

TOWN OF BENNINGTON APPLICATION FOR GROWTH CENTER DESIGNATION

Formal Approval Growth Center Designation

Expanded Downtown Board October 27, 2008

Introduction

The Planning Coordination Group (PCG) met on July 22nd to review, discuss and deliberate on the Town of Bennington's application for Growth Center Designation, and then again on August 26, 2008, to vote on their recommendation to the Expanded Downtown Development Board. On September 22, 2008 at their warned public meeting, the Expanded Board voted 7-1 to formally approve Bennington's application and award growth center designation, based upon their review of the application materials, the PCG's recommendation, and the statutory designation criteria (24 V.S.A. §2791). Below is a summary of the Board's finds and conclusions, with attached condition.

Proposed Growth Center includes or is adjacent to a Designated Downtown, Village Center or New Town Center

The Growth Center includes Bennington's Designated Downtown, which acts as the central core of the downtown. MAP 1 IN THE APPLICATION SHOWS THE RELATIONSHIP BETWEEN THE DOWNTOWN AND THE GROWTH CENTER.

Rationale for Growth Center

- 1. The proposed growth center growth cannot reasonably be achieved within an existing designated downtown, village center, or new town center located within the applicant municipality (24 V.S.A. § 2793c(e)(1)(G)(ii)).*
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Based on the municipality's 20-year projections for population, housing and commercial growth (SEE DETAILS IN APPENDIX A IN THE APPLICATION), a majority of the projected growth cannot reasonably occur within the existing designated downtown within the municipality. There is capacity for the downtown to absorb more residential and commercial growth, but not 50% of that projected by 2030. For example, the need for 500 residential units is projected by 2030, with a capacity for only about 120 in the CBD. The applicant also demonstrates that the downtown does not have the capacity to absorb much of the proposed institutional and industrial growth. Even if maximum densities and building heights were encouraged, the amount of growth would still be less than 50%.

Size and Configuration of Growth Center

2. *The proposed growth center is of an appropriate size sufficient to accommodate a majority of the projected population and development over a 20-year planning period. The proposed growth center does not encompass an excessive area of land that would involve the unnecessary extension of infrastructure to service low-density development or result in a scattered or low-density pattern of development at the conclusion of the 20-year period (24 V.S.A. § 2793c(e)(1)(F)).*

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by development that is not serviced by municipal infrastructure or that requires the extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers (24 V.S.A. § 2791(13)(l)(iv)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by linear development along well-traveled roads and highways that lacks depth, as measured from the highway (24 V.S.A. § 2791(13)(l)(v)).

Table 3 in the application indicates the amount of growth that can be accommodated both town-wide and within the growth center over the next 20 years, as well as full build-out based on the regulations and constraints. With 534 acres of land available for development or redevelopment within the growth center, there is no question that it is large enough to accommodate a majority of the projected growth. It is also clear that with Bennington's regulatory review process, the Town is encouraging a majority of development to occur within the growth center in order to discourage scattered development outside along highways and in sensitive areas.

The size of the growth center encompasses excessive amount of land that could potentially result in a scattered or low-density pattern of development over the first 20-year period, especially in the industrial and planned commercial districts (PCD). The growth center statute establishes a minimum standard for size so that the designated areas can accommodate a majority of growth in a community over a 20 year planning period. The statute also stipulates that there will be no *“unnecessary extension of infrastructure to service low-density development or result in a scattered or low-density pattern of development at the conclusion of the 20-year period.”*

The Board finds that Bennington has expended substantial effort in protecting its historic downtown and should be entrusted to prevent competing development in the PCD and industrial districts. The bylaws and design guidance encourage dense, multi-story, mixed use in these outer areas. The Board concluded that the Town has been doing a good job in planning for the Town’s growth within a defined center, appropriately distinguishing the types of development that should and will occur both inside and outside of the boundaries. The Town has demonstrated through their municipal plan, land use bylaws, and other implementation tools, that whatever development takes place within the Growth Center will be of higher density than in surrounding areas. It was also understood that the entire area had municipal sewer and water supply. A majority of the Board members agreed with the Town that that the industrial and PCD areas are already developed and that any new development or redevelopment would be infill in character. New development will increase the density within existing developments, and the proposed boundary is a logical proposal given the current situation. This may not necessarily be the case with other applications that show a growth center boundary larger than what is needed for a 20-year period of growth.

Appropriateness of Growth Center

3. *The proposed growth center will support and reinforce any existing designated downtown, village center, or new town center located in the municipality or adjacent municipality by accommodating concentrated residential neighborhoods and a mix and scale of commercial, civic, and industrial uses consistent with the anticipated demand for those uses within the municipality and region (24 V.S.A. § 2793c(e)(1)(G)(i)).*

The proposed growth center is planned to develop compact mixed-use centers at a scale appropriate for the community and the region (24 V.S.A. § 2791(13)(B)).

The downtown serves as the core to the growth center, and most of the areas surrounding the downtown are well integrated at an appropriate scale. While there was some concern about the large scale of the industrial and planned commercial areas and the more scattered nature of the existing development in these areas, it was noted that new

development within these two areas will be infill in nature, resulting in a more compact pattern of development. These areas are also planned to become more pedestrian oriented and will gradually be of a scale more in character with surrounding areas.

Some concern was expressed about potential impacts on the downtown businesses by the Planned Commercial District (PCD), located on Northside Drive and that development in the PCD may limit the downtown from realizing its potential build-out. Town officials stated that they are working hard to encourage continued commercial development in the downtown. The downtown has an active downtown organization, Better Bennington Corporation (BBC), which may be able to better address market share issues between the two areas. Town officials perceive these two areas as having different kinds of commercial activity that are not in competition with each other. They described an economic impact analysis that had been conducted by the group opposing expansion of the WalMart. The applicant stated this report concluded that the economic impact to the downtown would not be significant. In the end the Board agreed with the Town that including the PCD in the Growth Center in itself did not appear to unduly impact the downtown.

Development Pattern

4. *The proposed growth center promotes densities of land development that are significantly greater than existing and allowable densities in parts of the municipality that are outside a designated downtown, village center, growth center, or new town center, or, in the case of municipalities characterized predominately by areas of existing dense urban settlement, it encourages infill development and redevelopment of historically developed land (24 V.S.A. § 2791(12)(B)(iv)).*

The proposed growth center results in compact concentrated areas of land development that are served by existing or planned infrastructure and are separated by rural countryside or working landscape (24 V.S.A. § 2791(12)(B)(vi)).

The proposed growth center is planned to maintain the historic development pattern of compact village and urban centers separated by rural countryside (24 V.S.A. § 2791(13)(A)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by scattered development located outside of compact urban and village centers that is excessively land consumptive (24 V.S.A. § 2791(13)(I)(i)).

The approved plan and the implementing bylaws further the goal of retaining a more rural character in the areas surrounding the growth center, to the extent that a more rural character exists (24 V.S.A. § 2793c(e)(1)(D)(iv)).

Densities within the growth center are higher than the surrounding areas. SEE MAP 3 IN THE APPLICATION. The downtown provides the highest density. The mixed use and residential districts within the growth center surrounding the downtown generally have ¼ acre lots, with residential densities allowing up to 10 units per acre or more, depending on the district. The planned commercial area allows for residential densities of up to 20 units per acre, as well as for relatively dense commercial development. In comparison, the residential density of the districts outside the growth center varies from 1 acre to 25 acres per lot. SEE TABLE 4 ON PAGE 44 IN APPLICATION TO SEE ZONING OUTSIDE THE GROWTH CENTER.

While the bylaws have maximum density requirements rather than minimum, the town has several mechanisms to encourage higher densities, including density bonuses, as well as a minimum two-story requirement within the downtown. The developers generally take advantage of the maximum densities since it is more efficient (and thus less costly) for them to develop. The Town states that the Development Review Board does not discourage higher densities in spite of occasional public pressure. They do, however, discourage higher densities in the rural areas. The rural residential areas allow 1-acre zoning, but there are additional requirements for conservation of resources, as well as application of the PRD standards, allowing for a distinction in how districts are zoned within the growth center versus outside.

Diversity of Development

5. *The proposed growth center incorporates a mix of uses that typically include or have the potential to include the following: retail, office, services, and other commercial, civic, recreational, industrial, and residential uses, including affordable housing and new residential neighborhoods, within a densely developed, compact area (24 V.S.A. § 2791(12)(B)(i)).*

The proposed growth center is planned to support a diversity of viable businesses in downtowns and villages (24 V.S.A. § 2791(13)(G)).

The proposed growth center is planned to provide for housing that meets the needs of a diversity of social and income groups in each community (24 V.S.A. § 2791(13)(H)).

The application demonstrates that there is and will continue to will be a variety of uses located within the growth center, including residential, commercial, industrial, institutional, and parks and other open space. SEE MAP 5 IN THE APPLICATION. While some of the uses are segregated within a district (such as the industrial areas, some of the commercial areas, and the medical institutional area), there is pedestrian access to office and commercial uses from all residential areas. And most neighborhoods contain small grocery and food and beverage stores. Redevelopment of the planned commercial area

(PCD) could encourage more mixed uses and not be strictly commercial. Bennington's downtown is currently vibrant with a diversity of businesses and residential units, and the Town is committed to maintaining that diversity.

Bennington has the tools in place that will encourage the provision of more housing choices, including housing that is more affordable for residents and the workforce. Housing choices range from conventional single-family houses and duplexes, to condominiums in upper floors of the downtown, as well as a multitude of rental housing. The Town notes that they have worked closely with the area affordable housing developer in providing lower cost housing and are continuing to do so. They also provide a density bonus to developers who include affordable housing in their proposals.

Capital Budget and Program

6. *The applicant has adopted a capital budget and program in accordance with 24 V.S.A. § 4426 and the existing and planned infrastructure is adequate to implement the growth center (24 V.S.A. § 2793c(e)(1)(E)).*

The proposed growth center is planned to balance growth with the availability of economic and efficient public utilities and services (24 V.S.A. § 2791(13)(F)).

The application includes a Capital Budget and Program that lists the town's proposed improvements to existing infrastructure, much of which will support the growth center, including a local road network, water and sewer improvements, and other facilities. There are no planned expansions, and the Board finds that there will be sufficient capacity within the existing systems to accommodate proposed growth (especially with improvements and upgrades).

Much of the proposed improvements will be paid for by both tax-based funds (General and Highway Funds) and user-fee based funds (Water and Sewer Funds). In addition, the town uses grant funds to pay for some improvements, such as for pathway development or transportation-related improvements.

SEE THE CAPITAL BUDGET AND PROGRAM, APPENDIX C, AND THE RECOMMENDATION FROM THE PLANNING COORDINATION GROUP (PCG) THAT DETAILS THE AMOUNT OF NEEDED SEWER CAPACITY OVER 20 YEARS COMPARED TO EXISTING CAPACITY.

The Capital Budget and Program within the application was not adopted at the time of this decision and the Board's approval of this Growth Center is conditional upon adoption by the Town of the document, as presented in the Application, with no substantial changes.

Public Spaces

7. *The proposed growth center incorporates existing or planned public spaces that promote social interaction, such as public parks, civic buildings (e.g., post office, municipal offices), community gardens, and other formal and informal places to gather (24 V.S.A. § 2791(12)(B)(ii)).*
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Nearly all of the town's civic buildings are located within the growth center, with the exception of the middle school (which is located immediately adjacent to the growth center) and those facilities that are in the Village of North Bennington. The growth center also includes a number of parks and recreational facilities. SEE MAP 15 IN THE APPLICATION.

Spatial Pattern

8. *The proposed growth center is organized around one or more central places or focal points, such as prominent buildings of civic, cultural, or spiritual significance or a village green, common, or square (24 V.S.A. § 2791(12)(B)(iii)).*

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by linear development along well-traveled roads and highways that lacks depth, as measured from the highway (24 V.S.A. § 2791(13)(l)(v)).

The central focal point for the growth center is appropriately the designated downtown. Areas surrounding the downtown have subsets of focal points, such as schools, recreational facilities, the Veteran's Home and the hospital.

Transportation and Other Infrastructure

9. *The proposed growth center is supported by existing or planned investments in infrastructure and encompasses a circulation system that is conducive to pedestrian and other non-vehicular traffic and that incorporates, accommodates and supports the use of public transit systems (24 V.S.A. § 2791(12)(B)(v)).*
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The proposed growth center is planned to enable choice in modes of transportation (24 V.S.A. § 2791(13)(C)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by development that limits transportation options, especially for pedestrians (24 V.S.A. § 2791(13)(I)(ii)).

The Town has a transit system that already serves much of the area within the growth center. A fixed route bus system provides service to major destinations, including the downtown, shopping centers, state offices, hospital, schools, a park, and a park & ride. There is also door-to-door on-call transit for those without auto access. The Town and Green Mountain Community Network continually seek opportunities to improve transit routes.

In terms of pedestrian facilities, the growth center is currently serviced by about 40 miles of sidewalks, as well as some other pathways (including the River Walkway). The Town has plans for extending sidewalks, in relation to transportation improvement projects, and developing more pathways, including a rail-trail that runs into the downtown from the west. Bicycling is also recognized as an important transportation option, and all roadway improvement projects are evaluated for bicyclist safety.

No new roadways are planned for the growth center, except for local/private roads that will serve new development at the edges. A number of roadway improvement projects have been identified (SEE TABLE 6 IN THE APPLICATION), but the existing system can accommodate projected traffic increase from growth over the next 20 years. The Town evaluates traffic impacts of major developments and requires mitigation.

The Board discussed potential impacts of the Bennington Bypass on the designated downtown and concluded that any potential impacts are irrelevant to designation of the Town's growth center.

Natural and Historic Resources

10. *The applicant has identified important natural resources and historic resources within the proposed growth center, anticipated impacts on those resources and has proposed mitigation (24 V.S.A. § 2793c(e)(1)(B)).*

The approved plan and the implementing bylaws provide reasonable protection for important natural resources and historic resources located outside the proposed growth

center (24 V.S.A. § 2793c(e)(1)(D)(iv)).

The proposed growth center is planned to protect the state's important environmental, natural and historic features, including natural areas, water quality, scenic resources, and historic sites and districts (24 V.S.A. § 2791(13)(D)).

The application identifies important natural resources, both within and outside the growth center (SEE MAP 20 IN THE APPLICATION). The Town has tools in place to help protect these resources, including scenic resource protection standards, and PUDs. No permanent development is allowed in the expansive Forest districts. SEE CHAPTER 3 OF THE TOWN PLAN FOR SPECIFIC POLICIES THAT THE TOWN EMPLOYS FOR RURAL DISTRICTS. The Town also cooperates with area non-profits to protect resources on key parcels, and is in the process of developing an open space plan. Bennington is fortunate to have large natural areas permanently protected as federal or state lands.

The Town has mechanisms in place to identify and help protect historic resources, including an inventory of historic sites and structures, historic preservation guidelines for building owners and development review, and historic review as part of the development review process. The Historic Preservation Commission is required to review all development projects within the downtown, but also is given the opportunity to review all other projects that go through the Development Review Board (DRB). In terms of identification and protection of archaeological resources, there is a section in the subdivision regulations that allows the DRB to address these resources as they review each proposed project. There is an archaeology specialist on the Historic Preservation Commission.

Agriculture

11. *The most recently adopted guidelines of the Secretary of Agriculture, Food and Markets have been used to identify areas proposed for agriculture and the proposed growth center has been designed to avoid the conversion of primary agricultural soils, wherever possible (24 V.S.A. § 2793c(e)(1)(C)).*

The proposed growth center serves to strengthen agricultural and forest industries and is planned to minimize conflicts of development with these industries (24 V.S.A. § 2791(13)(E)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by the fragmentation of farm and forest land (24 V.S.A. § 2791(13)(I)(iii)).

While Bennington's downtown and surrounding neighborhoods are developed on some of the best agricultural soils, these areas have been out of active agricultural use for a long time. Thus the primary agricultural soils within the growth center have been previously impacted and are not used for agricultural purposes. Most of the remaining areas within the growth center targeted for development do not contain primary agricultural soils.

The Town does have important agricultural soils in areas outside the growth center, including to the west and south of the growth center, and has policies and land use regulations that support the protection of these lands. SEE MAP 23 IN APPLICATION FOR IDENTIFICATION OF AGRICULTURAL SOILS, APPENDIX D IN THE TOWN PLAN FOR SPECIFIC POLICY LANGUAGE SUPPORTING THE PRESERVATION OF RURAL OPEN LAND AND AGRICULTURAL AND FOREST SOILS, INCLUDING PROGRAMS AND FUNDING SOURCES TO ASSIST LANDOWNERS. The land use regulations include provisions that restrict use, density, and location of new density in the rural areas, as well as applying PUD standards, limiting the possibility of fragmenting these lands. Even single-family development in the Rural Conservation District must be sited in a manner that avoids loss of farmland.

Planning Process

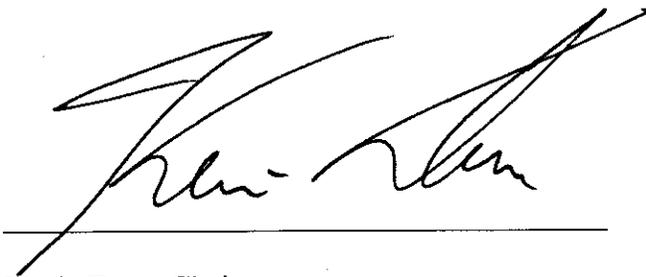
12. *The applicant has a regionally confirmed planning process and an approved municipal plan. The approved plan contains provisions that are appropriate to implement the designated growth center proposal. The applicant has adopted bylaws in conformance with the municipal plan that implement the provisions in the plan that pertain to the designated growth center (24 V.S.A. § 2793c(e)(1)(D)).*

The proposed growth center is planned to reinforce the purposes of 10 V.S.A. Chapter 151. The proposed growth center is planned in accordance with the planning and development goals under 24 V.S.A. § 4302 (24 V.S.A. § 2791(12)(B)(vii) and (viii)).

The Bennington Regional Planning Commission approved Bennington's municipal plan and planning process on May 18, 2006. The Plan contains provisions that support the growth center, and the land use regulations were last amended in June, 2006, to conform to the Plan's land use policies and further implement the growth center. The town planning process and the growth center support the goals of 10 VSA Chapter 151 and the goals under 24 VSA § 4302.

Expanded Board Approval

The Board concludes that Bennington has successfully demonstrated that its growth center meets the statutory criteria for growth center designation as discussed herein, except for the adoption of the proposed Capital Budget and Program. The applicant has demonstrated that it has concentrated compact development within the growth center which will easily accommodate a majority of the Town's growth over the next 20 years. Bennington has also adequately demonstrated that they have adequate tools in place to protect important resource lands outside of the growth center. The Board hereby approves Bennington's application on a vote of 7-1, based on these findings and conclusions. Designation is conditioned on the Town of Bennington adopting the Capital Budget and Program that was included in the application, with no substantial changes. Designation will not become effective until said Capital Budget and Program is adopted and submitted to the Board. If substantial changes have been made to the adopted Capital Budget and Program from the one submitted in the Town's Growth Center Application, the Board will need to review and approve it before designation can become final.



Kevin Dorn, Chair
Expanded Downtown Board

10-27-08

Date