

**INTRODUCTION:** The Town of Berkshire Planning Commission is working on updating the Town’s Zoning and Subdivision Bylaws. As part of this process, the Planning Commission is asking for your input to ensure the updates are representative of the community. The Planning Commission held a public meeting on April 25, 2018 and is surveying the community before holding additional meetings.

Please take the time to review the following information, draft documents and complete the community survey ([www.nrpcvt.com/berkshirezoningupdate.html](http://www.nrpcvt.com/berkshirezoningupdate.html)). *The survey may also be completed at the Town Office.*

The project is funded by a Vermont Municipal Planning Grant from the Agency of Commerce and Community Development. The Town of Berkshire hired the Northwest Regional Planning Commission to work with the Planning Commission to complete the project.

**BACKGROUND:** The bylaw update is focused on helping Berkshire better implement the Town Plan goals and state statute. For details on specific proposed updates, please go to the project website noted above (see the public hearing documents tab).

This community survey is focused on one key issue: the minimum lot size in the Rural Lands Zoning District (see Zoning District map on website). The Rural Lands District covers the majority of the town except the three concentrated village areas of East Berkshire, Berkshire Center and West Berkshire. The current minimum lot size in the district is 5 acres.

**WHAT IS MINIMUM LOT SIZE?** Minimum lot size determines how small subdivided lots of land can be and is a way to guide the amount of development. A smaller minimum lot size leads to smaller lot sizes in subdivisions, development that is closer together and ultimately more development per area of land.

**DETERMINING MINIMUM LOT SIZE:** The Planning Commission is carefully considering what minimum lot size makes sense for the Rural District. This involves looking at the following questions:

- Will it meet the community’s land use goals and policies and the intent of the Rural District (Figures 1 and 2)?
- Is it consistent with historic lot sizes and traditional patterns of development?
- Is it large enough to accommodate on-site parking, water, and/or wastewater systems where needed?
- Will it result in the unnecessary fragmentation of large tracts of land?
- Is it large enough to allow for functional farming and forestry operations?
- Will existing community services and infrastructure sufficiently accommodate the density of development?

**FIGURE 1: 2015 BERKSHIRE TOWN PLAN**

Land Use Goals:

- 1) To maintain the rural, agricultural character of the Town of Berkshire, including the historic settlement pattern of small hamlets separated by rural countryside.
- 2) To protect important natural resources and agricultural use of the land, while at the same time providing sufficient space in appropriate locations for residential, commercial, industrial development, and for community facilities.

Land Use Policies promote:

- Clustered development
- Limited development on important agricultural lands
- Commercial, light industrial and intensive residential development in or adjacent to population centers
- Maintenance of agricultural and forest land for viable economic use

**FIGURE 2: RURAL LANDS DISTRICT PURPOSE STATEMENT**

The Rural Lands District encompasses the majority of land area in the Town of Berkshire, excluding the village centers, flood hazard areas, and source water protection areas.

The purpose of the Rural Lands District is to conserve the integrity and natural qualities of the agrarian tradition and rural open space for the betterment and future use of the community.

The forest and the agricultural character of the District will be maintained, while allowing for rural residential development and compatible commercial establishments at a density the land can support without central water or sewage disposal.

**WHAT IMPACT DOES MINIMUM LOT SIZE HAVE?**

Density and Amount of Potential Development: Minimum lot size directly impacts the amount of development that could occur per acre in the community. The Planning Commission has studied this in Berkshire. Figure 2 shows the existing number of development units (housing units or commercial establishments) and the total potential development units based on a 5-acre minimum lot size.

**FIGURE 3: RURAL DISTRICT BUILDOUT RESULTS**

Zoning District	Minimum Lot Size	Existing Development Units	Total Potential Units	Percent Built Out
Rural Lands	5 Acres	597	3,398	13%

While the Rural District will likely never build out all potential units, it is important to consider the impact of the minimum lot size on individual parcels of land. Lowering the existing minimum lot size will increase the potential number of development units that could be allowed, while raising the existing minimum lot size will reduce the potential number of development units.

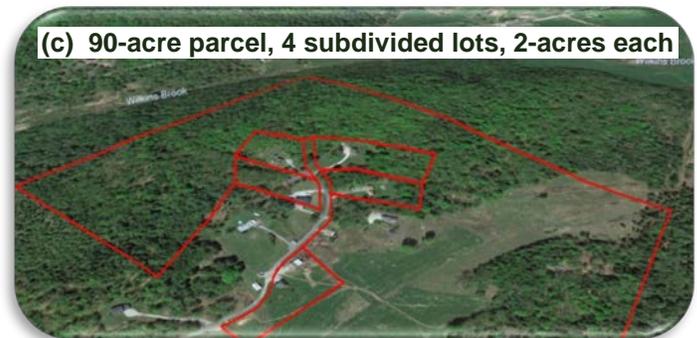
Figure 4



(a) 5 acre lots



(b) 3 acre lots



(c) 90-acre parcel, 4 subdivided lots, 2-acres each

### Rate of Future Development and Cost of Housing/Land:

The minimum lot sizes being considered are similar enough that one over the other has little potential to influence the rate of growth in Berkshire. Due to regional, state and national economic trends, Berkshire is projected to continue growth at slower rates since it most recently peaked in 2007. But it is difficult to predict when Berkshire will experience its next major subdivision and what scale it will be. Similarly, while minimum lot size can impact the affordability of land and homes based on the size of the parcel of land, there is minimal difference between the cost of 3 and 5 acres.

**Fiscal Impact:** The fiscal impact of developing farm, forest and other open land on municipalities has been quite extensively studied. One common method of looking at the fiscal impacts of development is comparing tax revenue to the costs of public services for different classes of land uses such as residential, commercial, industrial, farm, forest and open lands. The American Farmland Trust evaluated 83 studies from around the country and found that residential development did not generate enough revenue to cover its associated public costs in any of the cases<sup>1</sup>. Commercial/industrial development and farm/open land demand less services; therefore, can commonly have a positive fiscal impact for a community. In Berkshire, we can assume that the results would be similar – the cost of community services required for additional residential development, including education and road maintenance, generally will be higher than the tax revenue generated.

**Land Development Pattern:** Minimum lot size can have direct impacts on the development pattern, or the spacing of houses along a road. This has effects on:

- **Character of a community** – Minimum lot size is a tool that is used to create and/or maintain a desired character as identified in the community's town plan. See Figure 4 for visualizations on how lot size can impact land development patterns and community character.
- **The viability of farm, forest land and wildlife habitat** - Many communities adopt five or ten-acre zoning in rural areas to protect rural character and resources. But such lots typically result in extended, scattered residential development that breaks ups and consumes farm and forestland and other open space areas, makes resource management difficult, and is expensive to provide public services like school busses, road maintenance, and emergency services. Large lot zoning is most effective for resource protection when zoning also limits uses to resource-based activities (such as saw-mills), and the minimum lot size reflects the minimum area of land needed to sustain those uses. In Vermont, large lots generally range from twenty-five to fifty acres—in part based on the acreage required for enrollment in the state's current use tax abatement program.

### WHAT OPTIONS ARE BEING CONSIDERED?

- Large Lot Size:** Retain the current 5-acre minimum lot size. See Figure 4(a).
- Small Lot Size:** Lower the minimum lot size to 3 acres (maintaining 200 feet of road frontage). See Figure 4(b).
- Flexibility:** Lots as small as 1 acre, but the number of subdivided lots is calculated based on 1 lot per 5 acres. If you have 90 acres of land, you could subdivide up to 18 lots at once or over time (90 acres divided by 5 acres). Like the current requirement of 5 acre lots, once those 18 lots have been created, the land could not be further subdivided. See Figure 4(c). This parcel could potentially subdivide an additional 14 lots as small as 1 acre each.

**PROJECT WEBSITE:** [www.nrpcvt.com/berkshirezoningupdate.html](http://www.nrpcvt.com/berkshirezoningupdate.html)

For more information please contact Planning Commission Chair Margo Sherwood, or project consultants Greta Brunswick or Taylor Newton at 524-5958, [gbrunswick@nrpcvt.com](mailto:gbrunswick@nrpcvt.com) or [tnewton@nrpcvt.com](mailto:tnewton@nrpcvt.com).

<sup>1</sup> The Fiscal Impacts of Land Uses on Local Government, Jeffrey H. Dorfman Land Use Studies Initiative and Department of Agricultural & Applied Economics, The University of Georgia, April 2006

**Date:** July 12, 2018

**To:** Berkshire Community

**From:** Berkshire Planning Commission

**Re:** Berkshire Zoning Bylaw Update Minimum Lot Size Survey

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Please take the time to review the information provided in the enclosed memo, draft documents and complete the community survey available on the project website (see below). Draft documents are also available for pick-up and the survey is also available in hard-copy at the Town Clerk's office.

**PROJECT WEBSITE AND LINK TO ONLINE SURVEY:** [www.nrpcvt.com/berkshirezoningupdate.html](http://www.nrpcvt.com/berkshirezoningupdate.html)

**The survey will be open until Monday August 13<sup>th</sup>.**

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