

**Planning Commission Report to Selectboard:
Proposed Waitsfield Zoning and Subdivision Bylaw Amendments
Repeal of Commercial Lodging District
Proposed Adaptive Redevelopment Overlay District
November 5, 2009**

Description & purpose of proposed bylaw amendments:

Proposed bylaw amendments (attached) will:

1. Eliminate (repeal) the existing Commercial Lodging (CL) District (Table 2.04), and associated references to this district found throughout the Waitsfield Zoning Bylaws and Waitsfield Subdivision Regulations.
2. Establish the Adaptive Redevelopment Overlay (ARO) District, the boundaries of which correspond to existing CL District boundaries.
3. Rezone all land within the boundaries of the existing CL District as the Agricultural-Residential (A-R) District (Table 2.07), and thereby establish the A-R District as the underlying district for the Adaptive Redevelopment Overlay District.
4. Substitute references to the "CL" district with the "ARO" District where appropriate in the both the Waitsfield Zoning Bylaws and Waitsfield Subdivision Regulations.
5. Amend existing bylaw definitions for "Planned Unit Development" and "School" and add new bylaw definitions for "Accessory Housing," "Caretaker's Apartment" and "Value Added Production."

As described in the 2005 Waitsfield Town Plan (p.130) for the existing Commercial Lodging (CL) District: "...changing economic conditions, including hotel development at Sugarbush Resort, and the expansion of certain existing uses beyond what was originally intended, have prompted a reconsideration of the district's purpose and standards." Proposed bylaw amendments for this district are the result of a considered analysis and review of properties within the existing CL District by a subcommittee of the Planning Commission and the Planning Commission as a whole.

The purpose of proposed bylaw amendments is to rezone the existing Commercial Lodging (CL) District to be incorporated in the surrounding Agricultural-Residential (A-R) District, while also allowing for the adaptive redevelopment of certain existing commercial lodging facilities within the CL District under the provisions of a new Adaptive Redevelopment Overlay (ARO) District.

The stated purpose of the Adaptive Redevelopment Overlay district is "to allow for the adaptive redevelopment of former commercial lodging establishments along Route 100 in a manner that promotes and exemplifies principles of sustainable development and design, while also maintaining the rural and scenic character of the Route 100 corridor." As proposed, the provisions of this district may apply only to former commercial lodging (hotel or inn) properties that:

- 1) were established prior to January 1, 1980,
- 2) have frontage on Route 100,
- 3) meet minimum acreage requirements (15 acres), and
- 4) are proposed for redevelopment as a planned unit development according to a master plan approved by the Development Review Board.

The Waitsfield Planning Commission finds that the proposed bylaw amendments:

1. ***Conform with or further the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*** As specified in the 2005 Waitsfield Town Plan (p.130), any reconsideration of this district must address:

- **Rural character** – the general character and landscape of the CL district is quite similar to that of the surrounding Agricultural-Residential District, and should be preserved through the same strategies; and
- **Land Use** – a key concern regarding the future of the Commercial Lodging District is the appropriate mix of uses that should be allowed, including the continuation of small and mid-sized lodges and inns as an important tourist amenity, and potentially small-scale businesses that are compatible with the rural setting, low in density (require a sizeable acreage) and which are associated with a valued-added processing of local agricultural and forest products, thereby linking businesses to policies designed to protect the town's rural character and working landscape.

The Agricultural-Residential (A-R) District and proposed Adaptive Redevelopment Overlay (ARO) District, intended to replace the Commercial Lodging (CL) District, are consistent with changes to the CL District recommended in the 2005 Waitsfield Town Plan, and related plan goals and objectives for this district (CL District policies, pp.136, 137) including the following:

- Any changes to this district should continue to support agriculture, the preservation of rural resources and natural features, and to accommodate moderate or high density clustered residential development and appropriate nonresidential uses, in appropriate locations. The A-R District designation continues to allow for clustered residential development and limited nonresidential development consistent with both the current CL District and adjoining A-R District. Specified nonresidential uses also are accommodated in the proposed ARO District, within planned unit developments.
- The town plan specifies that other uses proposed for this district be evaluated to determine how they can operate in a manner that is compatible with district objectives—to support agriculture, the preservation of rural resources and natural features, clustered residential and limited commercial development. Uses within the proposed ARO District are intended to accommodate tourists where feasible, but to also allow for the adaptive redevelopment of existing commercial lodging facilities for other compatible uses. These uses were identified based on an evaluation of existing properties and activities within the CL District, readily available development information, a national review of uses intended to support local agriculture, forestry and the working landscape—including value added production—and consideration of supporting (accessory) uses that do not detract from those uses established and encouraged within designated growth centers (Irasville, Waitsfield Village).

Proposed district designations will not alter existing bylaw provisions to promote safe and affordable housing – both the CL and A-R Districts allow for single family and accessory dwellings as permitted uses, and multi-family dwellings as conditional uses within a planned unit or planned residential development.

2. ***Are compatible with future land uses and densities of the municipal plan.*** In accordance with town plan policies and recommendations for anticipated changes to the CL District:

- Both the A-R District and proposed ARO District continue to allow for agriculture, forestry and other land-based uses such as outdoor recreation, and incorporate or reference applicable standards and strategies to preserve the rural and scenic character of the Route 100 corridor.
- Commercial uses proposed for the ARO District would be allowed only at very low densities (within planned unit developments having a minimum of 15 contiguous acres), and only in association with the preservation of open space (as proposed, 70% of the total area) as recommended in the town plan.

- Existing commercial lodging facilities within the CL District will continue to be accommodated within the A-R district as nonconforming uses or, if proposed district thresholds are met, may be considered for adaptive redevelopment within the proposed ARO District.
3. ***Carry out, as applicable, any specific proposals for any planned community facilities.*** As noted in the town plan, the area to be rezoned is and will continue to be served by on-site water and wastewater systems, and by limited public transit—its distance from the village center necessitates that most activities will continue to be auto-dependent (p. 130).

The proposed Adaptive Redevelopment Overlay District in particular is intended to promote innovative, sustainable site, building and infrastructure system design:

“Development within this district is intended to sustain and enhance resource-based uses of the land including farming, forestry and local value-added production; to promote the conservation and efficient use of energy, water and renewable resources; to reduce and limit waste; to demonstrate sustainable site and building design; and to promote community outreach and awareness of the techniques of sustainable development and design.”

The intent is to promote flexibility in site design through planned unit developments, energy efficient building additions and renovations, and innovative water, wastewater and waste management systems. Designated open space areas may be used to accommodate renewable energy production (e.g., wind, solar and biomass) systems and innovative on-site water, wastewater, stormwater and waste system management. Master plans also must incorporate interconnected pedestrian paths and walkways and transit stops.