

Adopted by Select Board on October 23, 2006

Amendment to the Bennington Land Use and Development Regulations

Addition of Scenic Resource Review Criteria to Rural Conservation (RC) District

Table 3.13 RURAL CONSERVATION (RC) DISTRICT

(A) Purpose: No change

(B) Allowed Uses – with Zoning Permit: No Change

(C) Allowed Uses – with DRB Approval: No change

(D) Dimensional Standards: No change

(E) Supplemental District Standards: No change

(F) Scenic Resource Protection. This section is intended to further the goal of preserving the scenic quality of Bennington’s rural landscape by promoting a development pattern consistent with the guidelines set forth in the report entitled “Town of Bennington Scenic Resource Inventory,” dated December 2004 and with the goals and policies of the Bennington Town Plan. The regulations are further intended to prevent development from degrading the natural visual appeal of hillsides, ridgelines, or open fields, or from visually encroaching upon a natural or historic area or upon a stream, wetland, or other water resource. To this end, development having an adverse impact on scenic resources in the RC District shall not be permitted.

In addition to the definition set forth in Section 2.2 **development** in the RC District includes any changes to the exterior materials (including windows and other glass surfaces) or color of an existing structure. All such development shall be subject to the following additional procedures and standards, authorized pursuant to 24 V.S.A. Section 4414(1)(E).

1. Upon receipt of an application for development in the RC District, the Administrative Officer shall review the application and determine whether the proposed development is exempt from review under this subsection (see Subsection (F)(2)). If the proposed development is deemed exempt, the application shall be reviewed as provided for in subsections B through E.

If the application is not exempt, it shall be referred to the Application Review Panel which shall review the application giving consideration to the criteria contained in Subsection (F)(3) in making a determination as to whether the project will have any adverse impact on scenic resources.

2. The following development is exempt from review under this subsection (F):
 - a. Expansion of an existing structure provided that such expansion does not increase the total footprint of the existing structure by more than one hundred (100) square feet or increase the maximum height of the structure.
 - b. Construction of an accessory building, or additions to an accessory building, having a total footprint of no more than one hundred (100) square feet and a height of no more than fifteen (15) feet.

3. The Application Review Panel shall review all development referred to it under this Section for compliance with (a) or (b) below, as appropriate. In determining whether a development is likely to have an adverse impact on scenic resources, the Application Review Panel shall consider whether such new development, including buildings, accessory structures, driveways, and utility lines, shall be prominently visible from any roadway or other public place and whether construction will require removal of mature trees.
 - a. Open/Agricultural Land. For development proposed in open and agricultural land, the development shall conform to the following standards:
 - i. The development shall be designed and sited so as to preserve large blocks of contiguous open or agricultural land, including important agricultural soils, to the maximum extent possible.
 - ii. Buildings or other structures shall not be sited in the middle of open or agricultural land, but shall be located, to the extent possible, in wooded areas or at the edge of fields to protect scenic vistas and avoid fragmentation of productive land (see Photographs 1A and 1B).
 - iii. Development shall be sited so as to minimize the intrusion of any structure or improvement into a scenic viewshed. Existing vegetation shall be utilized as screens or buffers for development whenever possible.



1A. The house and garage are sited along a treeline at the edge of a large field and do not detract from the scenic quality of the view.



1B. This house is sited prominently in the center of an open field, significantly diminishing the scenic value of the viewshed.

- iv. Utility lines shall be constructed and routed in a manner that minimizes detrimental effects on the visual setting. Underground installation is preferred, but above-ground construction is permitted provided the above-ground lines follow treelines and avoid straight runs across open fields. (Photographs 2A and 2B).



2A. Underground utility lines leading to the house at the back edge of the field leave an open, uncluttered foreground.



2B. Above-ground utility lines cutting across the open field to the house at the back edge detract from the scenic quality of the field.

- v. Roads and driveways shall follow treelines and the edge of fields where topography permits, or along contour lines where the land is characterized by steep slopes. The intent of this requirement is to minimize adverse impacts on the visual appeal of open fields (see Photographs 3A and 3B).



3A. The access to this house follows the treeline and then rises following the natural contours of the land, preserving the visual appeal of the open field in the foreground.



3B. The access to this house traverses the middle of an open field and cuts directly across contours, becoming the dominant feature in the view and adversely impacting the visual appeal of the open field.

- b. Hillsides and Ridgelines. For development on hillsides or ridgelines, development shall conform to the following standards:
- i. Development shall be blended into the existing natural landscape to minimize its visual impact from public roads and lands. This effect shall be accomplished through one or more of the following: siting of structures within forest or forest edge areas rather than in open fields or meadows; the use and long-term maintenance of vegetative screening and landscaping; the retention of mature forest cover; the use of natural or earth-colored non-reflective siding and roofing materials; limiting the use of reflective glass; construction of roads or driveways that follow the contour of the land and existing wooded areas or treelines (Photographs 4A and 4B).
 - ii. Development shall not cause undue alteration of natural topographic patterns.
 - iii. Tree removal shall not cause undue alteration of the natural vegetation patterns of the hillside or ridgeline (Photographs 4A and 4B).

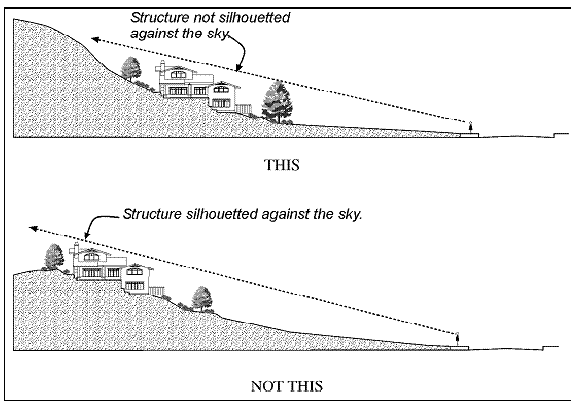


4A. The house has been located within the wooded area, with minimal tree removal for either the house or drive, and the open field has been left undisturbed.



4B. A large swath of trees was cut and the house was sited prominently in the center of the opening, significantly impacting the natural appeal of the hillside view.

- iv. Development shall be sited so that no building or structure shall exceed the height of land serving as the visual and physical backdrop to the site as viewed from a public road or other public land (Photographs 5A and 5B).
- v. Outdoor lighting shall be designed and positioned to provide lighting on the subject property only and should not illuminate off-site locations. Recessed, shielded, or cutoff fixtures or motion-activated and timed shut-off security lighting shall be used to satisfy this standard.
- vi. Utility lines shall be constructed and routed in a manner that minimizes detrimental effects on the visual setting. Underground installation is preferred, but above-ground construction is permitted provided the above-ground lines follow treelines and avoid straight runs across open fields.



5A. Proper and improper siting of a building on a ridge; the building should not be silhouetted against the sky when viewed from a public road.



5B. The house on top of this hill significantly alters the natural appearance of the topography as viewed from the highway.

- vii. Antennas, towers, and similar structures shall be carefully sited to ensure that they are not prominently visible in a manner that would detract from the scenic character of the area.
 - viii. Windows with an outside visible reflectance rating in excess of 15 percent generate excessive glare and shall not be used. Large, uninterrupted expanses of glass and repetitive bands of windows shall be avoided.
5. The Application Review Panel shall review applications for development under this subsection within thirty (30) days of a referral from the Administrative Officer and shall prepare findings and recommended actions for each such application. The recommendations may include conditions to minimize the potential for adverse impacts on the rural character and scenic resources of the area.
 6. The Administrative Officer shall issue a decision on any application for development within the RC District within fifteen (15) days of receiving a complete application for development that is exempt from review under subsection F and within fifteen (15) days of receiving a report with findings and recommendations from the Application Review Panel for non-exempt applications. The Administrative Officer may approve, approve with conditions, or deny an application based on compliance with the standards of this subsection. Appeals of any decision of the Administrative Officer shall be made to the Development Review Board pursuant to Section 10.5.
 7. An application for a development that is not exempt from review under this subsection shall include a site plan, drawn to scale, that includes the following:
 - a. Location of the proposed development.
 - b. Physical characteristics of the site, including steep slopes, surface water features, and forested and open areas.

- c. Proposed clearing and landscaping.
- d. Road access and driveway locations.
- e. A general statement about the proposed development including information as to the type and extent of the proposed development.
- f. A drawing or photographic simulation of the proposed development depicting the site and including all existing and new buildings, structural alterations, additions, access roads, driveways, and other development. The applicant also should provide photographs of the site, showing where development will occur as viewed from public roads and other public lands.
- g. Any other information that is deemed relevant or necessary for proper consideration of the application by the Administrative Officer or the Application Review Panel.