

PLANNING COMMISSION REPORT ON THE MUNICIPAL BYLAW AMENDMENTS

This Report is issued by the Wilmington Planning Commission regarding proposed changes to the Town of Wilmington Zoning Ordinance & Development Guidelines (the “**Bylaws**”) and is made in accordance with 24 VSA 4441, which states in part: *“When considering the amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title...[.]”*

The proposed changes to the Bylaws impact the following Articles: Article I – Enactment and Purpose; Article II – Administrative Procedures; Article III – Boundary Lines and Subdivisions; Article IV – Districts and Uses; Article V – Historic Design Review District, an Overlay District; Article VI – Flood Hazard District, an Overlay District; Article VII – Standards; Article VIII – Signs; Article IX – Telecommunications; Article X – General Definitions; and Appendix I – Site Plan and Design Guidelines.

A brief summary of the proposed changes are as follows:

1. Article I: Section 110 (Purpose), add subsection ‘H.’ regarding equal treatment of housing and required provisions for affordable housing;
2. Article II: add language regarding Special Flood Hazard Areas throughout Article, revise accessibility language in Article and throughout Bylaws, remove table of penalties and related language in Section 216 (Penalties for Violations), add language regarding notice and warning of hearing on applications under Section 226 (Development Review Board Decisions), and update definition of Interested Person in subsection ‘D.’ of Section 272 (Who May Attend and Be Heard at a Public Hearing);
3. Article III: amend subsection ‘D.’ of Section 320 (Subdivision of Land) regarding approvals and filing requirements, and add subsection ‘E.’ regarding subdivision review;
4. Article IV: revise Section 424 (Secondary Uses), clarify measurement standard in Section 441 (Height Limitations), revise subsection ‘B.’ of Section 447 (Agricultural Exceptions) regarding Accessory On-Farm Business, and add new subsection ‘B.7.’ to Section 448 (Community Facility Development Exceptions);
5. Article V: when related to mapping throughout the Bylaws replace the word “District” with “Overlay” for the terms Design Review Districts, Village Design Review District and Historic Design Review District;
6. Article VI: rewrite entire Article regarding flood hazard in conjunction with the Windham Regional Commission and in compliance with 24 VSA 4424, establish Base Flood Elevation of two (2) feet;
7. Article VII: revise subsection ‘D.2.’ (Size of Parking Spaces) of Section 730 (Specific Standards) to comply with new state law and remove subsection ‘D.4.viii’, clarify measurement standard in subsection ‘C.’ of Section 734 (Affordable Housing Development Standards);
8. Article VIII: remove subsection ‘I.’ of Section 823 (Other Signs), add subsection ‘F.’ of Section 832 (Number of Signs) regarding menu boards, add subsection ‘E.’ (feather flags) of Section 860 (Signs Not Allowed);

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9. Article IX: rewrite entire Article regarding telecommunications facilities in conjunction with the Windham Regional Commission and in compliance with 24 VSA 4424; and
10. Article X:
 - move all existing definitions in Bylaws to this Article;
 - modify, add or remove definitions for: Accessory Structure, Bedroom/Guest Room, Building, Community, Critical Facilities, Designated Center, Disabled, Expansion to an Existing Manufactured Home Park or Subdivision, Family, Historic Structure, Junkyard, Land Developed/Developed Area, Start of Construction, Substantial Damage, Substantial Improvement, Violation and Sign – Internal Illumination, all related to flood hazard and telecommunications;
 - remove outdated and impermissible language to meet new state law regulations; and
 - correct typographical errors throughout the Bylaws.

In consideration of needed compliance with new Vermont statutes and in keeping with the spirit of the 2018 Wilmington Town Plan's Goal 7 (*Ensure the Availability of Housing for all Residents of Wilmington*), Goal 10 (*Make it Easier to do Business in Wilmington*), and Goal 11 (*Make Wilmington a Flood Resilient Community*), the Planning Commission of the Town of Wilmington has determined that the following changes to the Bylaws were needed to serve the best interest of the town:

1. updating the Bylaws to correct outdated language and regulations, correcting for clerical errors and updates, updating certain definitions and moving all definitions in the Bylaws to Article X;
2. clarifying provisions that the Zoning Administrator and Development Review Board have recently received questions and concerns over;
3. updating Article VI to comply with new Vermont statutory requirements and establishing a new Base Flood Elevation of two (2) feet;
4. updating Article IX to comply with new Vermont statutory requirements and renaming it to "Wireless Telecommunications Facilities"; and
5. other changes to align the Bylaws with recently adopted Vermont statutes.

Through its regular meetings and conversations with local and regional planning and zoning personnel at those meetings, the Planning Commission has found that the above proposed changes to the Bylaws will make it easier for Wilmington to navigate housing and business in its community and will bring the Bylaws into compliance with current Vermont law.

Approved by majority at our meeting May 12, 2025:

Matthew Moore, Chair

Eric King, Vice Chair

Michele Carlson, Secretary

Cheryl LaFlamme

Brian Holt