ROUTE 7 AND MEADOW LANE AREA REPORT

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MARCH 1992
CHAPTER 1 - INTRODUCTION

A. BACKGROUND

This adoption asks for a reclassification of land 370' along Route 7 northerly from Meadow Lane and 225' along Meadow Lane easterly. The current designation for this land is High Density Residential R1 and the requested designation is General Commercial Service (GCS). (See Map 1 A and B).

The Board Members of the Milton Matters have attended meetings hearings on the adoption of new Zoning Regulations and Map (1989) requesting the change. On those occasions, they were informed that the Comprehensive Land Use Plan, in addition to the Zoning Map, would need to be amended.

B. LEGAL REQUIREMENTS

The processes for amending a land use plan and zoning regulations are spelled out in the Vermont Municipal and Regional Planning Development Act (Title 24, VSA, Chapter 117). This process has recently been amended by the 1988 Growth Management Amendments, known as Act 200.

The process for the amendment of a plan is described in Sections 4384 and 4385 of Chapter 117. This process includes six basic steps. Appendix B includes excerpts from Chapter 117 which are referenced in this report.

STEP 1: The planning commission prepares a report on the proposed amendment. This report must address the extent to which the amendment is consistent with the 12 planning goals established in Section 4302. For an amendment which would change the designation of land, as the Milton Matters request would, the report must also address (1) the impact on the surrounding area, (2) the long-term cost or benefit to the Town, (3) the land already available for the proposed designation, (4) the suitability of the land for the proposed purpose and (5) the appropriateness of the size and boundaries of the area proposed for change.
STEP 2: The planning commission conducts at least one public hearing on the proposal, after the required hearing notices and notifications.

STEP 3: The planning commission submits the amendment proposal and reports, together with any recommendations, to the select board.

STEP 4: The select board conducts at least two public hearings on the proposal.

STEP 5: The regional planning commission approves or disapproves the proposed amendment to the land use plan.

STEP 6: The select board acts to adopt the proposed amendment.

The process for the amendment of the Zoning Regulations is similar to that for amending plans. The two processes can be carried out simultaneously. The primary difference in the two processes is that the regional planning commission does not review proposals for zoning amendments.

C. THIS REPORT

This report has been prepared to comply with the requirements of Section 4384(c). Following this introductory section, there is a description of the area described along Route 7 and Meadow Lane. Subsequent sections address the reporting requirements of Chapter 117.
CHAPTER 2: ROUTE 7 AND MEADOW LANE AREA

A. LOCATION

The Route 7 and Meadow Lane Area is located in the central part of the Town of Milton. Meadow Lane itself is a public road on the east side of Route 7, north of Mid-Town Plaza.

B. PHYSIOGRAPHIC CHARACTERISTICS

Route 7 and Meadow Lane Area is predominately flat, with slopes ranging from 0-5%. Soils are of Adams and Windsor loamy sand. Adams and Windsor loamy sand poses only slight limitations for development.

C. EXISTING LAND USE

The property in question is predominately commercial/service use. Table 1 shows a parcel by parcel land use analysis. Map 2 presents this information pictorially of this area. The adjoining land use is mixed. Immediately to the south and west is commercial land which is Mid-Town Plaza, Mullen Insurance and one residential between a Dental Office. To the north, west and east is residential land as noted by Map #2. There are five (5) businesses currently in a Residential A Zoned Area (REALTY WORLD-Four Seasons Real Estate, Inc., All-Star Sports, Mousetrap Pediatrics, Jr. Edward Klingbeil and Shear Classic). Two (2) of which have been operating since 1980 (REALTY WORLD-Four Seasons Real Estate, Inc. and the building used now by All-Star Sports). One (1) of the two (2) was a bowling center from 1951 to 1974. Next it was a furniture store and now it is a sport shop. It has always been a commercial business site.

D. INFRASTRUCTURE

In this area of Route 7 and Meadow Lane, it is serviced by Town water. This, of course, is satisfactory for commercial growth.
E - ZONING REGULATIONS

In 1972, the Town of Milton adopted Zoning Regulations for the first time. At that time, and at subsequent updates in 1979, 1982 and 1989, Milton's Zoning Regulations classified Route 7 north of Meadow Lane as Residential A.

The existing zoning classification is High Density Residential (R1). The stated purpose of this district is:

...to allow for the widest variety and highest intensity of residential development in an area which is already established as the community center and where public services can be most economically provided.

Permitted uses are single family dwellings and planned residential developments. Conditional uses include duplexes and institutional establishments. Commercial uses are prohibited.

The stated purposes for the General Commercial Service (GCS) District is:

...to provide adequate space for the growth of retail, personal service and compatible commercial establishments in an area close to the population core, with good accessibility and the potential for community facilities and services.

Among the listed permitted uses are retail stores, personal and professional services, business and financial offices and institutional establishments. Residential uses are prohibited.

Under the existing zoning, all of the commercial/services uses are pre-existing nonconforming uses. Under the requested zoning, the one residential use would become nonconforming and the commercial/service would become conforming.

Under the requested zoning, these two (2) parcels will still be functioning as business or service sites with adequate parking and carrying on as normal but as a conforming use. As conforming uses, business would be expanded (ie: to take in one more business over the sport shop and perhaps eventually replace the one residential unit with a conforming use.)
FUTURE DEVELOPMENT

Map #2 also includes an analysis of the number of commercial/service business in the area which might be constructed if the area were rezoned. This analysis is based entirely on available land and, thus, represents the maximum number of units which could be constructed and not the amount which would necessarily be permitted.

Under the requested zoning classification, there could not be any more space utilized other than what exists.
A  INTRODUCTION (4301)

Vermont's Planning and Development Act requires the evaluation of the extent to which a proposed plan amendment is consistent with the 12 goals established by the 1988 Growth Management Amendments (Act 200). The following sections list the goals and address the extent to which the proposed amendment meet these goals.

4302: PURPOSE; GOALS

(a) General purposes

It is the intent and the purpose of this chapter to encourage the appropriate development of all lands in this state by the action of its constituent municipalities and regions, with the aid and assistance of the state, in a manner which will promote the public health, safety against fire, floods, explosions and other dangers; to promote prosperity, comfort, access to adequate light and air, convenience, efficiency, economy and general welfare; to enable the mitigation of the burden of property taxes on agricultural, forest and other open lands; to encourage appropriate architectural design; to encourage the development of renewable resources; to protect residential, agricultural and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, from inadequate parking and the invasion of through traffic, and from the loss of peace, quiet and privacy; to facilitate the growth of villages, towns and cities and their communities and neighborhoods so as to create and optimum environment, with good civic design; to encourage development of a rich cultural environment and to foster the arts; and to provide means and methods for the municipalities and regions of this state to plan for the prevention, minimization and future elimination of such land development problems as may presently exist or which may be foreseen and to implement those plans when and where appropriate.

(b) It is also the intent of the legislature that municipalities, regional planning commissions, and state agencies shall engage in a continuing planning process that will further the following goals:

(1) To establish a coordinated, comprehensive planning process and policy framework shall guide decisions by municipalities, regional planning commissions, and state agencies.

The proposed amendment to the Land Use Plan does not impact this goal.

(2) To encourage citizen participation at all levels of the planning process, and to ensure that decisions shall be made at the most local level possible commensurate with their impact.

The impact of this plan amendment would be local in nature. Accordingly, the citizen participation process, primarily public hearings, has been conducted at the local level.
(3) To consider the use of resources and the consequences of growth and development for the region and the state, as well as the community in which it takes place.

The proposed change of a 1.91 acre area from residential designation to commercial/service designation should not impact regional or state resources, growth or development. The impact on local resources, growth and development have been taken into consideration in this report.

(4) To encourage and assist municipalities to work creatively together to develop and implement plans.

The affected area is located miles from any adjoining municipality; no impact is foreseen for any other municipality; and, therefore, no special efforts were made to work with other communities.

(c) In addition, this chapter shall be used to further the following specific goals:

(1) To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

The change in classification from residential to commercial future land use will not, directly, change the historic settlement pattern.

Many of the buildings located in this area, as mentioned before, have been located for some time. The building that is used for All-Star Sports has existed as a commercial building since 1951.

(A) Intensive residential development should be encouraged primarily in areas related to community centers, and strip development along highways should be discouraged.

The proposed amendment would not greatly impact residential development in town. There is only one rental unit that is located in the building where REALTY WORLD-Four Seasons Real Estate, Inc. is located. As mentioned, the primary use of this area has been commercial.

(B) Economic growth should be encouraged in locally designated growth areas, or employed to revitalize existing village and urban centers, or both.

The Town would be encouraging economic growth by recognizing this area through the creation of business and by the ability to create new jobs. Further increasing the tax base which is needed at this time and future years to come.

(C) Public investments, including the construction or expansion of infrastructure, should reinforce the general character and planned growth patterns of the area.
There will not be much increase if any of the infrastructure, seeing how the properties there are already on town utilities.

(2) To provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes.

This area is the most important of all the goals to enhance and give space which is badly needed for commercial business.

To create new jobs such as those in real estate, doctors office, newspaper or sports shop which are the fundamental of all the service business, All-Star Sports has been a big help in the development of our young people through service of sports equipment. Mousetrap Pediatrics cares for the young of our community and other communities such as Fairfax, Georgia and Westford bringing funds from other communities into ours which is beneficial to our community.

(3) To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.

The proposed plan will enhance this goal through its community involvement of the newspaper working closely with the school board.

(4) To provide for safe, convenient, economic and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.

(A) Highway, air, rail and other means of transportation should be mutually supportive, balanced and integrated.

There will be no additional burden on the Town being there is no public transit presently available in Milton. The proposed plan amendment does not affect his goal.

(5) To identify, protect and preserve important natural and historic features of the Vermont landscape, including:

(A) Significant natural and fragile areas;
(B) Outstanding water resources, including lakes, rivers, aquifers, shorelands, and wetlands;
(C) Significant scenic roads, waterways and views;
(D) Important historic structures, sites or districts, archaeological sites and archaeologically sensitive areas.

No known special areas are located in the Route 7 and Meadow Lane Area.

(6) To maintain and improve the quality of air, water, wildlife and land resources.

The impact of the quality of air, water, wildlife and land resources should not be affected by a change in use from residential to commercial.
(A) Vermont’s air, water, wildlife, mineral and land resources should be planned for use and development according to the principles set forth in 10 V.S.A. 6086 (A).

These factors are taken into account by the Town of Milton during its review of development plans. It is not anticipated that the change in proposed future use would affect the impact on these factors.

(7) To encourage the efficient use of energy and the development of renewable energy resources.

The change in classification from residential to commercial will not result in any net change to energy conservation practices.

(8) To maintain and enhance recreational opportunities for Vermont residents and visitors.

The proposed amendment should not affect the provision of recreational opportunities to the residents of Vermont or visitors to the State.

(A) Growth should not significantly diminish the value and availability of outdoor recreational activities.
(B) Public access to noncommercial outdoor recreational opportunities, such as lakes and hiking trails, should be identified, provided, and protected wherever appropriate.

There are no outdoor recreational opportunities such as identified, but it should be noted that the lawn areas used for residential use will still be able to be used and that these services may enhance outdoor recreation as in the case of All-Star Sports.

(9) To encourage and strengthen agricultural and forest industries.

(A) Strategies to protect long-term viability of agricultural and forest lands should be encouraged and should include maintaining low overall density.
(B) The manufacture and marketing of value-added agricultural and forest products should be encouraged.
(C) The use of locally-grown food products should be encouraged.
(D) Sound forest and agricultural management practices should be encouraged.
(E) Public investment should be planned so as to minimize development pressure on agricultural and forest land.

The proposed plan amendment does not affect this goal. The area in question does not include any important and economically viable agricultural or forest land.

(10) To provide for the wise and efficient use of Vermont’s natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area.

Earth resource extraction is prohibited in both the existing general commercial classification and the proposed residential classification.
(11) To ensure the availability of safe and affordable housing for all Vermonters.

(A) Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate income.

(B) New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provisions of necessary public facilities and utilities.

(C) Sites for multi-family and manufactured housing should be readily available in locations similar to those generally used for single-family conventional dwellings.

This change does affect residential use in this area, but it should be noted that the majority of the buildings used now are for commercial, not residential. The proposed plan will change the opportunity of 6 units that would be non-conforming use to conforming use and the 1 rental unit that is conforming to non-conforming.

(12) To plan for, finance and provide efficient system of public facilities and services to meet future needs.

(A) Public facilities and services should include fire and police protection, emergency medical services, schools, water supply and sewage and solid waste disposal.

The Town's Capital Improvement Program is used to guide the provision of services and utilities to serve population growth and economic development. The proposed amendment should not result in the requirement for additional public utilities and services.

(B) The rate of growth should not exceed the ability of the community and the area to provide facilities and services.

There will be no additional services needed.
CHAPTER 4 - SECTIONS 4384 AND 4403 REPORT

A. INTRODUCTION

The five elements of a report on proposed amendments to the plan and to the zoning map are listed, respectively, in Sections 4384 and 4403 of Chapter 117. These elements are identified in the following sections.

B. PROBABLE IMPACT ON SURROUNDING AREA

The first point to be included in the report is:

1. The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land use.

The property in question is predominately commercial/service use. The adjoining land use is mixed (Note Map #2). In this area of Route 7 and Meadow Lane, it is satisfactory for commercial growth. It should be noted that this change in zoning will not significantly change the use of these services. Under the requested zoning classification there could not be any more spaces utilized other than what exists. Traffic flow may increase some by development of 1 or 2 businesses developed in the existing building space that is available, but there is already area available for the parking of that traffic.

C. LONG-TERM COST OR BENEFIT TO THE MUNICIPALITY

The second point to be included in the report is:

2. The long-term cost or benefit to the municipality, based upon consideration of the probable impact on:

   A) The municipal tax base; and
   B) The need for public facilities

The town would be encouraging economic growth and stability by recognizing this area as to the commercial use that presently exists and by the ability to create new jobs, thus further increasing the tax base which is needed at this time and the years to come. There will not be a need to increase any of the infrastructure because the parcels are already on town utilities.
D. VACANT LAND AVAILABLE AND NEEDED

The third point to be addressed in this report is:

3) The amount of vacant land which is:

   A) Already subject to the proposed new designation; and
   B) Actually available for that purpose, and the need for additional land
       for that purpose.

There is vacant land which is already subject to commercial/service which is not
yet developed completely ie: 20 acres between King's Tower and B&M Motors and
20 to 30 acres within the Haydenberry Park Development. There may be more land
that could be used for commercial/service.

The proposed change would not have an affect on open land or increase the need
for more Town services due to the fact that the commercial/services are already
existing.

E. SUITABILITY FOR PROPOSED PURPOSE

The fourth point to be addressed is:

4) The suitability of the area in question for the proposed purpose, after
   consideration of:

   A) Appropriate alternative locations;
   B) Alternative uses for the area under consideration; and
   C) The probable impact of the proposed change on other areas similarly
       designated.

As discussed under Section D, there are limited alternative locations for
commercial/service developments. In addition, there are parcels of land in Town
for industrial use, but limited alternative locations for the uses proposed to
be permitted in this area.

The request, if granted, would also remove one (1) unit of residential area for
high density development from that designation. While it is true that there is
currently no demand for high density development of this area, it must be kept
in mind that already approved areas for high density subdivision are fulfilling
the existing demand for High Density Residential Land.
APPROPRIATENESS OF AREA

The final point required to be addressed is:

5) The appropriateness of the size and boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability, and existing development in the area.

The size and boundaries of the area proposed for change are appropriate to provide for the proposed permitted commercial/service development. The only negative impact, with respect to boundaries, is the creation of a strip of commercial property as the result of this change. This is contrary to the Town of Milton Comprehensive Land Use Plan and the goals of the Municipal and Regional Planning and Development Act. Though it could be said that this is also an extension of the commercial/service zoning that exists along Route 7 (See Map #2).
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<th>TAX MAP REFERENCE</th>
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1.89

Information based primarily on Lister's Records

Existing Land Use: Res = Residential; C = Commercial
October 28, 1991

Town of Milton
P. O. Box 9
Milton, Vermont 05468

Attention: Zoning Department

To Whom It May Concern:

This is to inform the Town of Milton that we agree with the proposed zoning changes from High Density Residential (HR) to General Commercial.

Sincerely yours,

Lloyd H. Gilbert

Albert A. Garner
October 28, 1991

Town of Milton
P. O. Box 9
Milton, Vermont 05468

Attention: Zoning Department

To Whom It May Concern:

This is to inform the Town of Milton that I agree with the proposed zoning changes from High Density Residential (HR) to General Commercial.

Sincerely yours,

Philip Hughes