

VILLAGE OF OLD BENNINGTON BOARD OF TRUSTEES

**RESOLUTION ADOPTING INTERIM BYLAWS AUTHORIZING RESTORATION AND
LIMITED COMMERCIAL REUSE OF CERTAIN HISTORIC STRUCTURES**

(Adopted Pursuant to 24 V.S.A. § 4415)

WHEREAS, the Village of Old Bennington is an historic community whose character and appearance are integral to its identity and cultural heritage, and nearly all buildings within the Village are either listed individually or are contributing structures within the Old Bennington Historic District on the National Register of Historic Places; and,

WHEREAS, among these structures are buildings historically constructed and operated for commercial purposes and due to their size and interior configuration are ill-suited for use as single or multi-family dwellings; and,

WHEREAS, certain of these historic structures have discontinued their commercial use for many years, over time becoming significantly deteriorated and dilapidated, detracting from the character of the surrounding neighborhood and Village, presenting an attractive nuisance, and posing a fire and safety hazard while preventing the rehabilitation and preservation of exceptional historic structures with architectural and historic importance; and,

WHEREAS, the current Zoning Bylaws of the Village of Old Bennington (the “Zoning Bylaws”) designate virtually all parcels in the Village within a residential zoning district in which operation of commercial establishments is not a permitted or conditional use; and,

WHEREAS, the Village recognizes that restoration and adaptive reuse of historically significant structures, when properly regulated, can serve the public interest by preserving the historic fabric, promoting cultural tourism, and preventing blight and loss of irreplaceable heritage resources; and,

WHEREAS, the Village Planning Commission is presently engaged in hearings and deliberations for the purpose of amending and updating the Village of Old Bennington Vermont Plan of Development (the “Village Plan”) pursuant to 24 V.S.A. § 4382; and,

WHEREAS, pursuant to 24 V.S.A. § 4415, the Board of Trustees, as the legislative body of the Village, may adopt interim bylaws when the Village Plan is under preparation or review to provide for orderly physical and economic growth, and when the Trustees find the circumstances warranting adoption of such interim bylaws are otherwise present; and,

WHEREAS, the Trustees hereby find that exigent circumstances exist as certain historic structures in the Village have fallen into disuse and are in imminent danger of further deterioration or loss absent immediate authorization for restoration and use necessary to sustain them, and that

the ordinary schedule for adoption of comprehensive zoning amendments would result in undue delay and irreparable harm; and,

WHEREAS, the Trustees further find that the following interim bylaws (the “Interim Bylaws”) and uses authorized therein are consistent with the health, safety, and welfare of the Village and its citizens.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Old Bennington, that Interim Bylaws are hereby adopted as follows:

**VILLAGE OF OLD BENNINGTON
INTERIM BYLAWS
RESTORATION AND REUSE OF CERTAIN HISTORIC STRUCTURES**

1. Purpose. The purpose of these Interim Bylaws is to enable the restoration, preservation, and economically sustainable reuse of historic structures of recognized significance that have previously been used for nonresidential purposes but whose use has been discontinued, while maintaining the historic and predominantly residential character of the Village.
2. Applicability. These Interim Bylaws shall apply only to structures that meet all the following criteria:
 - a. The structure is individually listed or is a contributing structure within the Old Bennington Historic District on the National Register of Historic Places;
 - b. The structure was lawfully used for a nonresidential purpose prior to the adoption of current zoning regulations prohibiting such use;
 - c. The nonresidential use was discontinued for a period exceeding the time otherwise allowed for continuation as a nonconforming use under the current Zoning Bylaws;
 - d. The proposed reuse is substantially the same as the building’s historic use or is a new use that would not adversely impact the character of the surrounding area or the broader, historic character of the Village; and,
 - e. The structure or a substantial portion thereof has fallen into disuse and/or is in a deteriorated condition such that immediate preservation or restoration is in the public interest.
3. Permitting Process. For so long as these Interim Bylaws are in effect, a person seeking to restore and reuse such a structure for its prior or related nonresidential use shall apply to the Board of Trustees of the Village of Old Bennington for a Conditional Use Permit. The Board shall review the application pursuant to the standards of 24 V.S.A. § 4414(3) and applicable conditional use review criteria under the Village’s existing Zoning Bylaws.

4. Duration. These Interim Bylaws shall remain in effect for a period of two years from the date of adoption or until superseded by duly adopted amendments to the Zoning Bylaws, whichever occurs first, except that these Interim Bylaws may be extended or reenacted for a one-year period in accordance with 24 V.S.A. § 4415(f). Any permit issued pursuant to these Interim Bylaws shall be valid and effective notwithstanding the expiration or termination of these Interim Bylaws.

5. Severability. The provisions of these Interim Bylaws are severable. If any provision or application is held invalid, such invalidity shall not affect any other provision hereof.

ADOPTION

Adopted this ____ day of _____, 2026, by the Board of Trustees of the Village of Old Bennington.

Attest: _____
Clerk, Village of Old Bennington

Approved: _____
Chair, Board of Trustees