

Rochester Town Plan

Adopted April 27, 2020

The Rochester Town Plan was prepared by the Rochester Planning and Zoning Board with assistance from the Two Rivers-Ottawquechee Regional Commission with partial funding through a Municipal Planning Grant from the Vermont Department of Housing and Community Development.

The lands in the National Forest are subject to jurisdictional control of the U.S. Forest Service and managed under the Land and Resource Management Plan.

Planned Unit Development (PUD)

Making Planned Unit Development (PUD) a part of this Plan is intended to offer land developers an alternative to conventional land subdivision where every house is placed on a lot which must meet minimum area, frontage, and setback requirements.

PUD is a development style which allows flexibility in site plan design in which a modification of the zoning regulations is permitted by the Planning Commission. Residences may need to be clustered together within a PUD and valuable open space preserved, but in no case can the overall density of the project exceed the number of units that would be permissible if conventionally subdivided.

The advantages of PUD are that it provides for a more economic arrangement of streets and utilities, helps preserve the natural and scenic qualities of open land, and provides for the development of those lands which are most able to support building. A PUD may also offer a variety of housing types and varying densities

A. Overall Land Use Goals, Policies, and Recommendations

Policies

1. Encourage the preservation of historic buildings and sites wherever possible.
2. Encourage developers to utilize cluster planning principles to minimize any adverse impacts on agricultural and forest lands.
3. Discourage development of lands about 2,500 feet in elevation.
4. Maintain regulations which allow a developer increased density for siting structures along the edge of tillable and high forested areas.

Recommendations

1. Continue to work cooperatively with the United States Forest Service on planning and decision making on land use within the Green Mountain National Forest.
2. Ensure that Rochester zoning regulations is consistent with state law regarding the regulation of agricultural structures.

B. Section 248a –Telecommunications Facilities

Telecommunications facilities are subject to review and approval by the Vermont Public Utilities Commission (PUC) under 30 VSA §248a. Under these laws, prior to the construction of a generation or telecommunications facility (that is part of a network), the Board must issue a Certificate of Public Good. A Section 248a review addresses environmental, economic, and social impacts associated with a project, like Act 250. In making its determination, the Board must give due consideration or substantial deference to the recommendations of municipal and regional planning commissions and their respective plans similar to the Act 250 process. Accordingly, it is appropriate that this Plan address these land uses and provide guidance to town officials, regulators, and utilities.

For all telecommunications facilities, the following policies shall apply:

1. **Preferred Locations:** New telecommunications facilities shall be sited and designed in locations that reinforce the town’s traditional patterns of growth, of Rochester’s compact village center surrounded by a rural countryside, including farm and forest land.

2. **Prohibited Locations:** Because of their distinctive natural, historic or scenic value, telecommunication facility development shall be excluded from the following areas:
 - Floodways shown on FEMA Flood Insurance Rate Maps (except as required for hydro facilities)
 - Fluvial erosion hazard areas shown on Fluvial Erosion Hazard Area maps (except as required for hydro facilities)
 - Wetlands as indicated on Vermont State Wetlands Inventory maps or identified through site analysis.
 - Rare, threatened or endangered species habitat or communities.
3. **Significant Areas:** All new telecommunications facilities shall be sited and designed to avoid or, if no other reasonable alternative exists, to otherwise minimize or mitigate adverse impacts to the following:
 - Historic districts, landmarks, sites and structures listed, or eligible for listing, on state or national registers.
 - Public parks and recreation areas, including state and municipal parks, forests and trail networks.
 - State or federally designated scenic byways, and municipally designated scenic roads and viewsheds.
 - Special flood hazard areas identified by National Flood Insurance Program maps (except as required for hydro facilities)
 - Public and private drinking water supplies, including mapped source protection areas.
4. **Zoning Compliance:** New telecommunications facilities shall be sited in accordance with municipal zoning regulations.
5. **Natural Resource Protection:** New telecommunications facilities must be sited to avoid the fragmentation of, and undue adverse impacts to the town's working landscape, including large tracts of undeveloped forestland, open farm land, and primary agricultural soils mapped by the US Natural Resource Conservation Service.
6. **Protection of Wildlife:** Designers must gather information about natural and wildlife habitats that exist in the project area and take measures to avoid any undue adverse impact on these resources. Consideration shall be given to the effects of the project on: rare, threatened, and endangered species; the impacts of human activities at or near habitat areas; and any loss of vegetative cover or food sources for critical habitats for rare, threatened or endangered species.
7. **Site Selection:** Site review should not be limited to the telecommunications facilities; other elements required of the facility need to be considered as well. These include access roads, site clearing, onsite power lines, substations, lighting, and off-site power lines. Development of these elements shall be done in such a way as to minimize any negative impacts. Unnecessary site clearing, and highly visible roadways can have greater visual impacts than the telecommunication facility itself. In planning for facilities, designers should take steps to mitigate their impact on natural, scenic and historic resources and improve the harmony with their surroundings.

When surveyed in 2012, residents were very supportive of increasing cell coverage throughout the community depending on the location of the proposed telecommunications towers. Residents indicated that Deer Mountain, Alexander Hill and Mount Reeder would be the most acceptable locations for a telecommunications tower, while Mount Cushman, Rochester Mountain and Austin Hill would be the least. Developers should locate telecommunications towers accordingly.

<https://dec.vermont.gov/permitnavigator>

- Construction of a new access onto a public road, or modifications of existing access, requires a permit in accordance with Section 2.4 of this bylaw.
- No zoning permit can be issued under this bylaw unless and until a Wastewater and Potable Water Supply Permit is issued, in accordance with Section 2.7 of this bylaw.

1.8 Limitations

The following uses may be regulated herein only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, screening, and flood hazard area requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

1. State- or community-owned and operated institutions and facilities;
2. public and private schools and other educational institutions certified by the Agency of Education;
3. churches and other places of worship, convents, and parish houses;
4. public and private hospitals;
5. regional solid waste management facilities certified under 10 V.S.A. chapter 159;
6. hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a;
7. emergency shelters (daily or seasonal hours of operation may not be regulated)

1.9 Exemptions

The uses, structures and development listed in this section shall meet all setback and dimensional requirements, but are otherwise exempt from the requirement to obtain a zoning permit under this bylaw. It is advisable to check with the AO to ensure that any contemplated use, structure, or development meets the requirements of this section. This exemption does not apply to any development within the Flood Hazard Overlay District, in the Aquifer Recharge District, or in a wetland. Uses, structures and development that are exempt under this bylaw may not be exempt from the requirements of the Rochester Subdivision Bylaw, and the reader is encouraged to consult that document for more information.

- a) Required agricultural and forestry practices (including the construction of farm structures, operation of riding stables, and processing or sale of agricultural or forestry products primarily (more than 50 percent) produced on the premises) as exempted by 24 V.S.A. §4413(d). The reader is encouraged to consult the Definitions section for further information about qualifying activities.

1. While no town permits are required for construction of a farm structure, a farm operator shall provide notification to the AO, so that the AO can determine whether the proposed structure qualifies as a farm structure and whether it meets the setback requirements of the zoning district in which it will be located, per the Secretary of Agriculture's policy. The Secretary may grant a waiver to the setback requirements upon written request and after notifying the town. No application fees or further action by applicant shall be required if the AO determines that the proposed structure qualifies

as a compliant farm structure.

2. Temporary accesses for forestry operations require an access permit by the Selectboard and possibly a bond to insure protection of public roads.

- b) Power generation, storage, and transmission facilities, which are regulated under 30 V.S.A. §248 by the Vermont Public Utility Commission. Such facilities, however, shall conform to policies and objectives specified for such development in the Town Plan. (Note : Power generation facilities that are not connected to the grid are subject to zoning.)

- c) Hunting, fishing, and trapping as specified under 24 V.S.A §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of this bylaw are defined as outdoor recreation facilities.

- d) Networked telecommunications which are regulated under 30 V.S.A. § 248a by the Vermont Public Utility Commission. Such facilities should conform to the policies and objectives specified in the Town Plan.

- e) Accessory dwelling unit constructed entirely inside an existing owner-occupied single-unit residence, so long as there is no increase in the building footprint (excluding exterior steps/entryway) or the total number of bedrooms in the structure. This exemption does not apply in flood hazard areas.

- f) Fences, berms, manmade earthen structures, stone or retaining walls, any of which are up to 4.5 feet high and are placed outside of the road right-of-way. Placement inside of the road right-of-way or failure to meet setback requirements from the edge of the road surface requires a waiver and a permit. Authorization from the Vermont Agency of Transportation is required for structures within the state right-of-way.

- g) Temporary shelters such as campers, tents, travel trailers, teepees, and yurts in campgrounds or, with the consent of the landowner, on other properties, provided that no such shelter is occupied or used for more than 90 days within any calendar year. Other than in campgrounds, no more than one such shelter may be located on a lot.

- h) Temporary structures such as storage containers, construction trailers, and event structures, provided that such structures shall not be used for dwelling purposes and are on site for a period of time not to exceed one (1) year.

- i) Fuel or propane storage tanks used for agriculture or single or multi-unit purposes.

- j) The construction or placement of conforming new unattached accessory structures or other structures incidental to residential uses (such as doghouses, playhouses, tree houses, etc.), not larger than 120 square feet (for example, 10 feet x 12 feet), nor taller than 15 feet.

- k) Temporary events (such as public auctions, garage/yard sales, immediate family member

V. SPECIAL STANDARDS

5.1 Earth Resource Extraction

In order to obtain conditional use approval for commercial quarrying or the removal of topsoil, sand, gravel, or stone, a plan must be submitted to the Zoning Board of Adjustment (ZBA). Extraction operations shall be subject to the conditional use criteria in section IV and the following performance standards:

- 1) The Plan must show existing grades in the area from which the materials are to be removed and finished grades at the conclusion of the operation.
- 2) Within twelve (12) months of stoppage of active operations a quarry site shall be reclaimed so that the land will be left in a safe, attractive and usable condition for the land used allowable in the district. When the removal of materials is completed, the finished grades, as specified in the plan and approved, shall be covered with not less than two inches of topsoil and seeded with a suitable perennial cover.
- 3) A bond will be posted with the Treasurer of the Town of Rochester by the applicant in an amount approved by the Zoning Board of Adjustment as sufficient to guarantee conformity with the provisions specified in item #2 of this section.
- 4) No part of any extraction area shall be permitted within 100 feet of a property line or 100 feet of any natural stream or existing pond.

5.2 Home Occupation

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. Home occupations shall meet the following standards:

- 1) The use is entirely within the dwelling and/or accessory structure and occupies an area less than 50% of the combined floor area of the principal dwelling and accessory structure.
- 2) The occupation is conducted at the site by the occupants of the dwelling, and employs not more than 3 persons not living on the premises.
- 3) There is no outside display of stock or merchandise and no outdoor storage of equipment or supplies.

Family child care homes and group homes are not considered home occupations and require permits. Refer to standards in sections 5.9 and 5.10.

5.3 Home Industry

A home industry must be operated by a homeowner residing on the same lot and must not have an undue adverse impact on the character of the residential area in which the dwelling is located.