency (see Figure 2). Using a regression analysis the town has a projected population of 1,640 persons by the year 2010. This is an increase of 4.4% between the years of 2000 and 2010. Population density as of the year 2000 was 46.14 people per square mile.

Figure 2. Town of Burke Population Data

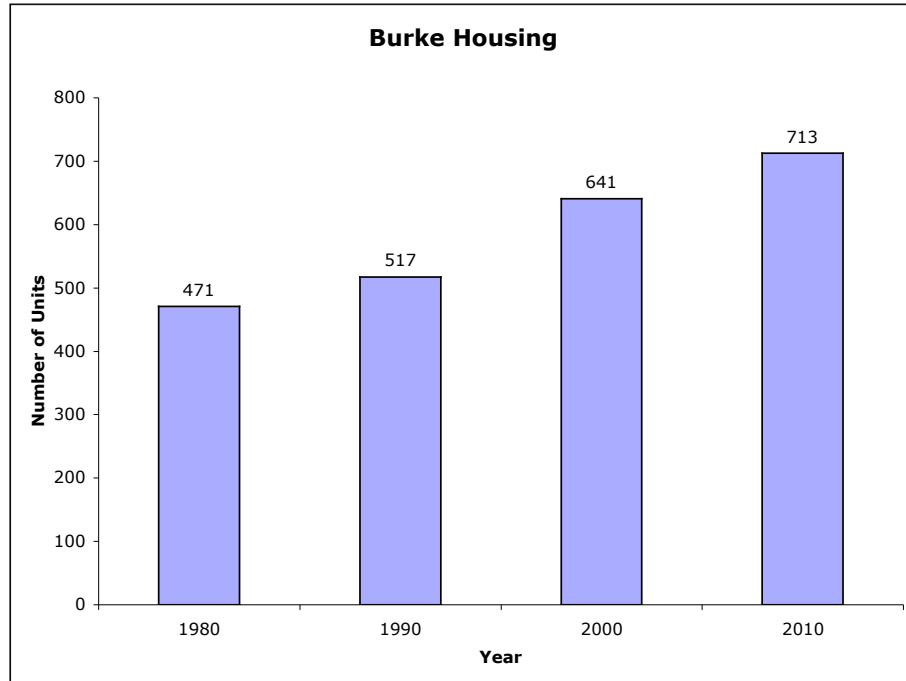


Housing Units:

In 2000, there were 641 households in Burke and a total of 892 housing units, 203 of which were seasonal, recreational or occasional use (see Figure 3). If development growth continues as it has over the past two decades, the projected number of housing units for the year 2010 is 713. However, this number will likely more than double with the resort's impending development of over 800 residential units.



Figure 3. Town of Burke Housing Data



Economics:

Recreation and tourism are the chief contributors to Burke’s economy. The Burke Mountain Resort, which is home to the Burke Mountain Academy ski school, provides many employment opportunities for residents, although most are seasonal positions. Other employment in town is limited within the town lines, making commuting to other employment centers commonplace. Very few conventional farms are still in operation today. In 2005 the unemployment rate was 3.2%, a decrease from 3.7% in 2000.

Assessment and Summary of Land Use and Planning Documents:

The Town of Burke is a dynamic community characterized by its rural and scenic landscape. Existing land uses are the result of historic development patterns typically seen throughout Vermont - small village centers surrounded by working farms, open meadows, forests, and low-density residential development. Most of the retail and commercial services are based outside of Burke, with 90% of the town’s workforce traveling out of town for employment (Vermont Indicators Online). Population growth and development in Burke has been slow but steady over the last decade; however, with a large multi-seasonal resort development planned for an existing and approved PUD in the Burke Mountain Ski area, it is expected to dramatically increase. Over 800 housing units are planned, along with typical resort amenities, which will more than double the town’s housing units in a very short amount of time. The overall impact of the Burke Mountain development will therefore be significant to the town and surrounding area. As such, the Town recently adopted a revised town plan and zoning bylaw at the end of 2006. Burke also has subdivision regulations, which date back to 1990.



The Town Plan describes Burke's roads as "generally in good shape and adequate to accommodate current traffic volumes" (p. 13). However, the town does not maintain a formal, long-term road improvement program, which would account for any new large development, such as the one proposed at the Burke ski area. In particular, there are no references to or strategies for addressing potential resort impacts, especially traffic-related conflicts at the intersection of Route 114 and the access road (Mountain Road). Furthermore, the plan acknowledges "a high volume of trucks, many from Canada, travel through East Burke Village" along Route 114 en route to Interstate 91 (p. 14). This heavy truck traffic, compiled with the impending tourist traffic, has the potential to cause severe impacts at this intersection and in the village, which are not accounted for in the Town Plan. Increased traffic and conflicts, particularly from ski traffic, may not be able to be accommodated if there is no corresponding growth or long-term improvement program for the local road network.

The plan does provide goals and strategies for other important transportation elements, such as access management, traffic calming and pedestrian and bicycle facilities. These include techniques for managing highway access (e.g. shared driveways, turning lanes, and minimum curb-cut widths), slowing traffic in settled areas (e.g. textured crosswalks, street-tree plantings and landscape/streetscape), and enhancing walking/biking opportunities (e.g. interconnecting sidewalks, delineated bicycle lanes, and formalizing informal trails). However, most provisions are only abstract and advisory in effect and do not provide clear, specific guidance on how and where these improvements should be implemented. This lack of clarity and ambiguity can lead to inconsistent decision-making by municipal officials and inadvertently allow inappropriate development.

The town has effectively addressed future growth and development by proposing multiple zoning districts. These include specific areas for mixed-use and low-, medium-, and high-density development. In particular, the town has identified three specific village centers where the majority of the development, residential and commercial, should occur. The plan states "The village centers should be separated by rural/residential areas, and not be allowed to grow together into one continuous development" (p. 10). By focusing dense, mixed development in the village centers, distances between origins and destinations can be shortened, walking and bicycling will become more attractive, and transit services will be more feasible. The town would also like to pursue "opportunities for enhancing the streetscapes [in the village], including planting of trees and shrubbery in strategic locations" (p. 11). Improvements such as these can reduce vehicle use by increasing pedestrian comfort, convenience, and enjoyment and encourage walking.

Unfortunately, the zoning bylaw currently in force does not apply the multiple districts identified in the town plan. At the time of this review, Burke only has a single zoning district. Land use regulations must therefore be applied equally to all uses throughout the entire town. This increases the potential for sprawl, particularly for commercial uses along the town's highways. This type of development, if left unchecked, will lead to multiple access points and traffic congestion and conflicts along the town's major transportation routes (i.e. Routes 5 and 114). Zoning does include conditional use standards, which, if adequately implemented and enforced, could help to mitigate any



adverse impact. For example, one condition that may be applied to a permit includes “controlling the location, width, and number of vehicle access points” (p. 7). However, even though zoning contains some valuable guidelines for managing development, many are not specific enough on where and when they should be applied, nor are they a guarantee that the municipal panel will consistently implement such conditions.

The current zoning also lacks site plan review. Site plan review is a concise and efficient process for determining a proposed development’s compliance with applicable regulations, as well as the goals and strategies of the town plan. Typically, site plans are required any time construction will result in a new structure or intensification of land use. This can occur when new structures are built, when the use of an existing building changes, or when improvements are made to vacant land or land surrounding a building. Site plan review is an important tool that leads to better development proposals, smoother design implementation, and, ultimately, better built environments. This is a very valuable tool that should be implemented, particularly if multiple districts are not adopted.

The Town’s subdivision regulations provide another layer of procedures and standards that help guide growth and development. They adequately address potential impacts to the transportation system by including specific design standards for street layout, access and traffic. For example “Projects that are judged to generate traffic that exceeds the existing capacity of adjacent roadways, or intersections shall be phased in a manner that allows the improvement of said capacity” (p. 14). The Commission may also “restrict the number of curb cuts, or impose special intersection design requirements along all Town Highways in the interest of preserving their visual character” (p. 15).

The Town is in the process of reviewing and adopting revised zoning and subdivision regulations, which include several new measures that address growth management and related transportation impacts. These include multiple zoning districts concentrating development in the three village centers, a Conservation & Scenic Overlay district, site plan review, and a cluster subdivision ordinance. Also included is a Resort District that permits the uses and development proposed by the Ginn Corporation for the Burke Mountain area. If adopted these measures will greatly improve the regulatory process and will help to ensure that development occurs in a manner and location that is appropriate and desired by the town.

TOWN OF LYNDON/VILLAGE OF LYNDONVILLE

Community Profile:

Lyndon, also located within Caledonia County, Vermont is considered by most “the gateway to the Northeast Kingdom.” The town is bounded on the north by Burke and is comprised of nearly 23,000 acres, which is comparable in size to most Vermont towns. The town serves as a transportation hub for many of its surrounding towns, especially at the convergence of Routes 5, 122, 114 and I-91.

Located within the southern portion of Lyndon, the village of Lyndonville is the hub of activity within the town boundary and includes a small “downtown” area. This part of



town houses Lyndon State College, which brings a wealth of seasonal residents along with their associated capital. Lyndon is also home to the Vermont Children's Theater, Cobleigh Public Library, Lyndon Outing Club, several churches and many other community services. The town has a diverse economy built mainly around manufacturing.

Demographics:

Lyndon's population has been growing since the 1980's (see Figure 4). There has been an overall increase in population of 1.43% from 1990 to 2000, which is about 1/6th the total population growth for Caledonia County for the same time period. Using a regression analysis the projected population in Lyndon for the year 2010 will be 5,772 residents. In the year 2000 the population density of the town was 137.02 persons per square mile.

It is important to show the demographics of Lyndonville, separate than those of Lyndon because they show an opposite trend (see Figure 5). Although the population of the town of Lyndon is gradually increasing and has been over the past 20 years, the population in Lyndonville is slowly declining. Through regression analysis, it is predicted that this trend will continue giving a total population of Lyndonville of 1120 persons.

Figure 4. Town of Lyndon Population Data

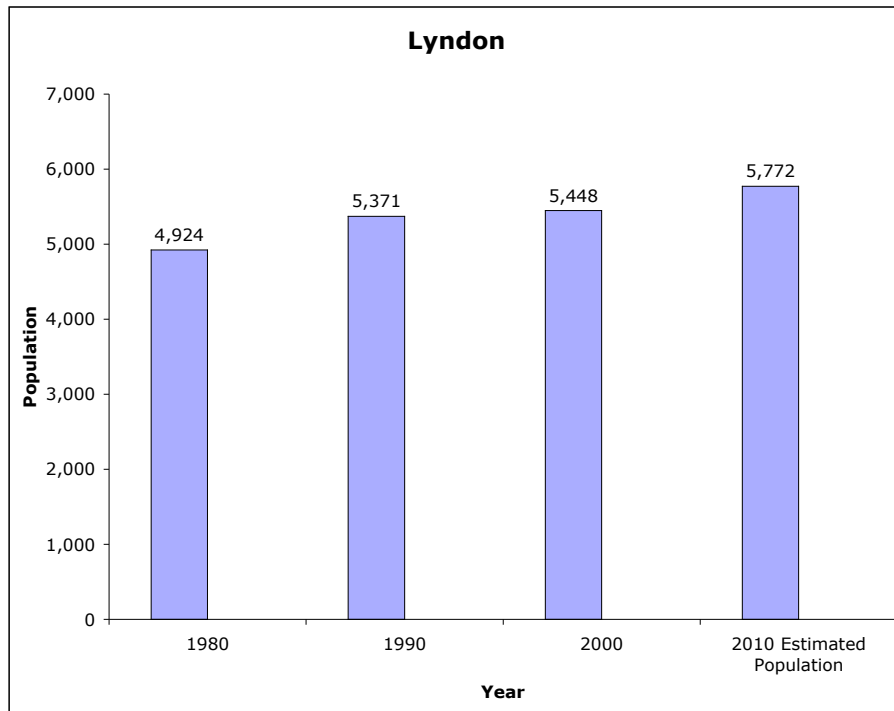
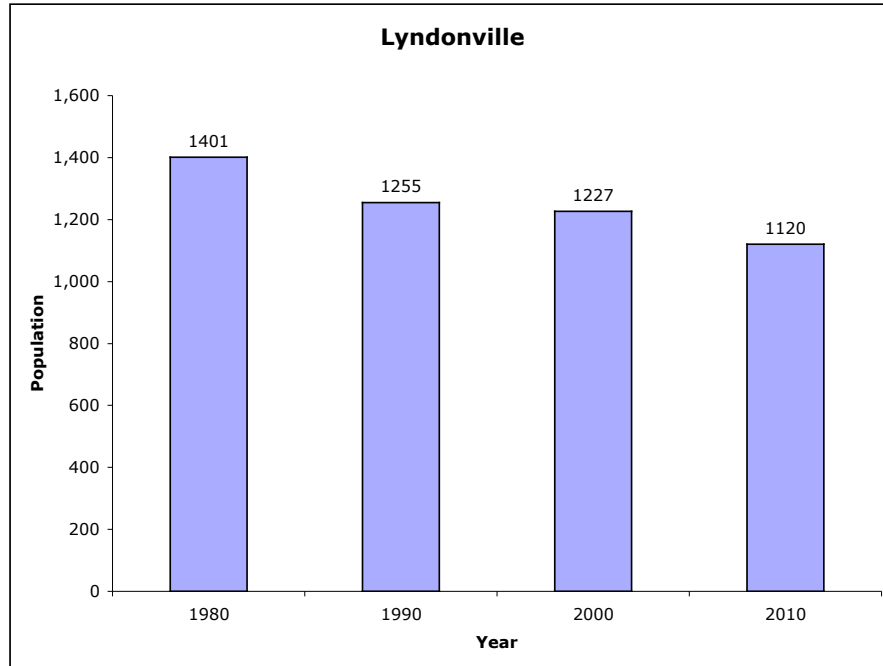


Figure 5. Village of Lyndonville Population Data



Housing Units:

In 2000, there were a total of 2,190 housing units in the Town of Lyndon, 33 of which were seasonal, recreational, or occasional use (see Figure 6). Linear regression analysis provides an estimated number of housing units, given the growth trend over the past 20 years would be 2,245. Out of the 2,190 housing units present in the year 2000 in the town, 1,227 of them were located in the village of Lyndonville (see Figure 7). It is interesting to note the increase in housing units, and corresponding decrease in population.



Figure 6. Town of Lyndon Housing Data

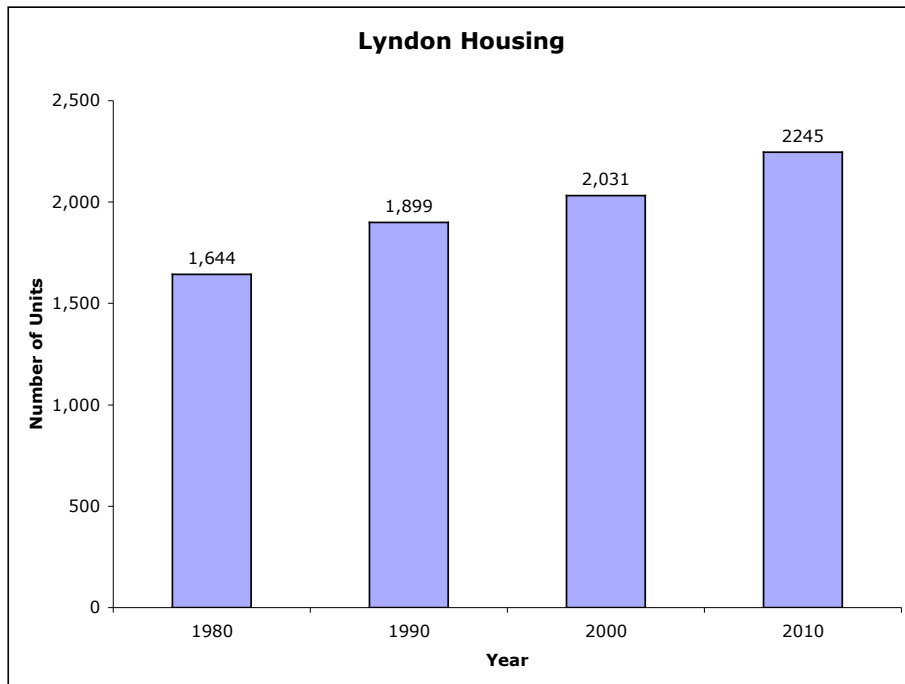
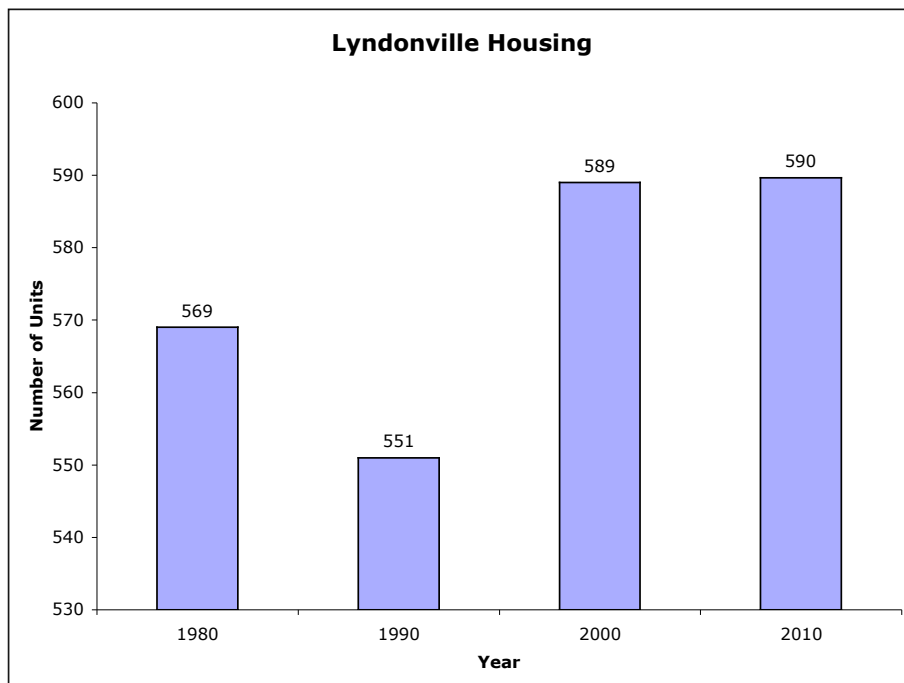


Figure 7. Village of Lyndonville Housing Data



Economics:

Lyndon has a diverse economy based around manufacturing, retail, wholesale and service industries. Other employment opportunities, which contribute to the local economy, include banking, real estate, insurance, government service, tourism and agriculture. The most common occupations within the town are in manufacturing, education and health care related services. Due to the fact that Lyndonville is a part of the town of Lyndon, their economies are one in the same. The most vital aspect of the economic environment in Lyndonville, however, is Lyndon State College, which provides a large number of employment opportunities and is responsible for bringing large sums of money into the local market. It is also important to note that logging and wood processing are lucrative businesses in the area and contribute significantly to the financial system of Lyndon. In 2005 the unemployment rate was 2.8%.

Assessment and Summary of Land Use and Planning Documents:

Lyndon is a diverse community characterized by rolling green hills and valleys on both sides of the Passumpsic River. Unlike Burke, there are numerous commercial, retail and industrial establishments in the town, which provide employment for more than 700 people. Its attractive surroundings and accessibility to two exits from Interstate 91, Route 5, Caledonia County State Airport, and the Connecticut River Line operated for Vermont Rail by Washington County Railroad, also make it a bedroom community for St. Johnsbury and other nearby municipalities. As such, population and related development have been on the rise and are anticipated to continue. Lyndon is also closely tied to Burke Mountain Resort and is expected to feel the impacts associated with the resort's expansion.

Lyndon has an adopted town plan, zoning bylaw and subdivision regulations. However, the town plan dates back to 1999. If a plan is more than 5 years old, it is considered expired and not applicable. The town is currently in the process of updating the plan but do not anticipate completing it until next year. Although the document is not applicable at this time, a cursory review was still completed.

It is the community's desire to "anticipate its future needs and plan for meeting these needs in an orderly and well thought through manner" (p. i). As development pressures increase, the town recognizes the demand for services and the need for ongoing highway maintenance and improvement to ensure safety and enhance appearance. Rightfully so, the *Transportation* section of the plan outlines several recommendations to accomplish this goal, such as "strict enforcement of speed limits", "improving the crosswalk and sidewalk system" and "continually monitoring and updating traffic flows on Vermont Routes 5, 114, and 122" (p. 7). The plan also suggests that "there is often insufficient parking in the Village" and provides some strategies to remedy the problem such as "conducting a parking study", "posting a 2-hour parking rule" and conducting a "meeting to address establishing as many as three off street parking areas in the vicinity of South Main Street, Elm Street, and the north end of Broad Street" (p. 35). The plan points out that traffic congestion through the Village on Route 5 "is serious and getting worse" and proposes a "redesign of Broad Street, which includes turning lanes, installing curbing, creating specific 'enter' and 'exit' areas, and possibly installing at least one traffic light to interrupt traffic flow" (p. 35). The plan also suggests "improving an alternate



route around the Village such as through Lyndon Center or over Lily Pond Road” (p. 35).

While the plan often mentions growth and land use throughout the document, it does not have a specific section devoted to land use. For example on page 14 it advises “traditional land uses should not be displaced or disappear...Growth should occur in an orderly fashion, so as not to fragment prime farmland and forestland.” However, there are no specific goals or strategies to guide proper development, nor does the plan articulate or delineate zones or districts for where this development should occur. The land use element is critical to ensure growth and development does not exceed capacities of local facilities and services, as well as maintaining and preserving important natural resources, scenic and historic features.

A review of the zoning bylaw does provide some further guidance for interpreting the town plan. Ten zoning districts are delineated which help to focus growth and development in appropriate areas. For example, the Main Street District provides for uses that are “compatible in a mixed-use area, with an emphasis on providing incentives to the owners of land and buildings to improve North Main Street's appearance and to keep commercial activity concentrated in or near the Village Commercial District.” Other districts such as the Village Commercial and Commercial also encourage and promote mixed, concentrated development. When reviewing site plans, the Planning Commission may impose conditions with regard to the character of the area affected and the adequacy of vehicular circulation, traffic access, parking and loading, but zoning does not provide specific, clearly stated standards particularly for traffic and access management. Conditional use also indicates that development shall not adversely affect traffic on roads and highways, but again, no standards for interpretation are provided. This lack of clarity and ambiguity can lead to inconsistent decision-making by municipal officials and inadvertently allow inappropriate development.

Conclusion & Recommendations

REVIEW

Lyndon and Lyndonville provide the area with retail, commercial and industrial services while Burke offers a rural and scenic atmosphere more appealing for recreation, leisure and second home development. Both towns wish to maintain their historic character and rural traditions. The Burke Mountain Resort is in the process of expanding to a 4-season operation, offering a new golf course, hundreds of new residential and seasonal units, expanded employment opportunities and other significant improvements. The expanded resort will create hundreds of new jobs and will provide a boost to the local economy. It will also result in a doubling of residential units and incidental traffic. Population and growth are steadily on the rise and are certain to continue this trend with the impending Burke Mountain expansion. This development is guaranteed to have a dramatic impact on the local transportation system, primarily on Routes 5 and 114.

Although both towns have some form of land use regulation or development control, as indicated in Figure 8, most documents could use some strengthening in terms of transportation and land use planning. Each recognize the importance of controlling



growth and have some degree of reference to this, but neither have specific design standards or guidelines for development that would help municipal officials make consistent decisions. This may have a negative impact on roads and the character of the area because broad references do not constitute a clear standard. Inconsistency in decision-making can inadvertently lead to inappropriate and unwanted development patterns.

Figure 8. Status of Municipal Documents to Date

● = adopted and in force ○ = expired and not applicable N/A = does not have	Town Plan	Zoning Bylaw	Subdivision Regulations
Town of Burke	● (2006)	● (2006)	● (1990)
Town of Lyndon	○ (1999)	● (1996)	● (1996)

There is a strong connection between land use and transportation, which is greatly impacted by any number of external influences. Characteristics of density, concentration and mix of uses, accessibility, employment opportunities, housing availability, layout, design and timing of land development, and more, play a significant role in reducing the demand on the transportation system. These elements should be addressed in some manner to help maintain existing roadways and mitigate or eliminate potential impacts. Each town has the “building blocks” to do so, from site plan guidelines and design standards to zoning and subdivision regulations.

RECOMMENDATIONS (Preliminary)

As a starting point, each community should adopt this study by reference in its town plan or zoning regulation until such time it is feasible to do the research, review, analysis, and public involvement necessary to incorporate the recommendations provided herein. A second important task would be to strengthen the transportation, traffic, and access management review criteria in their general regulations, site plan or conditional use review. This includes limiting the number of curb cuts, coordinating site uses among separate properties, implementing other traffic calming measures, and specifically defining those situations that would be considered undue, adverse, or by requiring a traffic impact analysis for certain developments. Remember that any initiative cited in a town’s regulatory document is only effective if it is supported, implemented and enforced by the governing body. In addition:

The **Town of Burke** should consider any combination of the following initiatives in order to provide the maximum benefit for managing growth and development and a viable transportation system (note that the following recommendations apply to both the existing and proposed zoning and subdivision regulations):

1. Adopt into zoning the multiple zoning districts identified in the Town Plan and outlined in the proposed zoning bylaw. Ensure that higher density development



is permitted in the village centers as well as a mix of housing types and other commercial uses. Limit commercial uses in the rural areas of town and encourage the protection and preservation of important natural and cultural resources.

2. Develop a land preservation program undertaken through the planning commission, a local conservation commission, or community/regional land trust that identifies and prioritizes land for preservation and undertakes preservation through a variety of voluntary techniques. Include donation of conservation easements, acquisition of land or conservation easements, bargain sales of land, and limited development schemes.
3. Initiate a local conservation commission, land trust or other entity to implement and administer the land preservation program.
4. Develop design review standards or guidelines for the villages or delineate a design overlay district to include specific measures that maintain historic character of the area. This would include detailed initiatives for site development, architecture, signs, landscaping, parking, access and overall circulation. Design review is most effective when it is coupled with carefully developed public strategies to invest in improvement to streets and sidewalks, public parks and plazas, and civic facilities and transit.
5. Initiate a local affordable housing agency or similar entity, or work with a regional entity, to identify and develop affordable housing options.
6. Research the potential for an inclusionary zoning ordinance, which would either encourage or require developers to make a portion of the housing units (e.g. 15 to 20 percent) in a new development available and affordable to low- and moderate-income households. Ensure that the ordinance contains incentives/offsets to compensate property owners and developers for the foregone revenue associated with producing homes at below-market prices or rents. The most common incentive is a density bonus to allow the construction of more homes than would normally be allowed under zoning. Another useful incentive is to provide developers with a fast-track approval process.
7. Implement site plan review as outlined in the proposed zoning, which assures that, in addition to health and safety issues, proposed structures and site work are well integrated into the context of the neighborhood and the unique characteristics of the site itself.
8. Incorporate a long-term road improvement program in the Town Plan to account for potential impacts from ski area development. Identify key intersections for improvement, i.e. intersection of Route 114 and the access road.
9. Identify key areas in the villages that would benefit from traffic calming measures, such as the measures listed in the Town Plan.
10. Develop and implement an enhancement plan for the gateways identified in the Town Plan.
11. Restrict the number of curb cuts per parcel to one, or none if alternative access exists through a secondary road or a shared driveway. Or, restrict curb cuts to



one per X feet of highway in specific districts, or by specific uses. Promote or require one shared access for subdivisions so that individual accesses are not needed.

12. Develop a coordinated sign ordinance so that commercial signs complement the character of the area. Require PUD's such as the Burke Mountain development to provide a unified master sign plan.
13. Require buildings to front on the road to create a pedestrian friendly environment. Setbacks should be based on distances that are in context with the historic character of the area.
14. Include standards for subdivisions and PUD's that encourage or require the installation of sidewalks or paths that link adjoining parcels or the existing or proposed multi-modal transportation network.
15. Require that the developer pay for any unnecessary infrastructure improvements or secure a bond or other surety agreement to ensure that required improvements are installed.
16. Implement an impact fee ordinance to cover capital expenditures imposed by new development. Bear in mind that impact fees are intended to pay for the provision of new facilities and the expansion of existing facilities, not for the maintenance of existing facilities, and require that there be a capital budget and a multiyear capital improvements program. Any impact fee ordinance developed should consider certain waivers or exemptions, such as for affordable housing projects, storage sheds, or other accessory dwelling units.
17. In conditional use and/or site plan review, require developers to submit visual impact, traffic impact and other related analyses (i.e. land use, economic) to help evaluate potential impacts that may result from new development.
18. Prohibit cul-de-sacs and dead-end roads in subdivisions.
19. Adopt an official map to help plan and budget for existing and future uses, including roads, sidewalks, recreation paths, rights-of-way, parking areas, transit stops, open space, etc. If a development is proposed in an area identified on the official map, then it may be subject to conditional use review.
20. Work on the potential for some form of public transit to and from Burke Mountain Resort and other tourism/recreational destinations.

In addition to the above-mentioned initiatives, the following strategies are recommended if the proposed bylaws are adopted:

21. Building upon the Conservation & Scenic Overlay district, develop a detailed inventory of historic, scenic and environmental resources and clearly identify where they are located so new development and transportation improvements can avoid these areas or be implemented in a manner that is sensitive and responds to them. This inventory should include scenic roads and key vantage points.
22. Develop a more detailed design review and impact analyses capability for the Resort District.



The **Town of Lyndon** should consider any combination of the following initiatives in order to provide the maximum benefit for managing growth and development and a viable transportation system:

1. Update or rewrite its town plan as a matter of priority. The town plan provides a solid foundation for regulatory documents, like zoning, and assists in Act 250 permitting. The Town Plan from 1999 provides an excellent starting point and can be updated to account for recent trends, needs, and opportunities. An important piece to include in the update would be a separate Land Use section, which specifically addresses future land use and development.
2. A zoning rewrite to coordinate with and implement the new town plan should also occur simultaneously or shortly after the adoption of the town plan.
3. Consider an overlay district for the Route 114 corridor, which has site specific standards for addressing residential, commercial, and new development activities that address the protection of critical environmental resources, traffic management and scenic views.
4. Identify where traffic calming is needed in the village and what measures are most appropriate. This may include the definition of gateways to signify to the driver/traveler that they have entered a new environment, which has speed restrictions and conditions very different from the surrounding network (i.e. signifying a change from fast, Interstate driving to slow, village driving).
5. Another key measure is to implement a traffic management section in the zoning that would include specific provisions such as limiting curb cuts, providing adequate sight distances and encouraging transit.
6. Construct an official bike lane along major cycling routes, such as Routes 114 and 5. Identify and construct pull-offs and “places to pause” for bicyclists, to include picnicking facilities such as tables and wastebaskets.
7. Initiate a local land trust or entity, or work with a regional entity, to identify and purchase conservation properties and open space.
8. Initiate a local affordable housing agency or similar entity, or work with a regional entity, to identify and develop affordable housing options.
9. The off-street parking regulations of Article VI should be strengthened by including specific standards or guidelines. The following guidelines are recommended where feasible to reduce parking requirements, thus creating incentives and the environment for increased pedestrian, transit and bicycle travel:
 - a. Provide short-term parking in the most convenient locations and long-term parking in peripheral locations and where it can most easily be intercepted by transit. For example, construct long-term parking lots in the three areas identified in the town plan (South Main Street, Elm Street, and the north end of Broad street) and provide access to transit. Consider parking fees, which could result in denser and more compact development by reducing the number of personal vehicles used in



- commutes and the number of parking spaces required to accommodate them.
- b. Coordinate site uses among separate properties. Reduce the total number of parking spaces needed to accommodate customers where multiple destinations are accessible from the same parking lot.
 - c. Reduce parking requirements for development in close proximity to transit.
 - d. Locate and configure site plans and parking to prioritize direct pedestrian access between building entrances, sidewalks and transit stops. Require that parking be located behind buildings where possible, to the sides of buildings when necessary, and on corner lots away from street intersections.
 - e. Establish parking maximums, rather than minimums, for office buildings and other employment centers where alternative transportation exists (minimums often result in more parking being provided than is needed to meet demand).
 - f. Allow the use of public on-street spaces when considering the total number of parking spaces needed for a development.
10. Restrict the number of curb cuts per parcel to one, or none if alternative access exists through a secondary road or a shared driveway. Or, restrict curb cuts to one per X feet of highway in specific districts, or by specific uses. Promote or require one shared access for subdivisions so that individual accesses are not needed.
 11. Develop site landscaping standards and an overall landscape standard for specific corridors, particularly in the village and at the village gateways, to create an intimate, friendly feeling (street trees, placement, numbers required) and to help slow vehicles.
 12. Develop design review standards for the village/commercial districts or delineate a design overlay district to include specific measures that maintain historic character of the area. This would include detailed initiatives for site development, architecture, signs, landscaping, parking, access and overall circulation. Design review is most effective when it is coupled with carefully developed public strategies to invest in improvement to streets and sidewalks, public parks and plazas, and civic facilities and transit.
 13. Require that developers pay for any necessary infrastructure improvements or secure a bond or other surety agreement to ensure that required improvements are installed.
 14. Include standards for subdivisions and PUD's that encourage or require the installation of sidewalks or paths that link adjoining parcels or the existing or proposed multi-modal transportation network.
 15. Work on the potential for some form of public transit to and from Burke Mountain Resort and other tourism/recreational destinations.



16. Replace the current Planned Residential Development provision, which only applies to residential development, with a Planned Unit Development (PUD) regulation. A PUD merges zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, with the design flexibility to mix land uses, housing types, and densities, and to phase large developments over a number of years. It also provides a way to customize development standards to the specific land under consideration, thereby minimizing environmental disturbance and alteration of existing topography, particularly in comparison with conventional forms of development. PUD's would be especially beneficial for limiting sprawl-like development along Route 114, where the Burke Mountain Resort expansion will likely have an impact on growth along this stretch of road.



Relevant Excerpts from Planning and Zoning Documents

TOWN OF BURKE

BURKE TOWN PLAN, ADOPTED DECEMBER 2006

CHAPTER 3. LAND USE PLAN (P. 5)

[Burke's] development pattern is distinguished by:

- Compact, mixed use village centers, served by major transportation routes.
- A rural landscape surrounding the village centers, encompassing old farm fields, a few working farms, open meadows, and forests with low density residential development.
- Small, compact scattered residential "groupings" located in appropriate locations throughout the rural landscape.
- Undeveloped mountainous areas.

FOREST RESERVE DISTRICT (P. 7)

...Changing construction and transportation technology in recent years, however, and a growing market for land which afford a big view, have increased development pressure in this district. This new development trend raises several land use concerns. Additional residential development leads to further land fragmentation and could burden the Town with increased demand for services in remote areas. Any road upgrade could alter the character of the district through increased pressure to subdivide large parcels for year-round residences, resulting in even further fragmentation. The potential exists for conflict between year-round automobile traffic and other traditional activities, such as logging operations and recreation, and reduced wildlife habitat.

Strategies:

- In order to limit the adverse impacts of additional residential development in this district, the upgrade of Town roads and subdivisions of large forest parcels should be discouraged, and any new roads should be the minimum length needed.

AGRICULTURAL-RESIDENTIAL DISTRICT (P. 8)

...The landscape within this district is a critical element of Burke's rural character and special charm. Burke's rural character is the historic working landscape formed by open farmland, barns, farmhouses, sugar houses, and other historic structures, the scenic backdrop formed by forested hillsides and mountains, tree-shaded roads and a meandering river.

...Through land use regulations, the Town can ensure that:

- New roads and utilities are coordinated with improvements on neighboring properties and will meet minimum standards

...Because of the potential conflict between residential and commercial uses arising from many possible reasons including air, ground water and noise pollution, excessive traffic and aesthetics such as signage and industrial buildings, and neighborhood tranquility, any proposed commercial land use in the Agricultural-Residential District should be carefully managed and directed to designated growth areas.

Strategies:

- Prohibit large-scale activities and large traffic generators without adequate transportation



upgrades, ensure that buildings and uses are of a scale and design that is compatible with residential uses, and where practical encourage the use of historic structures that are no longer viable for their original function.

VILLAGE DISTRICT (P. 10)

The vision for Burke is to maintain West Burke and East Burke as residential/commercial centers, and Burke Hollow as a residential cluster. The village areas should be separated by rural/residential areas, and not be allowed to grow together into one continuous development.

...For the safety of the many children living in the villages, sidewalks, crosswalks, bike paths and traffic control measures should be considered.

... careful consideration should be given to the impact of signage and lighting to avoid detracting from the pleasant streetscape. Opportunities for enhancing the streetscapes should also be pursued, including planting of trees and shrubbery in strategic locations.

...Since the historic buildings force the maintenance of narrow main thoroughfares, it will be important to establish small to medium off-road parking areas in the villages, and pedestrian paths and sidewalks.

Strategies:

- Evaluate the creation of Village Commercial Districts along Route 114 in East Burke village and Routes 5 and 5A in West Burke villages.
- Encourage village center growth.
- Work to ensure that future development is compatible with the villages' historic character. Improvements, such as sidewalks and streetlights, should also maintain the character.
- Support the creation of a network of pedestrian and cycling paths that interconnect the villages.
- Support low impact lighting, shared parking, sidewalks, crosswalks, and well-defined streetscapes.
- Limit the size and lighting of signage to be consistent with the character of the villages.

CHAPTER 4. TRANSPORTATION PLAN (P. 13)

Transportation Goal:

To provide a safe, efficient and convenient transportation network for all Burke residents, visitors, and businesses.

The Town of Burke's roads are generally in good shape and adequate to accommodate current traffic volumes.

Future:

While the town does not maintain a formal, long-term road improvement program, the Selectboard and Road Commissioner have attempted to schedule road maintenance in an efficient and cost effective manner which minimizes year-to-year fluctuation in the municipal property tax rate.

Strategies:

- Create a long-term road improvement program and review yearly.
- Require a transportation impact study as part of any new large scale residential or commercial development.
- Analyze the impact of any new road on maintenance costs and emergency services.



AUTOMOBILE TRAFFIC (P. 14)

Currently few transportation alternatives exist that would allow Burke residents to become less dependent on motor vehicles for transportation.

Future:

As fuel prices increase and vehicle emissions continue to erode air quality, finding alternatives to petroleum-based motor vehicles will become more critical. Also, carpooling and ride sharing would help to alleviate traffic.

Strategies:

- Reasonable efforts should be made locally to promote ridesharing, alternative modes of transportation, and less auto-oriented patterns of development.
- Local initiatives that could help reduce the number of vehicle miles traveled include the building of extended sidewalk projects in the villages, the development of a park and ride facility, promoting transit and ensuring traffic safety and efficiency throughout the community, and shared parking areas in West and East Burke villages.

TRUCK TRAFFIC (P. 14)

A high volume of trucks, many from Canada, travel through East Burke village which has raised concerns relative to traffic safety within village centers. A growing controversy involving Burke roads is the conflict between large trucks traveling on rural town roads and the residential and scenic nature of those roads.

Future:

This conflict is likely to intensify as more residential development occurs in rural sections of Burke. Residential development will serve to intensify the interaction of commercial trucks and automobiles. Truck traffic, moreover, raises special issues related to greater wear on public roads and the impact on the quiet character of residential neighborhoods.

Strategies:

- Burke should look into how truck noise can be mitigated and consider an enforceable noise ordinance.
- Better use of Interstate highway system rather than rural roads.

ACCESS MANAGEMENT (P. 15)

The frequency, location, and design of highway accesses – or curb cuts – has a direct bearing on the safety and efficiency of both town roads and state highways. Approval by the Selectboard is required for access onto town roads, and by VTrans for access onto state highways. To receive approval, the access also must be consistent with the local land use regulations.

Future:

Continued attention to access management by the town will balance the needs of motorists, pedestrians and bicyclists and improve safety and highway efficiency. There are also several techniques for managing highway access, most of which may be applied through the town's zoning and subdivision regulations, and road policies and ordinances. These include requirements for:

- Minimum sight distances at driveway or street intersections
- Maximum number of driveways per lot
- Mandatory shared driveways



- Maximum curb-cut widths
- Minimum and maximum driveway lengths
- Installation of turning lanes
- Easements to allow for future road extensions or connections to adjoining lots
- Minimum or maximum on-site parking, shared-parking, and parking design
- Minimum areas for loading and unloading
- Curbing, landscaping, and buffers to visually define and enhance access points.

Strategies:

- To ensure the safety of residents and the traveling public, all business ventures should be required to have adequate designated parking for all employees and visitors. This requirement includes parking for events that happen on a continuous basis, even if it is not a licensed business, including yard sales from residences that are open on a frequent ongoing schedule.

TRAFFIC CALMING (P. 15)

Techniques to maintain relatively slow traffic speeds in settled areas, enhance pedestrian safety, and improve the overall environment are often referred to as “traffic calming”. Traffic calming is important in East Burke and West Burke villages where traffic volumes are high, but pedestrian and bicyclist traffic is encouraged.

Future:

As development in and near Burke continues and the resulting volume of traffic increases, the need for traffic calming will increase in East Burke and West Burke, and may become an issue in other parts of the town. Techniques for traffic calming include:

- narrow vehicle traffic lanes
- wide sidewalks
- Clearly marked crossing zones
- medians
- on-street parking
- roundabouts
- raised and/or textured pedestrian crosswalks with adequate signlines
- bulbout or curb extensions to extend sidewalks or curb lines into the street
- street-tree plantings
- street furniture/outdoor seating

Strategies:

- Traffic calming measures should be considered in any improvements to Burke’s existing roadways and any new connecting side roads.

PEDESTRIAN AND BICYCLE TRAVEL (P. 16)

There are limited pedestrian sidewalks in East and West Burke villages and none in Burke Hollow. Sidewalks will become increasingly important for safety as commercial and traffic growth continue. Likewise, crosswalks are currently lacking, and will become an important safety feature.

Burke is very fortunate to possess many miles of biking trails. Kingdom Trails has its home office in East Burke village which has become an asset to the area bringing tourists to the area in the summer season.



Burke has many Class 4 roads that provide excellent walking/biking opportunities. In addition, many miles of private logging roads and trails are available to the public through the generosity of landowners.

Future:

Enhancing pedestrian and bicycle travel offers many benefits to the community. This includes reducing traffic congestion, air pollution and reliance on non-renewable fossil fuels, fostering healthy living, providing recreational amenities for residents and visitors and reinforcing historic, pedestrian-scale settlement patterns.

Kingdom Trails is researching the development of a path from East Burke to Lyndonville, which would serve as an important pedestrian and bicycle connection.

Private roads are often at risk of being posted; public access may be prohibited as landowner-user conflicts arise. The continuing subdivision of land poses both a risk to the informal network of private logging roads and trails, and an opportunity to obtain path easements as a condition to subdivision approval.

Strategies:

- As the villages develop, pedestrian facilities, including interconnecting sidewalks and crosswalks should serve as a dominant organizational element.
- Explore the potential for formalizing many of these informal trails through the dedication of permanent easements.
- Explore the use of temporary easements for bicycle and pedestrian trails, a practice the Vermont Association of Snow Travelers (VAST) has used with much success. The VAST network includes a number of winter-use trails throughout the Town of Burke and the surrounding area.
- Promote public education to discourage inconsiderate recreational use of private trails (e.g., littering, leaving gates open), which is important if local residents are to continue to benefit from the generosity of landowners.
- Plan for the inclusion of bicycle lanes and/or walking paths on all paved town roads when roads are upgraded.

CHAPTER 6. NATURAL RESOURCES PRESERVATION PLAN (P. 25)

Landscape:

Probably the most popular means of enjoying the Town's scenic landscape is from the vantage of town roads. Whether by automobile, bicycle, or on foot, many of the town's roads offer magnificent views. These roads include, but are not limited to, Sugar House Road, Darling Hill Road, Kirby Road, Burke Hollow Road, Pinkham Road, and Gaskell Hill Road. The features which contribute to the scenic qualities include stone walls, canopy trees, continuous panoramic views, unpaved roads, and historic structures such as turn-of-the-century mansions. Burke values the benefits of unpaved roads where slower traffic is more compatible with pedestrian and bicycling uses, scenic driving, and the maintenance of rural character.

CHAPTER 7. HISTORIC FEATURES AND RESOURCES (P. 34)

Strategies:

- Adopt signage regulation to ensure that signs are designed to be harmonious with the historic character and pedestrian scale of the town's village centers, consistent with traffic safety, and to avoid roadside clutter or interference with the enjoyment of the rural landscape outside the village centers.



BURKE TOWN SURVEY SUMMARY (P. 48)

Q11: Do you feel there are traffic problems in Burke that need to be addressed?

	Yes	No
Traffic Problems	294	158

Do you feel the following are problem areas?

	Yes	No
Rt 114 and Mtn Rd intersection	168	239
Rt 5 and 5A intersection	82	312
Speeding in East Burke	179	234
Speeding in West Burke	128	267

TOWN OF BURKE ZONING BYLAW, ADOPTED NOVEMBER 6, 2006

ARTICLE 2: REGULATIONS OF USES

Sec. 202: Conditional Uses

202.1 Permitted upon issuance of a conditional use permit by the Development Review Board, as provided for in Sec. 4414(3) of the Act after public notice and hearing, are those uses listed in Sec. 203. In order for the permit to be granted, the proposed used shall not have an undue adverse effect upon the following:

C. Traffic on roads and highways in the vicinity;

202.3 Submission of Site Plan Development Map and Supporting Data. The owner shall submit one set of site plan maps, drawn to scale, and supporting data to the Development Review Board.

C. Master plans shall provide information regarding the following:

14. Transportation: Effect of the development on and including public transportation facilities existing and planned.

202.4 In permitting a conditional use, the Development Review Board may impose, in addition to the regulations and standards expressly specified by this bylaw, other conditions found necessary to protect the interest of the surrounding property, the neighborhood, or the town as a whole. These conditions may include the following:

- A. Controlling the location, width and number of vehicular access points;
- B. Increasing the street width;
- C. Increasing the number of the off-street parking or loading spaces required;
- D. Limiting the number, location and size of signs;
- E. Requiring suitable landscaping, where necessary, to reduce the noise and glare and to maintain the property in a character in keeping with the character of the surrounding area;



ARTICLE 3: GENERAL PROVISIONS

Sec. 303: Frontage on or Access to Public Roads or Water

No land development is permitted on lots that do not have either frontage on a public road or a permanent easement or right of way of record approved by the Development Review Board as a conditional use in accordance with section 202 of this bylaw. Frontage applies to all property lines bordering public or private roadways but not driveway easements. Permits may be granted for land that does not have frontage on a public road provided access is available by a permanent easement or right-of-way. The required easement or right-of-way shall be at least 50 feet in width for any such landlocked parcels.

Sec. 317: Off-Street Loading

Off street loading, which is spaced logically, conveniently located for bulk deliveries and pick-ups, scaled to the delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled, shall be provided for all commercial and industrial uses. Required off-street loading space may not be included as off-street parking spaces.

Sec. 318: Traffic Management

318.1 Consistent with the Burke Town Plan, land development shall be regulated to maintain an operating level of service on the Town's principle roads at, or above level of service "C". This shall be accomplished in a manner that does not adversely affect the scenic beauty or rural character of the Town or its roadway network. This objective may be achieved through mitigating measures, including:

- A. Limitation on the frequency of curb cut
- B. Provision of adequate site distances;
- C. Transit;
- D. Parking requirement; and/ or,
- E. Project phasing or reduction in project size.

318.2 To establish the traffic impact potential of a proposed land development and to identify necessary and appropriate mitigating measures, traffic impact studies may be required. When warranted, such studies shall be funded by the applicant and prepared by a registered professional engineer, who shall be selected jointly by the Town and the applicant. Such studies shall include:

- A. A description of the general location of the project;
- B. A statement of existing traffic conditions and projected traffic conditions in five (5) years;
- C. A statement comparing the operating level of service of the roadway(s) and/ or intersection(s) in the Town with and without the proposed project(s) at the opening date of the project and in five (5) years; and
- D. A statement of recommendations outlining any adverse traffic impact of the proposed project and necessary improvements to provide an acceptable operating Level of Service.

When the cumulative impact of two or more concurrent development proposals is at issue, the proponents of those developments may be required to jointly fund an analysis of that potential cumulative impact.



318.3 This section shall be applied, when applicable, by the Development Review Board, to applications requiring any of the following approvals;

- A. Conditional use permit;
- B. Planned unit development permit;
- C. Planned residential development permit; and/ or,
- D. Variance.

Sec. 319: Curb Cut Limitations

319.1 The total number of curb cuts permitted on each side of a continuous length of road frontage on a parcel shall not exceed the number set forth in the following table. These limits shall not apply to farm entrances used solely to gain access to a field for agricultural purposes. In calculating the number of curb cuts permitted, any curb cut in existence prior to the passage of these bylaws or constructed thereafter shall be included.

Continuous Road Frontage	# Curb Cuts Permitted
0 – 799	2
800 – 1599	3
1600 – 2399	4
2400 – 3199	5
3200 feet or more	6

319.2 Subdivisions of a parcel after the passage of this bylaw shall not create a right to construct any curb cut in addition to those permitted in the above table

ARTICLE 5: SPECIAL PROVISIONS

Sec 501: Planned Unit Development

With the Approval of a subdivision plan the Development Review Board is hereby empowered to vary certain zoning regulations under the criteria and procedures established in Sec. 4417 of the Act.

501.1 Purpose

...The PUD must:

- 1. Comply with the Town Plan;
- 2. Provide for a logical, functional integration of residential, limited commercial, recreation facility, utility, transportation and open space uses;
- 3. Not cause, or contribute to the degeneration of the Level of Service on area roads and intersections below LOS C;
- 4. Feature a consistency in design and an overall high quality of construction and attractiveness;
- 5. Provide for a concentration of ownership, or formal coordination among the various owners, to facilitate ease of communication with the Town and to assure coordination of operation; and
- 6. Utilize a pattern of development, which preserves trees and outstanding natural, topographic and geologic features and prevents soil erosion and minimizes visual impact.

In addition to the above, a PUD in the Burke Mountain area shall meet the following:

- 1. Provide for sufficient and aesthetically inviting recreation amenities for year round use;
- 2. De-emphasize private autos. For example, provide walkways, trails and bikeways; and,



3. Provide for phased growth, in balance with comfortable carrying capacity of ski areas within the area to avoid overburdening of Town facilities and services.

TOWN OF BURKE SUBDIVISION REGULATIONS, ADOPTED JANUARY 6, 1990

ARTICLE V: PLANNING AND DESIGN STANDARDS

5.1 STREETS

5.1.1 Layout

All roadways and intersections shall be designed to insure the safe and efficient movement of vehicles. Streets shall be logically related to the topography so as to produce useable lots and with road grades not to exceed slopes as specified in Sec. 5.1.4 grades. Wherever extensions of proposed streets could rationally provide public access to adjacent properties, or connection to existing public State or Town Highways, a right-of-way across the subdivider's property may be required.

5.1.2 Capacity of Existing Streets

Projects that are judged to generate traffic that exceeds the existing capacity of adjacent roadways, or intersections shall be phased in a manner that allows the improvement of said capacity.

In situations where a development may require realignment, widening, or otherwise increasing the capacity of an existing street, or where the town Plan, or Capital Program indicate that such improvements may be required in the future, the subdivider may be required to reserve land for such improvements.

5.1.3 Location and Design of Intersections

Intersections with existing roadways shall be as close to 90 degrees as possible. Approaches to intersections with existing streets shall be at a maximum grade of 3% for a distance of 100 feet from the edge of the travel lane. Intersections shall be located so as to provide a minimum sight stopping distance in accordance with the following standards of the American Association of State Highway Officials:

Minimum Stopping Sight Distance	
Design Speed of Roadway Section (mph)	Sight Stopping Distance (feet)
30	176
40	263
50	369
60	491

The Commission may restrict the number of curb cuts, or impose special intersection design requirements along all Town Highways in the interest of preserving their visual character.

5.1.4 Design Standards for Rural Roads

All roads shall comply with the design standards as specified herein, unless otherwise waived by the Commission due to specific site conditions, such as but not limited to visual impact, roadside parking and land ownership.



Type of Design Standard	Design Requirement	
Peak hour design Volume (No. of Vehicles)	under 500	500 or more
Right-of-Way Width	50'	66'
Minimum Pavement Width	20'	24'
Shoulder Width	3'	6'
Maximum Street Slope	10% or 15% for maximum of 500'	10% 15 % 12% for maximum of 1000'

5.1.5 Cul de Sacs

All dead end streets in excess of 800 feet in length shall terminate in a turn around having a minimum outside radius of fifty (50) feet and a travel lane width of twenty (20) feet, unless otherwise required for emergency vehicle access.

5.3 PEDESTRIAN ACCESS

The Commission may require right-of-way to facilitate pedestrian circulation within the subdivision and to insure public access through the property to adjoining properties or uses.

5.8 SIGNS

The Commission may place more restrictive conditions regarding the size, height, location and number of signs than those specified in the Zoning Ordinance, or by State regulations in order to maintain the visual character of the area and to insure the safety and efficiency of pedestrian and vehicular circulation.

**TOWN OF BURKE PROPOSED ZONING AND SUBDIVISION REGULATIONS,
 SUBMITTED TO SELECTBOARD - 05/07/2007**

ARTICLE 2. ESTABLISHMENT OF DISTRICTS AND REGULATIONS

§201. Zoning Map and Districts

The zoning map officially titled “Town of Burke Zoning Map,” is hereby adopted as part of this bylaw. The Town of Burke Zoning Map shows a division of the town into the following districts:

- Village Mixed Use “VMU”
- Village Residential “VR”
- Agricultural Residential I “AR I”
- Agricultural Residential II “AR II”
- Resort “R”
- Conservation & Scenic Overlay “CSO”
- Flood Hazard Overlay “FHO”

§210(6). Scenic and Conservation Overlay (“SCO”)

The purpose of the Scenic and Conservation Overlay District (SCO) is to safeguard areas with



exceptional scenic and visual quality. The regulations for the SCO supplement the regulations of any underlying district. When the regulations of the SCO and those of the underlying district conflict, the more restrictive provision(s) shall apply.

(5) Clearing and Landscaping

- B. No repair, maintenance, development, landscaping, reconstruction, or paving work performed on or adjacent to a scenic road shall involve the cutting, damage, or removal of any tree with a circumference of 15 inches or more, measured at a point four (4) feet above the ground, except to accommodate a driveway.
- C. The Development Review Board may require the retention of a wooded buffer along the front portion of lots fronting a scenic road, stipulating that healthy trees above a certain diameter may not be removed except to accommodate driveways.

(7) Access: Access roads, private roads, and driveways shall be designed to follow existing contours, tree lines, and stone walls; avoid stream and wetland crossings; and be no greater than fifty (50) feet in width, except where wider side slopes are needed to prevent erosion.

ARTICLE 3. GENERAL PROVISIONS

§303. Frontage on or Access to Public Roads

- (1) No land development is permitted on lots that do not have either frontage on a public road or a permanent easement or right of way of record approved by the Development Review Board. Frontage applies to all property lines bordering public or private roadways but not driveway easements.
- (2) The required easement or right-of-way shall be at least 50 feet in width for any such landlocked parcels.

§312. Curb Cuts

- (1) Curb cuts adjoining or affecting town roads, state highways, or surrounding private properties may not be created without adequate drainage. Prior to the creation of any curb cut, the individual seeking to establish such curb cut shall obtain approval from the Town of Burke Selectboard or the appropriate district office of the Vermont Agency of Transportation, depending on jurisdiction. Approval may be conditioned upon installation of one or more culverts in specified size(s) and location(s).
- (2) With the exception of curb cuts used solely for agricultural or forestry purposes, no lot in existence as of the effective date of these regulations may be served by more than one curb cut. The Development Review Board may approve additional curb cuts in the event that:
 - A. The additional curb cut is necessary to ensure vehicular and pedestrian safety; or
 - B. Strict compliance with this bylaw would, due to the existence or one or more physical features (e.g. rivers, streams, steep slopes, wetlands), result in a less desirable development or subdivision design than would be possible with the allowance of an additional curb cut.
- (3) Applicants for a zoning permit for any lot where the number of existing curb cuts exceeds the number allowed under this bylaw must either eliminate or combine excess curb cuts, unless otherwise approved by the Development Review Board in accordance with (2) above.
- (4) Subdivision of a lot after the effective date of these regulations shall not create a right to construct more than one access unless otherwise approved by the Development Review Board in accordance with (2) above.
- (5) Curb cuts shall be limited to an approved width and shall not extend along the length of road



frontage.

- (6) Curb cuts shall be located at least 125 feet from the centerline of any intersecting roadway, for all except for single- and two-unit dwellings, which shall be located at least 75 feet from the centerline of any intersecting roadway.
- (7) Shared curb cuts are encouraged, and may be required for development subject to subdivision review or conditional use approval.

ARTICLE 5. PLANNED UNIT DEVELOPMENT

§501. Purpose

- (1) The Development Review Board is hereby empowered to vary certain zoning regulations under the criteria and procedures established in 24 V.S.A., §4417.
- (4) In approving a proposal for a planned unit development, the Development Review Board must find that the proposal meets the following objectives, with respect to both its internal design and its relationship to its surroundings:
 - C. Not cause, or contribute to the degeneration of the Level of Service (LOS) on area roads and intersections below LOS C, unless such proposed improvement is deemed to be undesirable by the Development Review Board, or if the Development Review Board determines that a different LOS threshold is a more appropriate for a specific setting.
 - G. De-emphasize private autos through the use of walkways, trails and bikeways;

ARTICLE 7. SUBDIVISION REVIEW

§711. Subdivision Review Standards for Roads

- (1) Projects that may generate traffic that exceeds the existing capacity of adjacent roadways, or intersections shall be phased in a manner that allows the improvement of said capacity.
- (2) If a development may require realignment, widening, or otherwise increasing the capacity of an existing road, or if the town plan or capital program calls for such improvement, the subdivider may be required to reserve land for the improvements.
- (3) Intersections with existing roadways shall be as close to ninety (90) degrees as possible. Approaches to intersection with existing roads shall be at a maximum grade of 3% for a distance of 100 feet from the edge of the travel lane. Intersections shall be located so as to provide a minimum sight stopping distance in accordance with the following standards of the American Association of State Highway officials:

Minimum Stopping Sight Distance	
Design Speed of Roadway (mph)	Stopping Sight Distance (feet)
30	176
40	263
50	369
60	491

- (4) The Development Review Board may restrict the number of curb cuts or impose special intersection design requirements along all Town Highways in the interest of preserving their visual character.
- (5) All roads shall comply with the design standards as specified herein, unless otherwise waived by the Development Review Board due to specific site conditions, such as but not limited to visual impact, roadside parking and land ownership:



Type of Design Standard	Design Requirement	
	Peak Hour Design Volume (# of vehicles)	
	Fewer than 500	500 or more
Right- of Way Width	50'	66'
Minimum Pavement Width	20'	24'
Shoulder Width	3'	6'
Maximum Street Slope	10%	10%
	OR	
	12% for a maximum of 1000'	12% for a maximum of 1000'
	OR	
	15% for a maximum of 500'	15% for a maximum of 500'

- (6) All cul-de-sacs in excess of 800 feet in length shall terminate in a turn around having a minimum outside radius of fifty (50) feet and a travel lane width of twenty (20) feet, unless otherwise required for emergency vehicle access.

§712. Pedestrian Access

The Development Review Board may review right-of-way within the subdivision to facilitate pedestrian circulation and to ensure public access through the property to adjoining properties or uses.

ARTICLE 9. ADMINISTRATION AND ENFORCEMENT

§906. Site Plan Review

- (1) The purpose of site plan review is to ensure that the site layout and design of permitted uses are safe, functional, and of a scale that is compatible with their settings and consistent with these bylaws.
- (2) No zoning permit shall be issued by the Administrative Officer for any permitted use or structure except for one- and two-unit dwellings until the Development Review Board grants site plan approval after public notice and hearing and in accordance with 24 V.S.A. §4416. In reviewing site plans, the Development Review Board may impose appropriate safeguards with respect to the following standards and conditions:
 - A. Site layout and design: Site layout and design shall incorporate and/or protect significant site features – both natural and historic – including but not limited to: existing vegetation; surface waters and wetlands; historic sites and structures; prominent ridgelines, hilltops, and slopes of 25% or greater.
 - B. Parking, loading, and service areas: The applicant must be able to reasonably demonstrate that on-site parking, loading, and service areas are adequate, functional, and safe and pose minimal off-site impacts. Shared parking areas to serve multiple properties are encouraged. Parking, loading, and service areas shall be located to the side or rear of the building; parking within the front setback area is prohibited. Conditions may be imposed with regard to the extent, location, landscaping, screening, paving, and curbing of parking, loading and service areas.
 - C. Access: Provisions shall be made for adequate and safe pedestrian and vehicular access to and from the site. The Development Review may impose conditions, including but not limited to: the restriction of vehicular access to a side or secondary road; the reduction, consolidation, or elimination of curb cuts; or, if feasible, shared access with adjoining properties.
 - D. Circulation: Adequate space for maneuvering in and out of parking, loading, and



service areas, and shall be located so as not to interfere with pedestrian and vehicular circulation to, from, and within the site.

§907. Conditional Use Review

(1) After public notice and hearing, the Development Review Board shall determine, using all of the standards outlined in §906, if a proposed conditional use has the potential to have an undue adverse effect on the following:

C. Traffic on roads and highways in the vicinity;

(2) The Development Review Board shall request a master plan for all phased developments and large-scale developments. Master plans shall contain the following information:

L. The effect of the development on transportation, including existing and planned public transportation facilities.

(3) In permitting a conditional use, the Development Review Board may impose, in addition to the regulations and standards expressly specified by this bylaw, other reasonable conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the Town as a whole. These conditions may include the following:

C. Controlling the location and number of vehicular access points to the property;

D. Increasing road width;

E. Increasing the number of off-street parking or loading spaces required.

F. Limiting the number, location, and size of signs.

§908. Traffic Management

(1) In keeping with the Burke Town Plan, land development shall be regulated to maintain operating level of service on the Town's state and town highways at or above level of service "C." This shall be accomplished in a manner that does not adversely affect the scenic beauty or rural character of the Town or its roadway network. This objective may be achieved through mitigating measures, including:

A. Limitation on the frequency of curb cuts;

B. Provision of adequate site distances;

C. Transit;

D. Parking requirements; and

E. Project phasing or reduction in project size.

(2) To establish a proposed land development's potential impact on traffic, and to identify necessary and appropriate mitigating measures, the Development Review Board may require a traffic impact study. When warranted, such studies shall be funded by the applicant and prepared by a registered professional engineer, who shall be selected jointly by the Town and the applicant. Such studies shall include:

A. A description of the general location of the project;

B. A statement of existing traffic conditions and projected traffic conditions in five (5) years;

C. A statement comparing the operating level of service of the roadway(s) and/or intersection(s) in the Town with and without the proposed project(s) at the opening date of the project and in five (5) years; and

D. A statement of recommendations outlining any adverse traffic impact of the proposed project and necessary improvements to provide an acceptable operating level of service.



- (3) When the cumulative impact of two or more concurrent proposed developments is at issue, the applicants of those developments may be required to jointly fund an analysis of the potential cumulative impact.
- (4) This section shall be applied, at the discretion of the Development Review Board to applications requiring the following approvals:
 - A. Subdivision review
 - B. Site plan review
 - C. Conditional use review
 - D. Planned unit development or planned residential unit review.

TOWN OF LYNDON

LYNDON TOWN PLAN, ADOPTED 1999

NOTE: If a plan is more than 5 years old, it is considered expired and not applicable. The Town is currently in the process of updating the Plan but do not anticipate completing it until next year. Although the document is not applicable at this time, a review was still completed.

III. TRANSPORTATION

1. GOAL: To improve Lyndon's total transportation system so as to provide the safest and most efficient means of transportation commensurate with a responsible and attainable level of funding.

2. BACKGROUND: After assessing current transportation links and weaknesses, the findings and recommendations outlined below were developed.

3. FINDINGS/RECOMMENDATIONS:

A. Finding: The present programs of Town highway maintenance and improvement, and Village street, highway, and sidewalk programs must be continued to insure safety and enhance appearance.

Recommendations:

- (1). The Village should do a safety study to improve the crosswalk system.
 - (2). The Village should do more sidewalk and street curbing as the budget allows.
 - (3). There should be strict enforcement of speed limits on all Town and Village highways and streets. Special attention should be given to the Broad Street section of Route 5, "The Strip".
- B. Finding: Cooperation should be solicited from State officials to insure safety and reasonable access to the Vermont State highways located in Lyndon.



Recommendations:

(1). Maintain "thru" traffic in Lyndon Center by continuing to have a safe highway bridge over Miller's Run.

(2). Lyndon Town and Village officials should continually monitor and update traffic flows and Vermont Routes 5, 114, and 122 to ensure safe pedestrian, bicycle, and vehicular travel.

(3). Town and Village officials and adjoining landowners should continue to work with Vermont Highway officials to promote safe and efficient access to Route 5, Broad Street (The "Strip"), while ensuring adequate access to Route 5 by businesses. NVDA has just completed a Route 5 study, and AOT has committed to re-design the "Strip".

C. Finding: Railroad related commerce should be improved.

Recommendation: All reasonable efforts should be made to encourage railroad related commerce by working with the Canadian Pacific Railroad Company and all present and potential railroad related businesses in a coordinated and efficient manner.

D. Finding: Utilization of Caledonia County Airport should be improved.

Recommendation: The Town of Lyndon should join with area communities and the appropriate State and Federal agencies to improve, promote, and utilize the Caledonia County Airport for the growth and prosperity of the Town of Lyndon.

E. Finding: Taxi, bus, and other forms of public transportation should be expanded.

Recommendation: The Town should encourage taxi, bus, and other forms of public transportation by providing adequate parking and service areas. Cooperation should be anticipated from Town and Village departments in providing these items.

F. Finding: Pedestrian and bicycle traffic should be encouraged.

Recommendation: Include in the Town program a more aggressive attempt to develop bicycle and pedestrian paths where economically feasible. See related comments in the Community Facilities section of this plan.

XII. RETAIL, COMMERCIAL, AND INDUSTRIAL AREA & FACILITIES

1. GOAL: To establish the right conditions and environment to allow and encourage business growth in designated areas in the Town. This, in turn, should provide area economic growth to insure continued job, business, and tax base expansion opportunities.

2. BACKGROUND: Over the years the Town has benefited from the presence of several manufacturing facilities within our borders. Our tax base has been broadened, many of our residents have become skilled workers, and payroll dollars have been paid and spent in our community. The continued presence of these or similar operations and the development of, or transferring in of, additional industrial operations will continue to provide benefits to the community.



Much the same may be said for our retail and commercial businesses. However, the retailing and commercial business activities of the Village and Town face several problems, which may hamper the orderly growth of the area as a viable retail center. These include:

A. Inconvenient and potentially insufficient parking for customers and employees of retailers, banks, and other commercial businesses and services.

B. Traffic congestion and poor traffic flow at key points. By hampering the smooth flow of traffic, accident potential increases.

C. Deterioration of roadways, partly caused by heavy truck traffic through the Village.

D. Unsightly strip development, particularly on Broad Street, which has caused some businesses to place unsightly barriers to prevent drivers from passing vehicles making left turns.

E. The need to extend services such as water, sewer, and power to accommodate future development.

3. FINDINGS/RECOMMENDATIONS:

A. Finding: There is often insufficient parking in the Village to accommodate both employees and customers, and the problem may grow with population increases. This could have a negative impact on businesses located in this area.

Recommendation: A series of steps should be taken to remedy this situation:

(1). There should be a parking study conducted to determine the number of parking spaces needed for employees.

(2). Where posted, the 2-hour parking rule should be enforced. A 15 minute rule might be considered for spaces in front of the Post Office and banks; or some spaces might be designated for a 15 minute maximum if parking becomes a continuing and significant problem in those areas.

(3). A meeting should be held between Town officials, retailers, bankers, and other businesses to explore alternate sites for parking. Perhaps specific areas, including the parking area behind the municipal building, could be designated for employee parking. The meeting should also address establishing as many as three off street parking areas in the vicinity of South Main Street, Elm Street, and the north end of Broad Street. These are the areas where future expansion is most likely, and the parking could be assigned to either employees or customers as the needs of the time dictated. Options to buy houses/properties to accommodate this plan should be considered. Any plan for developing additional parking should include signage to advise motorists of the location of that parking.

Funding for additional parking could come in the form of Federal or State grants; business assessments based on parking lot needs for each business; metering the parking lot and enforcement of the two hour parking limit on Depot Street; or some combination of these. Any costs to the Town or Village should be considered as investments intended to enhance the attractiveness of the area as a retail or commercial business location, thus maintaining, or hopefully increasing, the tax base.

B. Finding: Traffic congestion through the Village on Route 5 is serious and getting worse.



Recommendation: The Town, Village, and State should continue to pursue remedies as recommended in the NVDA Route 5 study and the AOT proposed re-design of Broad Street, which includes turning lanes, installing curbing, creating specific "enter" and "exit" areas, and possibly installing at least one traffic light to interrupt traffic flow. In addition, consideration should be given to improving an alternate route around the Village such as through Lyndon Center or over Lily Pond Road.

Trucking (tractor-trailer) traffic through the Village should be discouraged. It creates congestion, slows traffic, and makes conditions more dangerous for pedestrians. Discouraging truck traffic could be accomplished by improving existing truck routes, developing new or alternate routes, and/or restricting weight limits.

TOWN OF LYNDON ZONING BYLAWS, ADOPTED NOVEMBER 6, 1996

ARTICLE IV. GENERAL PROVISIONS

4.2 Permitted and Conditional Uses

4.2.2 Any Development identified as a "Conditional Use" in a particular zoning district may be commenced, enlarged or altered in such district only after the applicant obtains approval for such Development from the Board pursuant to Section 4407(2) of the Act, after public notice and hearing, and all other necessary approvals. No Conditional Use permit shall be granted unless the applicant affirmatively establishes and the Board finds that the proposed Conditional Use will not adversely affect:

- 4.2.2.1 the capacity of existing or planned community facilities;
- 4.2.2.2 the character of the area affected;
- 4.2.2.3 traffic on roads and highways in the vicinity;
- 4.2.2.4 bylaws then in effect;
- 4.2.2.5 utilization of renewable energy resources; or
- 4.2.2.6 performance standards pursuant to Section 4407(7) of the Act and Section 4.4.5 of this bylaw.

4.2.5 When granting Conditional Use Approval, the Board may, in addition to those requirements and standards specifically authorized by this by-law, impose other conditions it finds are necessary to protect the best interests and property values of adjacent properties, the affected neighborhood, or the town as a whole, including:

- 4.2.5.3 controlling the location and number of vehicular access points to the property;
- 4.2.5.4 increasing the street width;
- 4.2.5.5 increasing the number of off-street parking or loading spaces required;

ARTICLE VI. OFF-STREET PARKING REGULATIONS

6.1 Village Commercial District.

6.1.1 An applicant for a permit affecting property in the Village Commercial District is not required to provide off-street parking if the applicant establishes and the Planning Commission finds either:

6.1.1.1 that the proposed use will not create an undue burden on the parking facilities then existing in the Village Commercial District, or



6.1.1.2 the applicant's proposed use does not require a greater number of parking spaces than the prior use of the property according to the chart set forth below, and

6.1.2 The proposed use is a Permitted Use in the Village Commercial District.

6.2 **All Other Districts.** In all other cases, in all districts, an applicant for a permit shall demonstrate in the application that the property for which the permit is sought has the capacity to provide parking as follows:

<u>Use</u>	<u>Parking Spaces Required</u>
Lodging House	1 for each lodging unit
Residential 1-2 family	2 per dwelling unit
Multiple family dwellings	1_ per dwelling unit
Church, school	1 per 3 seats in principal assembly room
Private club or lodge	1 per 6 members
Theater	1 per 6 seats
Hospital, nursing & convalescent home	1 per 3 beds and 1 for each employee
Professional office, business service and medical clinic	1 per every 250 square feet of gross area
Retail business, personal service establishment	1 per every 350 square feet of gross area
Eating, drinking establishment	1 per every 4 seats
Industrial	1 per each 1.2 employees, based on the highest expected employee occupancy in the 10 year period following the date of the application
Funeral home	1 per every 75 square feet of floor space
Other uses	As required by the Planning Commission after site plan review.

6.3 **General.**

6.3.1 An applicant for a permit may request the Planning Commission to authorize the issuance of a permit waiving the physical development of all of the off-street parking spaces required in accordance with the foregoing chart. If the Planning Commission finds, after hearing, that the applicant has demonstrated that the applicant's requirement for physically developed parking



spaces will be fewer in number than the number computed according to the foregoing chart, then the Planning Commission may authorize the issuance of a permit requiring such lesser number of parking spaces as the Planning Commission finds is appropriate. If the Planning Commission authorizes the issuance of a permit pursuant to this section, it shall be a condition of the permit that if the physically developed parking spaces prove in actual practice to be insufficient to accommodate the applicant's parking requirements, the Planning Commission shall require the physical development of additional parking spaces sufficient to meet the actual parking requirements but not to exceed the number required by the foregoing chart.

6.3.2 It is the purpose of this section to prevent the parking of motor vehicles on streets and roads and to require property owners to provide parking for motor vehicles sufficient to accommodate parking requirements created by the applicant's proposed use of property.

ARTICLE VII. SUBDIVISION REGULATIONS

7.6 Regulations Governing Major Subdivisions.

7.6.6 The Planning Commission may, as conditions to approval of an application, determine standards for the design and layout of streets, curbs, gutters, street lights, fire hydrants, shade trees, water, sewage and drainage facilities, public utilities and other necessary public improvements. Such standards shall not exceed, in the case of:

- 7.6.6.1 Streets, more than 50 feet in width of right-of-way nor more than 26 feet of traveled right-of-way;
- 7.6.6.2 Curbs, no more than 6 inches in height of curbing, and then only if the adjacent street and the adjacent walkway are paved;
- 7.6.6.3 Street lights, no more than 1 street light per 100 feet of street length;
- 7.6.6.4 Fire hydrants, as recommended by the Fire Marshall of the State of Vermont;
- 7.6.6.5 Shade trees, no more than 1 shade tree per 50 feet of street length;

ARTICLE IX. SITE PLANS

9.1 Site Plan Approval.

9.1.5 When considering whether to approve or disapprove any site plan the Planning Commission shall consider the following matters:

- 9.1.5.1 Maximum safety of vehicular circulation between the site and the adjacent street network,
- 9.1.5.2 Adequacy of circulation, parking and loading facilities with particular attention to safety,

ARTICLE XII. PLANNED RESIDENTIAL DEVELOPMENTS

12.1 In accordance with the provisions of 24 V.S.A. 4407 (12) and (3), Planned Residential Developments are hereby permitted to encourage innovation in the design and layout of residential developments, and more efficient use of land. Accordingly, the Planning Commission may modify the operation of these By-laws to an application for a permit for a Planned Residential Development, subject to the conditions set forth herein.

12.2 General Standards.



12.2.1 A Planned Residential Development shall comply with the following standards and conditions:

12.2.1.4 It will not cause unreasonable highway congestion or unsafe conditions with respect to use of existing or proposed highways.

12.2.1.10 It will provide an efficient layout and high-quality installation, construction, and maintenance of streets and public facilities.

12.2.1.11 It will provide for cooperation with adjoining properties where necessary for the extension of roadway, drainage facilities, and utility lines.

