



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

## Planning Commission Agenda

**Martin Memorial Hall – 5259 Route 5, Ascutney, Vermont 05030**

**Remote option – Zoom details below**

**Thursday, April 14, 2022 – 6:30 PM**

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1. Call to Order
  2. Agenda Review
  3. Comments from the Chair and Land Use Administrator
  4. Comment from Citizens regarding items not on the agenda
  5. Public Hearing: adoption of bylaw amendments and zoning map
  6. Discussion of Items for Future Agendas
  7. Any other business that can be legally discussed
  8. Adjourn

The next regularly scheduled meeting of the Planning Commission will be **Monday, April 25, 2022 - 6:30 PM**, Martin Memorial Hall.

Due to public demand and COVID-19; the Town has changed its public meeting platform from GoToMeeting to Zoom. For computer access, please go to this website, where you will find instructions and links to the meeting: <https://www.weathersfieldvt.org/home/news/public-meetings-zoom>

To join any public meeting via phone, dial (929) 205-6099. When prompted, enter meeting ID 542-595-4364. You will not have a participant ID. Please press # when prompted to skip this section. The passcode for all meetings is 8021.

5.



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

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## Planning Commission Notice of Public Hearing

**Martin Memorial Hall – 5259 Route 5, Ascutney, Vermont 05030**

**Remote option – Zoom details below**

**Thursday, April 14, 2022 – 6:30 PM**

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In accordance with the provisions of 24 V.S.A. §§ 4441(d) and 4444, the Planning Commission for the Town of Weathersfield, Vermont, will hold a public hearing on Thursday, April 14, 2022, at 6:30 P.M., at Martin Memorial Hall, at 5259 Route 5 in Ascutney, Vermont, to hear public comments on the adoption of the following bylaws:

- (1) Proposed Zoning District Map of Weathersfield, VT
- (2) Table of Districts and Uses, Sec. 2.5
- (3) Aquifer Overlay District Regulations
- (3) Definitions, Sec. 7

### Statement of Purpose

The Planning Commission is proposing the above listed bylaws in order to better achieve the objectives in the 2017 Weathersfield Town Plan, and revitalize the village centers in Ascutney and Perkinsville, areas that have been identified in the Plan as growth centers.

### Geographic Areas Affected

The entire Town of Weathersfield is affected by this amendment.

### Sections Headings

Amendment and adoption of the foregoing Bylaws. See Sections listed above.

Persons wishing to be heard may do so in person, be represented by an agent, or may file written comments with the Planning Commission prior to the hearing.

Information concerning this matter is available at the Town of Weathersfield office from 7:30 AM to 5:30 PM Monday through Thursday or by calling 802.674.2626. Participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

Due to public demand and COVID-19; the Town has changed its public meeting platform from GoToMeeting to Zoom. For computer access, please go to this website, where you will find instructions and links to the meeting: <https://www.weathersfieldvt.org/home/news/public-meetings-zoom>

To join any public meeting via phone, dial (929) 205-6099. When prompted, enter meeting ID 542-595-4364. You will not have a participant ID. Please press # when prompted to skip this section. The passcode for all meetings is 8021.



# Planning Commission Reporting Form for Municipal Bylaw Amendments

## Town of Weathersfield, VT

### Proposed amendments to the *Town of Weathersfield Zoning Bylaws*

This report is in accordance with 24 V.S.A. §4441(c) which states: *“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal.”*

The above referenced proposed bylaws are summarized as follows:

**1. Brief explanation of the proposed bylaw, amendment or repeal; and a statement of purpose as required for notice under §4444 of this title:**

There are 4 categories of changes being proposed by the Planning Commission to bring zoning in Weathersfield closer to achieving the goals outlined in the Town Plan.

1) Adopt the updated zoning map, “Proposed Zoning District Map of Weathersfield, VT”. This map was adopted in the Town Plan as titled “Future Land Use Map”. The zoning districts as they currently exist were adopted in 1994 in response to a fear of excess development and environmental degradation. There had been spikes in development, due to commercial enterprises such as ski areas and breweries, which strained municipal services, harmed natural, historic and scenic resources, and irreversibly converted rural farm and forest land to residential neighborhoods. The Town of Weathersfield responded by putting nearly 80% of the town in a “Conservation District”. The thought being that if only one residence (or primary use) was allowed on every ten acres it would result in a more dispersed development pattern, thus protecting Weathersfield’s rural character. It is now understood that 10-acre zoning not only is inadequate for the protection of rural character and environmental resources, it also excludes people with low and middle income from living in these areas because of the high cost of owning 10+ acres. The “Proposed Zoning District Map of Weathersfield, VT” brings the zoning districts closer to what they were prior to 1994 and more in line with the goals of the Town Plan. This provides more equitable access to housing and greater flexibility for landowners to develop their land.

2) Update Section 2.5 Table of Districts and Uses. Several uses have been added to the use tables to provide clarity for applicants interested in common land uses. In the past a determination would have been needed from the Zoning Board of Adjustment simply because they were not listed in the table. Other items are housekeeping additions to keep the terminology consistent between the use tables and the rest of the bylaws. Some language has been stricken and some uses have changed categories to clarify or simplify the permitting process. An overlay district section was added to incorporate the Groundwater Protection Overlay District regulations.

3) Incorporate the Groundwater Protection Overlay District (GPOD) Ordinance into the zoning bylaws. The GPOD Ordinance was adopted by the Selectboard on November 16, 2020. The ordinance states that it is designed to be incorporated into an existing zoning bylaw. A new section in the District Use Tables has been added and language from the ordinance was added to Section 3.2 Conservation of Natural Resources. The new subsection 3.2.10 Groundwater Protection Overlay District Bylaw contains the performance standards, the procedure for handling district boundary disputes, and the procedure for enforcement and penalties. The definitions contained in the ordinance have been added to the definitions section of the Weathersfield Zoning Bylaws, Article 7.

4) Update Article 7: Definitions. In addition to the GPOD definitions there have been a few changes to keep the terminology consistent throughout the plan.

**2. How does the proposal conform with or further the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:**

These changes directly address the conflict between the goals for affordable housing in Town Plan and the regulations that limit such housing. The reduction of the 10-acre minimum Conservation District allows for smaller lots to be developed providing greater opportunities for affordable housing. The remaining Conservation District is located in the areas that would be most negatively affected by development. The incorporation of the GPOD bylaw addresses the need for access to safe drinking water for residents, in addition to the environmental and ecological benefits of reducing pollution in the water systems.

**3. Is the proposal compatible with the proposed future land uses and densities of the municipal plan:**

The first 2 changes constitute the incorporation of the proposed future land uses and densities of the municipal plan. These changes to the Town Plan were adopted in 2017 and the changes to the bylaws have been a work in progress since then to make the bylaws more compatible with the Town Plan.

**4. How does the proposal carry out, as applicable, any specific proposals for any planned community facilities:**

This proposal does not directly apply to any specific proposals for planned community facilities.



# Article 2: Zoning Districts and District Standards

## 2.1 Introduction and Table of Districts and Uses

The tables on pages 7 through 20 are a major part of these Bylaws and illustrate the following information:

- a) The seven types of zoning districts located in the Town of Weathersfield.
- b) For district locations, refer to the official Zoning Districts Map and aerial photographs located at the Town Office.
- c) Brief description and purpose of each district.
- d) Basic minimum requirements in each district.
- e) All uses permitted within the Town of Weathersfield.
- f) Which uses may be permitted in each district type under certain conditions and with what additional requirements.

In addition, all uses must comply with any applicable General Provisions and Special Provisions as listed in Sections 6 and 7 of this document.

After holding a public hearing, the Zoning Board of Adjustment may deem other uses similar in nature to those listed in the Definitions section.

Definitions of words and terms used in these Bylaws appear in Section 8 after the section regarding Special Provisions.

## 2.2 Zoning Map and Interpretation

The locations and boundaries of zoning districts are established as shown on the Official Zoning Districts Map located in the Town Office.

The Official Zoning Districts Map is hereby made a part of these regulations and a part of all future amendments to these regulations.

The Conservation District boundaries shown on the map are necessarily approximate. Actual conditions of the land shall prevail over any markings on the map.

If uncertainty exists with respect to the boundary of any zoning district on the Official Zoning Districts Map, the Zoning Board of Adjustment shall have the authority to determine the exact location of such boundary, after consultation with the Planning Commission.

## 2.3 Lot in Two Districts

Where a zoning district boundary line divides a lot of record in single ownership at the time of the adoption of the district line, permitted uses for each of the divided parts shall be as required within the district in which the land is located with the following exception:

- a) **Exception:** When the result of the adopted district boundary line produces an area of land within each district insufficient to meet the requirements for that district, the Board of Adjustment may grant a conditional use permit to extend the regulations for the less restricted part of such a lot into the more restricted part.

## 2.4 Expansion of Minimum Lot Size

- a) For a Conditional Use: The Board of Adjustment may expand the lot size requirements



for resorts, bed and breakfasts, hotels, other paying guest or multi-family complexes by one acre per guest room or per family above the minimum lot size.

- b) For a Permitted Use: When the physical characteristics of the lot and/or the nature of the proposed use are such that larger lots are advisable, all parties are encouraged to consider lot sizes larger than the minimum.

## 2.5 Table of Districts and Uses

For the purpose of these Bylaws, the following Zoning Districts are hereby established for the Town of Weathersfield:

<u>District Type</u>	<u>District Designations</u>
Village	(V)
Hamlet	(H)
Rural Residential	(RR 1)
Rural Residential Reserve	(RRR 3-5)
Conservation	(C)
Highway Commercial	(HC)
Industrial	(I)
Groundwater Protection Overlay	(GPOD)

### Description and Purpose of Each District

#### Village (V):

- Established dense residential centers for sociability, convenient shopping and other public and private community services compatible with a rural village setting;
- intensive land use with some multi-family housing;
- efficient location for a limited number of compatible commercial activities.
- The Village District can absorb growth without greatly increasing demand for roads and school bus services.
- Central water and possibly sewer services may need to be provided to accommodate growth.

#### Hamlet (H):

- Sparse residential centers for limited sociability with very limited shopping and community services, compatible with a rural setting;
- Reasonable location for neighborhood general stores.
- The Hamlet District is capable of absorbing limited growth without increasing demand for roads and school bus route, though school bus capacity would increase.

#### Rural Residential (RR 1):

- Residential growth areas surrounding villages and hamlets;
- Somewhat convenient to their amenities;

- Intended to always retain some large lots to add variety and rural scenery.
- Growth in the Rural Residential District will increase demand for roads and school bus service slowly and at a small rate per family.

#### Rural Residential Reserve (RRR 3-5):

- Rural areas that give Weathersfield its valued rural atmosphere;
- A mix of open and wooded lands, agriculture, and residences, accessible and remote.
- Residential growth in the Rural Residential Reserve District will increase demand for utilities and services moderately to severely dependent upon the intensity and remoteness of the growth location.

#### Conservation (C10):

- Areas in which sparse development is wise for one or more of the following reasons:
- Remote from roads or utility services;
- Location of scarce mineral resources;
- Prime agricultural or forested land;
- Significant or irreplaceable natural, historic, recreational or scenic resources;
- Slope elevations exceeding 25%;
- Land over 1,500 feet in elevation;
- Severe soil limitations;
- Risk of flooding or floodways need.

#### Highway Commercial (HC):

- Areas adjacent to highways or highway intersections with sufficient traffic to support the efficient provision of goods and services to the public.
- Serves local residents and transients;
- Provides some local employment and
- Helps to broaden the tax base.
- Access drives and curb cuts must be carefully planned to avoid traffic nuisances and dangers.

#### Industrial (I):

- Areas suitable in terrain and proximity to transportation facilities to be desirable by industry and those commercial activities that do not depend on highway traffic for customers.
- Provides employment for local residents and
- Broadens the Town tax base.
- Currently located in areas partially so developed and considered to be appropriate for such use.

#### Groundwater Protection Overlay (GPOD):

- The Town of Weathersfield recognizes that many residents rely on groundwater for their

safe drinking water supply, and that certain land uses can contaminate groundwater, particularly in shallow/surficial aquifers, or where contaminants can get into a bedrock aquifer.

- The purpose of the GPOD is to protect public health and safety by minimizing contamination of vulnerable aquifers and preserving and protecting existing and potential sources of drinking water supplies.
- The GPOD is superimposed on all current zoning districts and shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities/uses allowed in a portion of one of the underlying zoning districts that fall within the GPOD must additionally comply with the requirements of this district.

### **Use Requirements by District Type**

The following information describes how uses are permitted and the area, land and structural requirements for each District.

## 2.5.1 Village (V)

**Purpose:** Established dense residential centers for sociability, convenient shopping and other public and private community services compatible with a small village setting; intensive land use with some multi-family housing; efficient location for compatible commercial activities. The Village District can absorb growth without greatly increasing demand for roads and school bus services. A public water system serves the Village, but public sewer services may need to be provided to accommodate growth.

**Uses that do not require a Zoning Permit:** The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:

- Agriculture
- Baby-sitting services
- Home-based occupation
- Minor structures (see definition)
- Temporary signs

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

### Permitted Principal Uses:

- Cemetery
- Group homes
- Single family dwelling
- Two family dwelling (altered from pre-existing single family dwelling, if no enlargement of structure; not new construction)
- Small enterprise<sup>1,2,3</sup> (see definitions; in keeping with Village residential/commercial mix)
- Bank/financial service ((New))
- Adult day care facility/service<sup>1,3</sup> (see Sect. 7.13) ((Changed from accessory use))
- Family childcare facility/service<sup>1,3</sup> (see Sect. 7.13) ((Changed from conditional use))
- Inn/small hotel<sup>1,3</sup> (see definition) ((Changed from conditional use))
- Multi-family dwelling<sup>1,2,3</sup> (three to six units) ((Changed from conditional use))
- Planned Residential Development (PRD) (PUD)<sup>1,3</sup> ((Changed from conditional use))
- Residential care home ((Changed from conditional use))
- Single family or multi-family (three to six units) (see Sect. 7.3) ((Changed from conditional use))
- Bank/financial service ((New))
- Arts and crafts, studio, and gallery ((New))
- Restaurant ((New))
- Veterinary clinic ((New))
- Health clinic ((New))
- Home Based Business Level 1 ((New)) \*Not in Paul's latest version\*

### Permitted Accessory Uses:

- Accessory dwelling unit (see Sect. 6.9.1)
- Accessory use or structure

- Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Ponds (see Sect. 6.10.4)
- Seasonal roadside stand (see Sect. 7.11)
- Signs, permanent
- Swimming pool (in ground or above ground)

**Conditional Uses:** The following uses are permitted upon granting of Conditional Use Approval by the Board of Adjustment:

**Conditional Principal Uses:**

- Commercial school (i.e. music, dance, driving, beauty, culture) ((New))
- Semi-public, Community Non-profit<sup>1,2,3</sup> (Primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Indoor or outdoor recreation facility<sup>1,3</sup> (see definition)
- Mobile home park ((Changed from not permitted))
- Gasoline/service station<sup>1,2,3</sup> ((Changed from not permitted))
- Medical facility<sup>1,2,3</sup> (see definition)
- Public water, sewage treatment plant<sup>1,2,3</sup>
- Formula Restaurant<sup>1,2,3</sup> (see definition) ((New))
- School public/private((New))<sup>1,2</sup>
- Home Based Business Level 2 ((New)) \*Not in Paul's latest version\*
- Other uses as determined by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District.

**Conditional Accessory Uses:**

- Docks
- Home industry
- Wireless Communication Facilities<sup>2,3</sup>

**Uses Not Permitted:** The following uses are not permitted within this District:

- Campground, children's camp or resort
- Contractor's storage (of materials, machinery, heavy equipment)
- Highway commercial
- Industrial
- Junkyard (see State definition, synonymous with "salvage yard"), landfill, recycling facility (privately owned)
- Extraction of earth resources
- Non-highway Commercial
- Self-Storage Facility (effective July 9, 2012)

**Area, Land, & Structural Requirements:**

~~1. Only one principal use is allowed per parcel of land.~~

1. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.

~~3. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.~~

4. Soil or terrain conditions may require larger lot sizes to satisfy Town of State public health regulations.

Lot area minimum: 1 acre

Lot area minimum: 1/2 acre (1 acre in the Aquafer recharge district) See Aquafer overlay map.

Lot frontage and setbacks:

Frontage 80 feet

Front Setback 40 20 feet

Rear Setback 20 10 feet

Side Setback 20 10 feet

Building Height:

Maximum Building Height: 35 feet. (Amended 6/11/2012) See "Height" definition for measurement standards.

- <sup>1</sup> Site Plan Review required
- <sup>2</sup> General/Special Provisions apply
- <sup>3</sup> Certificate of Occupancy required

### 2.5.3 Hamlet (H)

**Purpose:** Sparse residential centers for limited sociability with very limited shopping and community services, compatible with a rural setting; reasonable location for neighborhood general stores. The Hamlet District is capable of absorbing limited growth without increasing demands for roads and school bus routes, though school bus capacity would increase.

**Uses that do not require a Zoning Permit:** The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:

- Agriculture/Forestry
- Baby-sitting service
- Home-based occupation
- Minor structures (see definitions)
- Temporary signs

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

#### **Permitted Principal Uses:**

- Cemetery
- Group home
- Single family dwelling
- Small enterprise <sup>1,2,3</sup> (see definitions; of a neighborhood trade character; may include one apartment)
- Two family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; not new construction.)
- Home Based Business Level 1 ((New))

#### **Permitted Accessory Uses:**

- Accessory dwelling unit (see Sect. 6.9.1)
- Accessory use or structure
- Adult day care service (see Sect. 7.13)
- Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family childcare home (see Sect. 7.13)
- Home occupations
- Ponds (see Sect. 6.10.4)
- Seasonal roadside stand (see Sect. 7.11)
- Signs, permanent
- Swimming pool (in ground or aboveground)

**Conditional Uses:** The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

**Conditional Principal Uses:**

- Adult day care facility <sup>1,3</sup> (see Sect. 7.13)
- Family childcare facility <sup>1,3</sup> (see Sect. 7.13)
- Indoor or outdoor recreation facility <sup>1,2,3</sup> (see definitions)
- Inn/small hotel <sup>1,3</sup> (see definitions)
- Medical facility <sup>1,2,3</sup> (see definitions)
- Public water, sewage treatment plant <sup>1,2,3</sup>
- School <sup>1,2,3</sup> (see definitions)
- Semi-public <sup>1,3</sup> (Primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Single family PRD <sup>1,3</sup> (see Sect. 7.3)
- Two family dwelling (new construction)
- **Home Based Business Level 2 ((New))**
- Other uses (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District.

**Conditional Accessory Uses:**

- Docks
- Home Industry
- Wireless Communication Facilities <sup>2,3</sup>

**Uses Not Permitted:** The following uses are not permitted within this District:

- Campground, children's camp or resort
- Contractor's storage (materials, machinery, heavy equipment)
- Gasoline/service station
- Highway Commercial
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- Extraction of earth resources
- Mobile home park
- Multi-family dwelling
- Non-highway Commercial
- Self-Storage Facility (*effective July 9, 2012*)



**Area, Land, & Structural Requirements:**

1. Only one principal use is allowed per parcel of land.
2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.
3. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.

Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations.

**Lot Area Minimum:** 1 acre

**Lot Frontage and Setbacks:**

Frontage	150 feet
Front Setback	40 feet
Rear Setback	25 feet
Side Setback	25 feet

**Building Height:**

Maximum building height: 35 feet (*Amended 6/11/2012*) See “building height” definition for measurement standards.

- <sup>1</sup> Site Plan Review required
- <sup>2</sup> General/Special Provisions apply
- <sup>3</sup> Certificate of Occupancy required

## 2.5.4 Rural Residential (RR-1)

**Purpose:** Residential growth areas surrounding villages and hamlets; somewhat convenient to their amenities; intended to always retain some large lots to add variety and rural scenery. Growth in the Rural Residential District will increase demand for roads and school bus service slowly and at a small rate per family.

**Uses that do not require a Zoning Permit:** The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:

- Agriculture/Forestry (see State law definitions)
- ~~Baby sitting service~~
- Home Based Occupation ((Moved from Permitted accessory uses))
- Minor structures (see definitions)
- Temporary signs

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

### Permitted Principal Uses:

- Cemetery
- ~~Group home~~
- Home Based Business – Level 1
- Single family dwelling
- Two family dwelling (~~altered from pre-existing single family dwelling, if no enlargement of structure; no new construction~~)

### Permitted Accessory Uses:

- Accessory dwelling unit
- Accessory use or structure
- Adult day care service
- Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home
- Ponds
- Seasonal roadside stand
- Signs, permanent
- Swimming pool (in ground or aboveground)

**Conditional Uses:** The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

### Conditional Principal Uses:

- Multi-family dwellings (3-4 families) ((Changed from Uses Not Permitted))
- Adult day care facility 1,3
- Campground, resort, children's camp 1,3
- ~~Church~~
- Family child care facility 1,3
- Indoor or outdoor recreation facility 1,2,3 (see definitions)
- Home Based Business (level 2)
- Inn/small hotel 1,3 (see definitions)
- Medical facility 1,2,3 (see definitions)
- Extraction of earth resources 1,2,3
- Mobile Home Park (see Sect. 7.5)
- Public water, sewage treatment plant 1,2,3
- School 1,2,3 (see definitions)
- Small Enterprise \*Included but highlighted in Paul's latest version\*
- Community Non Profit 1,2,3 (Primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Other uses (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

**Conditional Accessory Uses:**

- Docks
- ~~Home industry~~
- Wireless Communication Facilities 2,3

**Uses Not Permitted:** The following uses are not permitted within this District:

- Contractor's storage (of materials, machinery, heavy equip.)
- Gasoline/service station
- Highway Commercial
- ~~Industrial~~
- Junkyard, landfill, recycling facility (privately owned)
- ~~Two family dwelling (new construction)~~
- ~~Non-highway commercial~~
- ~~Small enterprise~~
- Self-Storage Facility (effective July 9, 2012)

### **Area, Land, & Structural Requirements:**

1. Only one principal use is allowed per parcel of land.
2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.
3. Establishment of multiple principal uses on a single parcel of land requires a PUD permit. Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations.

Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

**Lot Area Minimum:** 1 acre

#### **Lot Frontage and Setbacks:**

Frontage 150 120 feet

Front Setback 40 25 feet

Rear Setback 25 feet

Side Setback 25 15 feet

#### **Building Heights:**

Maximum Building Height: 35 feet (*Amended 6/11/2012*) See "building height" definition for measurement standards.

- 1 Site Plan Review required
- 2 General/Special Provisions apply
- 3 Certificate of Occupancy required

### 2.5.5 Rural Residential Reserve (RRR 3-5)

**Purpose:** Rural areas that give Weathersfield its valued rural atmosphere; a mix of open and wooded lands, agriculture, and residences, accessible and remote. Residential growth in the Rural Residential Reserve District will increase demand for utilities and services moderately to severely dependent upon the intensity and remoteness of the growth location.

**Uses that do not require a Zoning Permit:** The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:

- Agriculture/Forestry (see State Definitions) (see Sect. 6.10.8)
- Baby-sitting service (see Sect. 7.13)
- Minor structures (see definitions)
- Temporary signs

Home Based Business Level 1 ??Indented no bullets in both docs??

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

#### Permitted Principal Uses:

- Cemetery
- Group home
- Single family dwelling
- Two family dwelling (altered from pre-existing single family dwelling, if no enlargement of structure; no new construction)
- Home Based Business Level 1

#### Permitted Accessory Uses:

- Accessory dwelling unit (see Sect. 6.9.1)
- Accessory use or structure
- Adult day care service (see Sect. 7.13)
- Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home (see Sect. 7.13)
- Home occupations
- Ponds (see Sect. 6.10.4)
- Seasonal roadside stand (see Sect. 7.11)
- Signs, permanent
- Swimming pool (in ground or aboveground)

**Conditional Uses:** The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

**Conditional Principal Uses:**

- Adult day care facility 1,3 (see Sect. 7.13)
- Campground, resort, children's camp 1,3
- Church (see Semi-Public)
- Contractor's storage 1,3 (of materials, machinery heavy equipment)
- Family child care facility 1,3 (see Sect. 7.13)
- Indoor or outdoor recreation facility 1,2,3 (see definitions)
- Inn/small hotel 1,3 (see definitions)
- Medical facility 1,2,3 (see definitions)
- Extraction of earth resources 1,2,3
- Mobile home park (see Sect. 7.5)
- **Home Based Business Level 2**
- Public water, sewage treatment plant 1,2,3
- School 1,2,3 (see definitions)
- Semi-public 1,2,3 (Primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Single family PRD 1,2,3
- Other uses (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

**Conditional Accessory Uses:**

- Dock
- Home industry
- Wireless Communication Facilities 2,3

**Uses Not Permitted:** The following uses are not permitted within this District:

- Gasoline/service station
- Highway Commercial
- Industrial
- Junkyard (see State definition), landfill, recycling facility (privately owned)
- Multi-family dwelling or PRD
- ~~Two family dwelling (new construction)~~
- Non-highway Commercial

- Small enterprise
- Self-Storage Facility (effective July 9, 2012)

**Area, Land, & Structural Requirements:**

1. Only one principal use is allowed per parcel of land.
2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.
3. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.

Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant.

**Lot Area Minimum:** 3 acres

**Lot Frontage and Setbacks:**

Frontage	200 feet
Front Setback	40 feet
Rear Setback	50 feet
Side Setback	50 feet

**Building Heights:**

Maximum building height: 35 feet (*Amended 6/11/2012*)

- <sup>1</sup> Site Plan Review required
- <sup>2</sup> General/Special Provisions apply
- <sup>3</sup> Certificate of Occupancy required

### 2.5.6 Conservation (C-10)

**Purpose:** Areas in which sparse development is wise for one or more of the following reasons: remote from roads or utility services; location of scarce mineral resources, prime agricultural or forested land, significant or irreplaceable natural, historic, recreational or scenic resources; slope elevations exceeding 25%; land over 1,500 feet in elevation; severe soil limitations; risk of flooding; or flood ways need.

**Uses that do not require a Zoning Permit:** The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:

- Agriculture/Forestry (see Sect. 6.10.8)
- Baby-sitting service (see Sect. 7.13)
- Minor structures (see definitions)
- Temporary signs

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Adm. Officer:

#### **Permitted Principal Uses:**

- Group home
- Single family dwelling (must not defeat purpose of the District)
- Two family dwelling (altered from pre-existing single family dwelling, if no enlargement of structure; no new construction)
- Home Based Business Level 1

#### **Permitted Accessory Uses:**

- Accessory dwelling unit (see Sect. 6.9.1)
- Accessory use or structure
- Adult day care service (see Sect. 7.13)
- Athletic structures
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home (see Sect. 7.13)
- Home occupations
- Ponds (see Sect. 6.10.4)
- Seasonal roadside stand (see Sect. 7.11)
- Signs, permanent
- Swimming pool (in ground or aboveground)

**Conditional Uses:** The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:



**Conditional Principal Uses:**

- Adult day care facility 1,3 (see Sect. 7.13)
- Campground, resort, children's camp 1,3
- Cemetery
- Church (See Semi-public)
- Contractor's storage 1,3 (materials, machinery, heavy equipment)
- Family child care facility 1,3 (see Sect. 7.13)
- Inn/small hotel 1,3 (see definitions; must not defeat purpose of the District)
- Medical facility 1,2,3 (see definitions)
- Extraction of earth resources 1,2,3 (Site Plan Review)
- Outdoor recreation facility 1,2,3 (see definitions, must not defeat the purpose of the District)
- Public water, sewage treatment plant 1,2,3
- School 1,2,3
- Semi-public 1,2,3
- **Home Based Business Level 2**
- Other uses (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

**Conditional Accessory Uses:**

- Dock
- Home industry
- Wireless Communication Facilities 2,3
- Single family PRD 1,2,3

**Uses Not Permitted:** The following uses are not permitted within this District:

- Gasoline/service station
- Highway Commercial
- Indoor recreational facility
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- Mobile home park
- Two family dwelling (new construction)
- Multi-family dwelling or PRD
- Non-highway Commercial

- Small enterprise
- Self-Storage Facility (effective July 9, 2012)

**Area, Land, & Structural Requirements:**

1. Only one principal use is allowed per parcel of land.
2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.
3. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.

Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant.

**Lot Area Minimum:**

Basic District Requirement: 10 acres (the owner(s) of record prior to January 4, 1994, of a lot containing at least 6 acres and less than 20 acres and which lot, under the prior bylaws was in RRR 3-5 District, shall be permitted to subdivide said lot into 2 lots, provided both lots meet the town subdivision and zoning requirements)

**Lot frontage and setbacks:** Applies for all uses unless increased by the Board of Adjustment as a condition to help a conditional use avoid defeating the purpose of the District.

Frontage	200 feet
Front Setback	40 feet
Rear Setback	50 feet
Side Setback	50 feet

**Building Height:**

Maximum building height: 35 feet (*Amended 6/11/2012*)

- 1 Site Plan Review required
- 2 General/Special Provisions apply
- 3 Certificate of Occupancy required

### 2.5.7 Highway Commercial (HC)

**Purpose:** Areas adjacent to highways or highway intersections with sufficient traffic to support the efficient provision of goods and services to the public. Serves local residents and transients, provides some local employment and helps to broaden the Town tax base. Access drives and curb cuts must be carefully planned to avoid traffic nuisances and dangers.

**Uses that do not require a Zoning Permit:** The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:

- Agriculture/Forestry (see Sect. 6.10.8)
- Baby-sitting service (see Sect. 7.13)
- Minor structures (see definitions)
- Temporary signs

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

#### **Permitted Principal Uses:**

- Highway Commercial <sup>1,2,3</sup>
- Light industrial <sup>1,3</sup> (see definitions)
- Self-Storage Facility ≤10,000 sq ft of gross floor area <sup>1,2,3,4</sup>
- Small enterprise <sup>1,2,3</sup>

#### **Permitted Accessory Uses:**

- Accessory use or structure
- Adult day care service (see Sect. 7.13)
- Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child-care home (see Sect. 7.13)
- Home occupations
- Ponds (see Sect. 6.10.4)
- Seasonal roadside stand (see Sect. 7.11)
- Home Based Business Level 1 and 2
- Self-Storage Facility ≤10,000 sq ft of gross floor area <sup>1,2,3,4</sup>
- Signs, permanent
- Swimming pool (in ground or aboveground)

**Conditional Uses:** The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

#### **Conditional Principal Uses:**

- Adult day care facility 1,3 (see Sect. 7.13)
- Church (see Semi-public)
- Contractor's storage 1 (materials, machinery, heavy equip.)
- Family childcare facility 1,3 (see Sect. 7.13)
- Gasoline/service station 1,2,3
- Group home
- Indoor recreational facility 1,3
- Inn/small hotel 1,3 (see definitions)
- Outdoor recreation facility 1,2,3 (see definitions)
- Public water, sewage treatment plant 1,2,3
- Semi-public 1,2,3 (Primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Self-Storage Facility >10,000 sq ft of gross floor area 1,2,3,4
- Single family dwelling
- Two family dwelling (altered from pre-existing single family dwelling, if no enlargement of structure; no new construction)
- Other uses (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

**Conditional Accessory Uses:**

- Accessory Dwelling Unit (see Sect. 6.9.1)
- Dock
- Wireless Communication Facilities 2,3

**Uses Not Permitted:** The following uses are not permitted within this District:

- Campground, resort, children's camp
- Cemetery
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- Medical facility (see definitions)
- Mineral extraction
- Mobile home park
- Multi-family dwelling

- Non-highway Commercial
- School (see definitions)

**Area, Land, & Structural Requirements:**

1. Only one principal use is allowed per parcel of land.
2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.
3. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.
4. Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant.

**Lot Area Minimum:**

Basic District Requirement: 1 acre

Single Family Dwelling: Must meet "Area, Land and Structural Requirements" of RRR 3-5 Zone.

Two Family Dwelling: Must meet "Area, Land and Structural Requirements" of RRR 3-5 Zone.

**Lot Frontage and Setbacks:**

Applies for all uses unless increased by the Board of Adjustment as a condition to help a conditional use avoid defeating the purpose of the District.

Frontage	200 feet
Front Setback	40 feet
Rear Setback	25 feet
Side Setback	25 feet

**Building Height:**

Maximum building height: 35 feet (*Amended 6/11/2012*)

<sup>1</sup> Site Plan Review required

<sup>2</sup> General/Special Provisions apply

<sup>3</sup> Certificate of Occupancy required

<sup>4</sup> Expires 8/5/2012 as an interim bylaw; effective 7/9/2012 as a permanent bylaw

### 2.5.8 Industrial (I)

**Purpose:** Areas suitable in terrain and proximity to transportation facilities to be desirable by industry and those commercial activities that do not depend on highway traffic for customers. Provides employment for local residents and broadens the Town tax base. Currently located in areas partially so developed and considered to be appropriate for such use.

**Uses that do not require a Zoning Permit:** The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:

- Agriculture/Forestry (see State definition)
- ~~Baby-sitting service~~
- ~~Minor structures~~
- ~~Temporary signs~~

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

#### Permitted Principal Uses:

- Public water, sewage treatment plant<sup>1,2,3</sup>
- Self-Storage Facility<sup>1,2,3</sup> ((Changed from permitted accessory use))
- Auto salvage/recycling facility, landfill, recycling facility (privately owned)<sup>1,2,3</sup>
- Industrial<sup>1,2,3</sup> (see definition) ((Changed from Conditional principal))
- ~~Small Office space (see definitions)~~
- ~~Two family dwelling (altered from pre-existing single family dwelling, if no enlargement of structure; no new construction)~~
- Non-highway Commercial<sup>1,2,3</sup> (see definition) ((Changed from conditional principal))
- Wireless Communication Facilities<sup>2,3</sup>

#### Permitted Accessory Uses:

- Accessory use or structure
- ~~Adult daycare service~~
- Athletic Courts/ Outdoor recreation facility (only as facilities for use by employees during lunch, etc. on same basis as primary industrial commercial facility)
- ~~Bed and Breakfast (in existing home only; up to 3 bedrooms for transient boarders/tourists)~~
- ~~Family childcare home~~
- Home occupations (for existing homes)
- Home Based Business Level 1 and Level 2 \*Not in Paul's latest version\*

- Ponds
- Seasonal roadside stand
- Small Office (see definition)
- Signs, permanent

**Conditional Uses:**

The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

**Conditional Principal Uses:**

- Contractor's storage
- Extraction of earth resources<sup>1,2,3</sup>
- Family day care facility
- Highway Commercial
- Home industry (for existing homes)
- Junkyard, landfill, recycling facility (privately owned)
- Outdoor recreation facility (only as facilities for use by employees during lunch, etc. on same basis as primary industrial commercial facility)
- Other uses (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

**Conditional Accessory Uses:**

- ~~Wireless Communication Facilities~~ <sup>2,3</sup>

**Uses Not Permitted:** The following uses are not permitted within this District:

- Adult day care facility
- Campground, resort, children's camp
- Cemetery
- Community Non-profit
- Gasoline/service station
- Indoor recreational facility
- Inn/small hotel
- Medical facility (see definitions)
- Mobile home park
- Multi-family dwelling or PRD
- Residential PUD

- School (see definition)
- ~~Semi-public~~
- Single family dwelling
- ~~Single family PRD or~~
- Two family dwelling (~~new construction~~)

**Area, Land, & Structural Requirements:**

~~1. Only one principal use is allowed per parcel of land.~~

1. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.
2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.

Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant.

**Lot Area Minimum:**

Basic District requirement: ~~1 acre~~ 2 acres

**Lot Frontage and Setbacks:**

Applies for all uses unless increased by the Board of Adjustment as a condition to help a conditional use avoid defeating the purpose of the District.

Frontage	200 feet
Front Setback	<del>40</del> 20 feet
Rear Setback	<del>25</del> 20 feet
Side Setback	<del>25</del> 20 feet

**Building Height:**

Maximum building height: 35 feet with the following exception: In this District, proposed structures exceeding 35 feet may be allowed with a conditional use permit. See "Height" definition for measurement standards.

Unless increased by the Planning Commission during Site Plan Review, a minimum of 50' buffer with natural screening is required between industrial and residential zones.  
(Amended 6/11/2012)

- 1 Site Plan Review required
- 2 General/Special Provisions apply
- 3 Certificate of Occupancy required
- 4 Expires 8/5/2012 as an interim bylaw; effective 7/9/2012 as a permanent bylaw



## **2.5.8 Groundwater Protection Overlay (GPOD)**

### **2.5.8.1 Zone A: Drinking Water Critical Impact Zone.**

#### **Purpose:**

Zone A is defined as the area within the combined two-year time-of-travel distance and zones 1 and 2 as identified in an existing water system's Source Protection Plan where these zones have been mapped around a public water supply well(s) or around the location designated for a potential future water supply.

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

- Public water distribution systems and facilities
- Accessory structures (to other permitted uses)
- Parks
- Greenways
- Publicly-owned recreation areas such as foot, bicycle, and/or horse paths, playgrounds, ballfields and tennis courts
- Conservation areas
- Forestry
- Agriculture
- Camp
- Recreation facilities
- Single- and/or two-family dwellings
- Group home
- Home child care
- Home occupation

#### **Conditional Uses:**

The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

- Accessory dwelling units
- Accessory uses
- Single- and/or two-family dwellings
- Schools (private and public)
- Church
- Day care center
- Child care facility
- Kennel
- Garden center

- Health clinic
- Recreation
- Garden center
- Outdoor market
- Funeral home
- Cultural facility
- Agribusiness
- Agritourism
- Contractor's yard
- Restaurants
- Transit facility
- Telecommunications facility
- Office
- Inn
- Home industry
- Extraction and quarrying
- Community center
- Home business
- Home occupation
- Essential services
- Managed grazing of livestock
- Mobile home parks
- Recreation
- Forestry
- Telecommunications
- Wind energy conversion

**Uses Not Permitted:** The following uses are not permitted within this District:

- Fuel or hazardous material storage
- Hazardous waste management
- Underground fuel storage tanks
- Fueling station
- Repair garage
- Body shop
- Car wash
- Laundromat

- Dry cleaner
- Machine shops
- Contractor's yard
- Bus garage
- Highway maintenance facility
- Slaughterhouse
- Junkyard
- Landfill
- Recycling center
- Commercial compost facility
- Industrial/commercial earth resource/groundwater extraction
- On-site wastewater disposal systems
- Wastewater treatment facilities
- Open storage of road salt or other deicing chemicals
- Disposal of snow which has been brought in from outside the district
- Commercial metal plating/finishing/polishing
- Chemical/medical/bacteriological laboratories or Manufacturing facilities
- Manufacturing facilities for electrical equipment/pharmaceuticals/plastic/fiberglass/rubber goods/textiles
- Commercial food processing
- Commercial photographic processing
- Commercial wood processing
- Printing establishments
- Concrete plants
- Furniture stripping establishments
- Commercial feeding of livestock
- Pesticide/herbicide/fungicide storage
- Pesticide/herbicide/fungicide applications with the exception of those reviewed and approved by the Department of Health
- Industrial uses

#### **2.5.8.2 Zone B: Drinking Water Potential Impact Zone.**

##### **Purpose:**

Zone B is established as the remainder of the GPOD not included in Zone A, but deemed necessary to ensure adequate protection of public drinking water supplies. (Note: Zone B is generally equivalent to a public water supply's Zone 3 as identified in their water system's

Source Protection Plan.)

**Permitted Uses:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

- All uses allowed in the underlying zoning districts provided that they can meet the Performance Standards as outlined for the GPOD.

**Conditional Uses:**

The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

- All conditional uses permitted in underlying districts may be approved by the Town of Weathersfield Zoning Board of Adjustment provided they can meet performance standards outlined for the GPOD.

## Article 3: General Provisions

### 3.1 Required Frontage On, or Access To, Public Roads

*(As required by Sect. 4412(3) of The Act)*

No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way at least fifty (50) feet in width. Frontage applies to all property lines bordering public or private roadways but not driveway easements. Permits may be granted for land that does not have frontage on a public road provided access is available by a permanent easement or right-of-way.

The location of the permanent easement or right-of-way must be shown on a Mylar. After approval by the Planning Commission, the Mylar and a deed which fully sets forth and describes the right-of-way must be recorded with the Town Clerk.

#### 3.1.1 Location of Driveways

The minimum distance between a driveway entrance or exit and any road intersection or junction shall be as follows:

- |                                 |                                  |
|---------------------------------|----------------------------------|
| One and two family residential: | 50 feet in Village District      |
|                                 | 100 feet for all other Districts |
| All other uses:                 | 100 feet                         |

### 3.2 Conservation of Natural Resources

#### 3.2.1 Agricultural Zoning *(Amended January 6, 2011)*

Prime land identified by the Natural Resources Conservation Service (NRCS) as AP - prime @ or AS - statewide significant@ and as described in the Farmland Classification System for Vermont Soils, published by the United States Department of Agriculture (USDA) - NRCS and available at <http://www.nrb.state.vt.us/lup/publications/importantfarmlands.pdf>, is land to be preserved.

These lands are shown on the map, Important Farmland Soils, Weathersfield, Vermont@ printed by Southern Windsor County Regional Planning Commission (SWCRPC) based on data provided by the USDA. Additional information can be obtained from the USDA WebSoil Survey at <http://websoilsurvey.nrcs.usda.gov/app/>.

Applicants or interested parties may challenge applicability of this section 6.10.7 to a project site. Challenges may be based upon the "Farmland Classification System for Vermont Soils" and/or the "Weathersfield, VT, Farmland Conversion Impact Rating" (Appendix #3). A score of less than 160 points on the Weathersfield, VT, Farmland Conversion Impact Rating shall exempt a project site from this Section 6.10.7.

Land uses on P- or S- designated soils other than agricultural or forestry shall require a conditional use permit from the Zoning Board of Adjustment. The Zoning Board shall condition the proposed land use so as to maximize preservation of the protected soils. In no event shall the total area of impermeable surfaces on the P- or S-designated soils - existing and proposed combined - exceed 10% of the total area of the mapped protected soils on the parcel.

A conditional use permit shall not be required when an attached addition to an existing building

is proposed that will not result in greater than 10% impermeable surface on the protected soil or on lots which contain three (3) or less acres of contiguous P- or S-designated soils or for an accessory structure that is to be located within 50 feet of the primary structure and that will not result in greater than 10% impermeable surface on the protected soil.

Impermeable surface is defined for the purpose of this bylaw as any manmade surface including, but not limited to, paved and unpaved roads, parking areas, roofs, driveways, walkways, decks and pools that disturb the soil such that it is no longer useable for agricultural purposes.

### *3.2.2 Biological Natural Areas Survey, 1992*

As authorized in 24 V.S.A. §4411, places having unique ecological interest or value may be regulated in all districts.

Applications for Site Plan Review and Conditional Use must include a statement that the “1992 Biological Natural Areas of Weathersfield, Vermont”, prepared by Elizabeth H. Thompson, has been reviewed for potential disturbances or threats. This publication is available at the Town Office.

### *3.2.3 Connecticut River*

Setbacks along the Connecticut River shall be a minimum of 100 horizontal feet from the top of bank or top of slope. Flood Hazard and/or River Corridor provisions may also apply (see Section 5.7).

Construction of docks and landings are conditional upon approval of the U.S. Army Corps of Engineers and the Vermont Fish and Wildlife Department.

Any development along the Connecticut River shall be evaluated for the impact it will have on the scenic, recreational, ecological, and agricultural value of the River.

The Connecticut River Joint Commissions: Corridor Management Plan shall serve as a reference to guide the protection of resources of the Connecticut River Valley.

### *3.2.4 Habitat areas*

(1) In all districts, development within 300 feet of a State designated deer wintering area shall be permitted as a conditional use subject to the following limitations:

- (a) Any road or development shall be sited to have the least amount of negative impact on the viability of the deer wintering area; and
- (b) An adequate amount of softwood cover shall be left undisturbed to ensure the viability of the area, whenever possible.

(2) In all districts, development in or near areas that have been designated by the State Department of Fish and Wildlife as:

- Significant natural communities;
- Natural/fragile areas; and/or
- near sites of plants or animals on the Vermont Endangered and Threatened Species list;

shall be permitted as a conditional use subject to the following limitations:

- a) any road or development shall be sited to have the least amount of negative impact on the viability of the area;
- b) applicants shall submit a plan for leaving the sensitive area undisturbed.

Applicants are encouraged to consult with the Department of Fish and Wildlife, Vermont Agency of Natural Resources, the Weathersfield Conservation Commission, and the study referred to in Section 3.2.2 of these bylaws, "1992 Biological Natural Areas of Weathersfield, Vermont".

(3) Notwithstanding anything to the contrary in these bylaws, any development which would be a conditional use exclusively due to subsection (1) or (2) or both of this bylaw, with no other grounds to establish it as a conditional use, may be administratively approved by the Land Use Administrator, subject to meeting the following conditions:

(a) Developments which are located in or within 300 feet of a State designated deer wintering area, and not within areas described in subsection (2) of this bylaw, may be administratively approved by the Land Use Administrator provided that the road and/or development will not require the removal of any softwood trees. The Land Use Administrator may consult the Agency of Natural Resources, the Conservation Commission, or other similar individuals or entities in establishing additional permit conditions as deemed necessary to meet the purpose of this bylaw, particularly when the proposed road or development is significant in scale.

(b) For all other developments, the following requirements apply to any application processed under this bylaw:

(i) The Land Use Administrator shall immediately provide a copy of the application to the Conservation Commission. The Conservation Commission, or the Chair of the Conservation Commission, or their designee shall provide a written statement to the Land Use Administrator within thirty (30) days of receipt of a zoning permit application by the Land Use Administrator evaluating the likely impact of the proposed road or development against the requirements of subsection (1) and/or subsection (2) above, and subject to subsection (v) below;

(ii) The Conservation Commission may elect to conduct a site visit prior to issuing any written statement;

(iii) The Conservation Commission may attach any conditions to the development within its written statement as it deems necessary in order to fulfill the purpose of subsections (1) and (2), including but not limited to requiring comments from the Agency of Natural Resources, or requiring that the application be referred for consideration by the Zoning Board of Adjustment;

(iv) The Land Use Administrator must include any conditions set by the Conservation Commission within its written statement as conditions of the zoning permit for any development to which this section applies. The Conservation Commission may include additional conditions to the development or amend its written statement or both upon receipt of comment from the Agency of Natural Resources, provided the requirements in subsection (v) below are satisfied;

(v) No extension of time shall be granted under this section beyond the aforementioned thirty (30) day period. The Land Use Administrator may issue a permit immediately upon receipt of a written statement from the Conservation Commission. Additionally, prior to the receipt of a written statement, the Land Use Administrator may at any time refer the application to the Zoning Board of Adjustment and opt out of the procedure set forth in this subsection, unless the Conservation Commission has already specified a time in writing within the thirty (30) day period by which it intends to submit a final written statement, in which case the Land Use Administrator must wait until receipt of the final written statement and may not refer the application to the Zoning Board of Adjustment

prior to this. If the Land Use Administrator elects to refer the application to the Zoning Board of Adjustment for a conditional use hearing after receipt of the final written statement, the Zoning Board of Adjustment must be provided with the final written statement prior to the hearing; and

(vi) Any application denied under this section, or conditions attaching to any zoning permit issued under this section, may be appealed to the Zoning Board of Adjustment.

### *3.2.5 Pond Construction*

- a) To protect:
  - the lives and property of citizens,
  - the infrastructure of the community, and
  - the health of the natural environment,
  - the construction of ponds shall require a zoning permit.
- b) The purpose of regulating construction is:
  - to reduce the possibility of failure from improper design or construction,
  - to minimize potential flood damages incurred to upstream properties by the storage of flood waters, and
  - to minimize the damages caused by the sudden release of stored waters from a failure of the dam or intentional rapid draining of the impoundment.
- c) The creation of ponds and other impoundments less than 5,000 cubic feet is allowed as an accessory use upon application and receipt of a zoning permit.
- d) A pond 5,000 cubic feet or more shall require a conditional use permit.
- e) The construction of any pond upon any permanent or seasonal stream, or using stream water as a source, is prohibited, unless approved by the Vermont Department of Environmental Conservation, in accordance with 10 V.S.A., Chapter 41.
- f) Pond discharges into a stream may be possible provided they do not violate the Vermont Water Quality Standards for temperature, dissolved oxygen, and turbidity of the permanent stream or pond receiving the discharge.
- g) Any pond involving the impoundment of water through the creation of an embankment, berm or other structure that exceeds the natural grade must provide documentation from a licensed engineer of the likely results of catastrophic failure of the impoundment. This exercise is not to evaluate the likelihood of failure but to examine worst case scenarios (terrorism, major accident, extreme negligence, etc.).
- h) All impoundments must have an emergency spillway, designed by a Vermont licensed engineer, capable of passing flows that exceed what the control structure is capable of handling. All drainage shall flow into established watercourses.

### **Conditional Use Review**

All ponds and other impoundments 5,000 cubic feet or more are subject to conditional use review. In granting approval, the Zoning Board of Adjustment shall find that the proposed pond is located where failure of the embankment, berm, or other structure would not cause:

1. Loss of life;



2. Injury to persons or livestock;
3. Damage to residences, commercial or industrial buildings;
4. Damage to roads, bridges, culverts, or other infrastructures; or
5. Interruptions of the use of public utilities.

### **Conditions of Approval**

Upon issuance of conditional use approval, the Zoning Board of Adjustment shall duly note that the owner of the property is responsible for the safe functioning of the pond and is liable for its failure if the owner does not maintain, repair, or operate the pond in a safe and proper manner.

### **Construction Standards**

1. Excavated soil must be disposed of in an upland site so as not to wash back into water bodies and wetlands. All areas above the pond's waterline stripped of vegetation during construction must be seeded and mulched as soon as possible after construction is completed.
2. The banks of ponds should be no steeper than a 3:1 slope (i.e., three feet horizontally to one foot vertically) out to a depth of three feet.
3. Ponds and their supporting structures shall not encroach on highway rights-of-way.

### ***3.2.6 Rare and Endangered Species***

In all districts, development in or near areas that have been designated by the State Department of Fish and Wildlife as:

- Significant natural communities;
- Natural/fragile areas; and/or
- near sites of plants or animals on the Vermont Endangered and Threatened Species list;

shall be permitted as a conditional use subject to the following limitations:

- a) any road or development shall be sited to have the least amount of negative impact on the viability of the area;
- b) applicants shall submit a plan for leaving the sensitive area undisturbed.

Consultation with the Department of Fish and Wildlife in the Vermont Agency of Natural Resources or the Weathersfield Conservation Commission is available and encouraged.

Refer to Sect. 6.10.9 "1992 Biological Natural Areas of Weathersfield, Vermont".

### ***3.2.7 Steep Slopes and High Elevation***

These lands are most often located in forested areas that serve as vital groundwater recharge and critical habitat and travel corridors for wildlife.

These areas are better left undisturbed.

Development shall be sited in a manner that will cause a minimum of disturbances to the natural landscape and is prohibited on land 1,500 feet or above elevation and on slopes greater than 25%.

These conditions make the land highly susceptible to erosion and should be protected from any development.

### *3.2.8 Streambank Conservation (Amended November 22, 2011)*

#### Purpose

The purpose of this bylaw is to prevent:

- erosion of the soil adjacent to streams;
- sedimentation of streams;
- destruction of stream bank habitat.

#### Application

This bylaw shall be applied to any stream wherever the stream channel width is greater than 4 feet at the regular high water mark. These streams shall be referred to as “protected streams”. (See definition of stream.)

#### Method

- A naturally vegetated buffer strip of no less than 25 feet shall be maintained on the banks of protected streams.
- The width of the buffer strip shall be measured from the top of bank or top of slope .
- New development or improvements to existing development located within the 25 foot buffer areas shall be subject to the Flood Hazard and/or River Corridor provisions in accordance with Section 5.7.
- No manipulation of the buffer vegetation, other than approved management practices or approved stream crossings, shall occur within the buffer strip.
- .

#### Approved Management Practices

The following activities are allowed to occur within a protected stream bank buffer:

- Removal of invasive species
- Cutting hazard trees and/or limbs (stump shall remain)
- Removal of debris

### *3.2.9 Wetlands*

A naturally vegetated buffer strip shall be maintained, of at least 50 feet in uniform width, for Class Two wetlands, and 100 feet in uniform width, for Class One wetlands.

No development, dredging, ditching or manipulation of vegetation will be permitted within the buffer strip or within the wetland unless in conformance with the Vermont Wetlands Rules.

(For conformance requirements, the applicant should contact the Vermont Department of Environmental Conservation.)

### *3.2.10 Groundwater Protection Overlay District Bylaw*

#### a) Title

This bylaw shall be known as the Groundwater Protection Overlay District Bylaw of the Town of Weathersfield ("GPOD Bylaw"). This bylaw is in addition to other districts already established through the Town of Weathersfield Zoning Ordinance.

#### b) Performance Standards

The following permitting standards shall apply to uses in Zones A and B of the GPOD:

- Any conditionally permitted facility involving the collection, handling, manufacture, use, storage, transfer or disposal of hazardous material or hazardous wastes must have a secondary containment system that is easily inspected and whose purpose is to intercept any leak or release from primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and inspectable sumps.
- Open liquid waste ponds containing hazardous material or hazardous wastes will not be permitted without a secondary containment system.
- Storage of petroleum products in quantities exceeding (1,000) gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks must have a secondary containment system as noted above.
- All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous material or hazardous waste.
- All conditionally permitted facilities must prepare an acceptable contingency plan for preventing hazardous materials and/or hazardous wastes from contaminating the shallow/surficial aquifer should floods, fire, or other natural catastrophes, equipment failure, or releases occur:
  - (a) All conditionally permitted underground facilities shall include, but not be limited to a monitoring system and secondary standpipe 5-feet above the 100-year flood control level, for monitoring and recovery. For above-ground conditionally permitted facilities, an impervious dike, 5-feet above the 100-year flood level and capable of containing 100 percent of the largest volume of storage, will be provided with an overflow recovery catchment area (sump).
  - (b) All conditionally permitted facilities shall include fire fighting plans and procedures, a fire retarding system, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are pipes, hazardous materials, hazardous wastes, or open flames in the immediate vicinity.
  - (c) For equipment failures, plans for conditionally permitted facilities that use, maintain, store, process or produce hazardous materials and/or hazardous wastes shall include, but not be limited to, below-ground level, removal and replacement of leaking parts, a leak detection system with monitoring, and an overfill protection system; and above-ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.
  - (d) For any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the Town of Weathersfield. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells shall be properly plugged according to local and state regulations.

#### c) District Boundary Disputes

If the location of the GPOD boundary in relation to a particular parcel is in doubt and the application already requires conditional use approval because of the requirements of the underlying zone, the Town Zoning Administrative Officer, interpreting the municipal zoning bylaw literally, shall inform the applicant whether he/she believes the project is located within the GPOD. If the project would not need conditional use approval based on the requirements of the underlying district, the Zoning Administrative Officer may still determine, based on the

official map, that such project is located within the GPOD. Such decision may be appealed to the [Zoning Board of Adjustment].

The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the district should be located with respect to their individual parcel(s) of land. If the owner(s) request that the Town of Weathersfield determine more accurately the boundaries of the district with respect to individual parcels of land, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist and charge the owner(s) for the cost of the investigation. If the location of the GPOD boundary in relation to a particular parcel is in doubt and the application already requires conditional use approval because of the requirements of the underlying zone, the Town Zoning Administrative Officer, interpreting the municipal zoning bylaw literally, shall inform the applicant whether he/she believes the project is located within the GPOD. If the project would not need conditional use approval based on the requirements of the underlying district, the Zoning Administrative Officer may still determine, based on the official map, that such project is located within the GPOD. Such decision may be appealed to the [Zoning Board of Adjustment].

#### d) Enforcement and Penalties

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §§ 4451, 4452 and 4454 or 24 V.S.A. §§ 1974a and 1977, et seq., in the discretion of the zoning administrator. A civil penalty of not more than \$200.00 per violation may be imposed for violation of this ordinance. The Zoning Administrative Officer shall issue a notice of alleged violation, which shall include the opportunity to cure the violation within seven days. If it is not cured after seven days, a municipal ticket may be issued immediately. The Zoning Administrative Officer may institute, in the name of the municipality, any appropriate action seeking an injunction, or other appropriate relief to prevent, restrain, correct, or abate that construction or use. Such action may be initiated in either the Vermont Environmental Court, or in the Vermont Judicial Bureau, as appropriate. Each day that the violation continues shall constitute a separate violation of this ordinance.

#### e) Enforcement Officials

The town zoning administrator and health officer shall be the designated enforcement officer(s). Said designee(s) shall issue tickets and may be the appearing officer at any hearing.

#### f) Liability

Nothing in this ordinance shall be construed to imply that the Town of Weathersfield has accepted any of an owner/developer's liability if a permitted facility or use contaminates groundwater in any aquifer.

### **3.3 Damaged Structures** *(Amended November 22, 2011)*

Within forty-eight (48) hours, the property owner shall post warnings and take precautionary measures upon and around the premises to insure the safety and welfare of the public.

Within six (6) months after any building or structure has burned, collapsed, or otherwise been destroyed or demolished, all structural materials shall be removed from the site and the excavation thus remaining shall be covered or filled to existing grades. An extension of time for such site work may be granted by the Zoning Administrator under extenuating circumstances (e.g. insurance delays, financing, weather, etc.).

Nothing in these zoning bylaws shall prevent the commencement of reconstruction or restoration within eighteen (18) months of a building damaged by fire, accident, or act of God, to its condition prior to such damage. Such reconstruction shall be a permitted use and no Special

Procedures shall apply, excepting the reconstruction of buildings located in flood hazard areas for which a permit is required under Section 6.20 - Floodplain and Floodways. An extension of time for such reconstruction may be granted by the Zoning Administrator under extenuating circumstances (e.g. insurance delays, financing, weather, etc.).



# Article 7: Definitions

*(amendments as noted)*

For the purposes of these Bylaws, meanings for the following words and phrases shall be as defined below. All other words shall retain their dictionary meaning (Webster's Ninth New Collegiate Dictionary) unless such meanings run counter to the purposes and objectives of Weathersfield's Bylaws or Town Plan. The definitions of terms defined in 24 V.S.A. §4303, and not otherwise defined herein are made a part of these Bylaws.

**A Zone:** That portion of the SFHA subject to a one percent chance of being equaled or exceeded in any given year. In the A Zone the base floodplain is mapped by approximate methods, i.e. BFEs are not determined. This is often called unnumbered A Zone or approximate A Zone.

**Accessory Structure:** A structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

**Accessory Use:** A use customarily incidental and subordinate to the principal use of the land or building. If there is a question whether the use is customary, determination shall be made by the Zoning Board of Adjustment.

**Affordable Housing:** Affordable housing means either of the following:

1. Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income.
2. Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

**Affordable Housing Development:** A housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws.

**Agriculture Use:** Land which is used for raising livestock, agricultural or forest products (includes farm structures and the storage of agricultural equipment); and, as an accessory use, the sale of agricultural products raised on the property.

**Airport Uses:** Fixed- and rotary-wing operations together with retail sales and service operations related to public, private, and general aviation, including aircraft sales, repair, and storage, commercial shipping and storage, restaurants, rental vehicles, and other uses designed to serve aviation passengers and industry.

**Appropriate Municipal Panel:** A planning commission, a board of adjustment or a legislative body performing development review

**Aquifer:** A geological formation, group of formations or part of a formation either composed of unconsolidated rock, sand, gravel, or other unconsolidated soils, or composed of bedrock with an interconnected series of crevasses, fractures, joints, faults, cleavages, bedding planes, porosity,

or other geologic features which allow groundwater to move in the subsurface environment and are capable of storing and yielding groundwater to wells and springs.

**Area of Special Flood Hazard:** This term is synonymous in meaning with the phrase “Special Flood Hazard Area” for the purposes of these bylaws.

**Athletic courts:** Private, residential tennis court, basketball court or similar activities.

**Average Grade:** The average of the distance from the top of foundation to the ground measured at all foundation corners of a building or structure. (Added June 11, 2012)

**Background Noise:** Noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.

**Bankfull Width (or Channel Width):** The width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

**Base Flood Elevation (BFE):** The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

**Basement:** Any area of the building having its floor elevation subgrade (below ground level) on all sides.

**Bed-and-Breakfast:** An owner-occupied residence, or portion thereof, which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.

**BFE:** See Base Flood Elevation.

**Boarding House (tourist home):** A building or premises where rooms are let to individuals for compensation for a period of time greater than 30 days, and where meals may be regularly served in a common dining area. Hotels, motels, apartment houses, bed and breakfasts and historic inns shall not be considered boarding houses.

**Buffer:** An undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

**Building:** A structure having a roof supported by columns and/or walls intended for the shelter or enclosure of persons, animals or chattel, excluding fences, and including a gas or liquid storage tank that is principally above ground.

**Building Height:** The distance from the lowest floor with exterior access or the lowest visible foundation point (whichever is lower) to the highest point of the roof. (12/3/2018)

**Building or Structure Height:** The distance from the average grade to the highest point on a building or structure. Measured from the top of the foundation no more than 8 feet of foundation showing, and excluding cupolas, chimneys, steeples, and/or roof mounted HVAC and utilities. (11/16/2020)

**Cemetery:** Property used for the interment of the dead.

**Channel:** An area that contains continuously or periodic flowing water that is confined by banks and a streambed.

**Common Plan of Development:** Where a structure will be refurbished over a period of time.



Such work might be planned unit by unit.

**Community Non-Profit:** as defined by State or Federal guidelines.

**Contamination:** An impairment of water quality by chemicals, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water.

**Contractor's Storage Yard:** A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

**Coverage:** That percentage of the lot area that is covered by buildings.

**Critical Facilities:** Include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station

**Daytime Hours:** Hours between 7:30 a.m. and 7:30 p.m., Monday through Saturday, and the hours between 10:00 a.m. and 7:30 p.m. on Sundays and holidays.

**Decibel:** (dB) A unit of measurement of the sound level.

**Development:** The division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or of any mining, excavation or landfill; and any change in the use of any building or other structure, land or extension of use of land.

**Development in the areas of special flood hazard:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**District, Zoning District:** A part of the territory of the Town of Weathersfield within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of these Bylaws.

**Dwelling, Dwelling Unit:** A building or part thereof, including a kitchen and bathroom, used as living quarters for a single individual or family (see definition of family).

**Emitter:** Source of noise.

**Excessive Noise:** Any sound, the intensity of which exceeds the standard set forth in Section 6.13.

**Existing Small Lot:** Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, is in existence on the date of enactment of any bylaw, and is too small to conform to the minimum lot size requirements for the zoning district in which it is located.

**Existing manufactured home park or subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Facility:** Something that is built, installed, or established for a particular purpose.

**Family:** For the purposes of these Bylaws, a family shall consist of any group of two or more persons, either related or unrelated, residing in and sharing the rooms of an individual dwelling unit in the same structure (i.e., persons related by blood, marriage, or adoption; housemates; unrelated friends sharing expenses).

**Family Child Care Home:** A family child care home or facility is a day care facility which provides for care on a regular basis in the caregiver's own residence for not more than ten children at any

one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. For the purpose of this subdivision, care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:

1. these part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and
2. during the school summer vacation, up to 12 children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver.

**Family Child Care Facility:** A state registered or licensed family child care facility serving ten or more children (at least six full-time and four part-time).

**Farming:** The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or the raising, feeding or management of livestock, poultry, equines, fish, or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or wastes produced on the farm.

**Farming structure:** A structure or structures that are used by a person for agricultural production that meets one or more of the following:

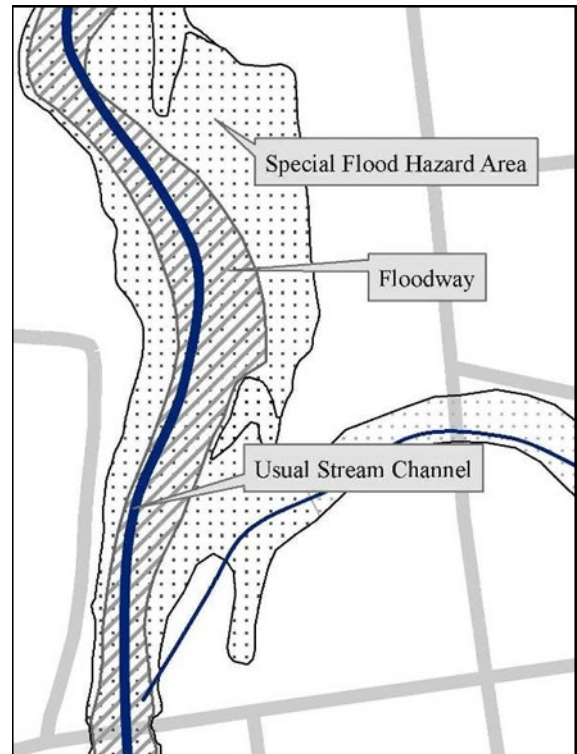
1. is used in connection with the sale of \$1,000 or more of agricultural products in a normal year; or
2. is used in connection with raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen, sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese; one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or Coturnix quail; three camelids; four ratics (ostriches, rheas, and emus); thirty rabbits; one hundred ducks; or one-thousand pounds of cultured trout; or
3. is used by a farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one of the past two years; or
4. is on a farm with a business and farm management plan approved by the Secretary.

**Fill:** Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

**FIRM:** see Flood Insurance Rate Map.

**Flood:**

1. A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.



**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

**Floodplain or flood-prone area:** Any land area susceptible to being inundated by water from any source (see definition of “flood”).

**Flood proofing:** Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

**Fluvial Erosion:** Erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

**Fluvial Geomorphic Equilibrium:** The width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading (down-cutting) the channel bed elevation. When a stream or river is in an equilibrium condition the stream power and erosive process is minimized reducing damage to public and private infrastructure, reducing nutrient loading, and allowing for bank stability and habitat diversity.

**Formula Business:** A business which does or is required by contractual or other arrangement or as a franchise to maintain two (2) or more of the following items: standardized (formula) array of

services and/or merchandise including menu, trademark, logo, service mark, symbol, décor, architecture, façade, layout, uniforms, color scheme, and which are utilized by ten (10) or more other businesses worldwide regardless of ownership or location.

**Frontage:** The length of that portion of a lot which abuts a public road right-of-way or mean watermark of a public waterway. In the case of corner lots, it shall be that portion that has or is proposed to have access.

**Functionally dependent use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Gasoline/Service Station:** A retail establishment at which motor vehicles are serviced, especially with fuel, air, and water; also called a filling station. Includes the retail sale of motor vehicle fuel carried on as part of other commercial or industrial activities.

**Gray Water:** All domestic wastewater except toilet discharge water.

**Groundwater:** Water below the land surface in a zone of saturation.

**Groundwater Protection Overlay District (GPOD):** A zoning district that is superimposed on all underlying zoning districts in the Town of Weathersfield. It includes all lands that are included in the definitions of Zones A and B of the GPOD, and is included in the Official Map of the Town of Weathersfield. This district may include specifically designated recharge areas that collect precipitation or surface water and carry it to aquifers.

**Group Home:** Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. §4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

**Guest House:** An accessory residential structure with no kitchen (may or may not have bath facilities) used for the sole purpose of temporary housing for nonpaying guests.

**Hazardous Materials:** Those substances, materials, or agents in such quantity, state, and form as may constitute potential risk to the health and safety of the people and environment of the Town, and which may constitute a threat to property, including, without limitation, the following: explosives; radiative materials, etiologic agents, flammable materials, combustible materials, poisons, oxidizing or corrosive materials, and compressed gases. This shall also include any other materials listed as 'hazardous' by the Materials Transportation Bureau of the United States Department of Transportation, in Title 49 of the Code of Federal regulations, as amended, or those materials regulated pursuant to Title 10, Chapter 47, of the Vermont Statutes Annotated, or any other applicable Federal or State regulations.

For purposes of the GPOD, all petroleum and toxic, corrosive or other chemicals and related sludge included in any of the following:

1. any substance defined in section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980;
2. petroleum, including crude oil or any fraction thereof; or
3. hazardous wastes, as determined under subdivision (9) of this section;
4. "Hazardous material" does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, state and local laws and regulations and according to manufacturer's instructions.
5. "Hazardous material" does not include livestock wastes.

**Hazardous Waste:** For purposes of the GPOD, any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form, including, but not limited to those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition. The storage and handling of livestock wastes and by-products are specifically excluded from this definition.

**Highway-Commercial:** The use of a structure and/or lot for the following purposes:

1. motel or large hotel;
2. shopping plaza;
3. wholesale or retail sales;
4. drive-in theater;
5. restaurant;
6. drive-in food service;
7. drive-in bank;
8. lumber yard;
9. sales and service of automobiles, mobile homes, large boats or recreational vehicles;
10. dry cleaner;
11. bar; nightclub; or
12. any other purpose deemed by the Zoning Board of Adjustment to be similar in nature to those listed.

**Historic Structure:** Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.

**Home-Based Business:** A professional, commercial, or light industrial activity that takes place on a residential property, is for gain by the resident(s), and where these activities are subordinate to (Level 1) or augment (Level 2) the residential use.

**Home-Based Occupation:** Employment activity that is carried on for gain by the resident and is clearly subordinate to the residential structure.

**Impulse Noise:** Noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

**Indoor Recreational Facility:** A commercial or public facility for the following indoor activities: bowling, table tennis, tennis, pool, roller and ice skating, swimming, customary gym activities, rifle/pistol/archery, others deemed similar in nature by the Zoning Board of Adjustment.

**Industry:** The use of a building or land for the manufacture, production, processing, assembly or storage of goods or commodities. Includes research, testing, and large offices (more than ten employees); and others deemed similar in nature by the Zoning Board of Adjustment.

**Inn/Small hotel:** an establishment providing for a fee three or more temporary guest rooms and customary lodging services, and subject to the Vermont rooms and meals tax.

**Insignificant Activities and/or Repairs:**

1. Insignificant activities that involve the placement or erection of decorative or directional elements which do not result in new obstructions to flood flows or alter drainage or have the potential to be a substantial improvement. Insignificant activities may include mowing, planting a garden, adding soil amendments, installing a mail box for the delivery of US postal mail or newspaper, or erecting a flag pole. Insignificant activities will not result in new obstructions to flood flows or impair drainage or have the potential to be a substantial improvement; and/or,
2. Insignificant repairs that involve projects to fix or mend to a sound condition after decay or damage and the cost of which does not exceed \$500 or does not result in the replacement, alteration, addition or extension of an existing structure. Insignificant repairs will not result in new obstructions to flood flows or impair drainage or have the potential to be a substantial improvement.

~~**Junkyard:** A yard for the deposit, storage, or resale of any junk or discarded materials, machinery, or vehicles; whether or not in connection with any other commercial activity.~~

**Land Development:** The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

**Letter of Map Amendment (LOMA):** A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a licensed engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

~~**Light Industry:** Same as Industry, but limited to:~~

- ~~1. no more than 10 employees~~
- ~~2. buildings do not cover more than 10,000 square feet of land area;~~
- ~~3. production of noise, vibration, smoke, dust, heat, odor, glare or other disturbance shall not exceed what is characteristic of the District.~~
- ~~4. production of electrical interferences and line voltage variations must no create a nuisance.~~

**Lot:** A portion or parcel of land occupied or intended for occupancy by a use or a building.

**Lot Size:** The total area of land, excluding the road right-of-way, included within the property lines.

**Lowest Floor:** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such

enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3

**Lumber Yard:** An establishment for the retail or combined wholesale/retail sale of new lumber and/or other new building materials. For the purposes of these Bylaws, establishments engaged in the sale of other new building materials without the sale of new lumber are included.

**Manufactured Home (or Mobile Home):** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

**Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level:** For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 and other data, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

**Medical Facility:** For the purposes of these Bylaws, a medical facility shall include hospitals, including nurses’ residential quarters; nursing homes; and homes for the elderly or incapacitated.

**Minor Structure:**

- 1) Any new, single-story, non-residential structure with a footprint of 150 square feet or less;
- 2) said structure must be accessory to an existing primary structure on the same lot as the proposed minor structure;
- 3) 150 total square feet of such structures are allowed per acre of lot size up to a maximum of 500 square feet of total structure area. (Lots that are less than one acre in size are allowed a single 150 sq. ft. structure.);
- 4) No single structure may have a footprint greater than 150 square feet;
- 5) Applicant must notify the Zoning Administrator in writing of the intent to build such structure(s) by providing such information as is required by the Zoning Administrator;

**Mobile Home:** A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is:

1. transportable in one or more sections; and
2. at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
3. any structure that meets all the requirements of this subdivision except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code. 10 V.S.A. §6201(1).

**Mobile Home Park:** Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. 10 V.S.A. ' 6201(2).

**Modular (or Prefabricated) Housing:** A dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site

for final assembly on a permanent foundation.

**Motel:** an establishment providing for a fee three or more temporary guest rooms and customary lodging services, and subject to the Vermont rooms and meals tax.

**Multi-family Dwelling:** A building containing three or more individual dwellings with separate cooking and toilet facilities for each dwelling.

**Municipal Land Use Permit:** Means any of the following whenever issued:

1. A zoning, subdivision, site plan, or building permit or approval, any of which relate to “land development” as defined in this section, that has received final approval from the applicable board, commission, or officer of the municipality.
2. A wastewater system permit issued under any municipal ordinance adopted pursuant to 24 V.S.A. chapter 102.
3. Final official minutes of a meeting that relate to a permit or approval described in (a) or (b) above that serve as the sole evidence of that permit or approval.
4. A Certificate of Occupancy, certificate of compliance, or similar certificate that relates to the permits or approvals described in (a) or (b) above, if the bylaws so require.
5. An amendment of any of the documents listed in (a) through (d) above.

**New construction:**

1. For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
2. For floodplain management purposes, new construction means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

**Nightclub or Bar:** An establishment whose major activity is the service of alcoholic beverages for consumption on the premises and which may or may not provide entertainment.

**Nighttime Hours:** The hours between 7:30 p.m. and 7:30 a.m., Sunday evening through Saturday morning, except that ANighttime Hours@ shall mean the hours between 7:30 p.m. Saturday and 10:00 on Sunday and 7:30 p.m. of the day preceding a recognized, national holiday and 10:00 a.m. on said holiday.

**Noise Zone:** The geographic area between emitter and receptor of noise.

**Nonconforming Lots or Parcels:** Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

**Nonconforming Structure:** A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

**Nonconforming Use:** Use of land that does not conform to the present bylaws but did conform to



all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer. 24 V.S.A. §4303(15)

**Nonconformity:** A nonconforming use, structure, lot or parcel.

**Non-highway Commercial:** The use of a structure and/or lot for the following purposes:

1. wholesaler,
2. fuel oil depot,
3. bottled gas depot,
4. coal depot,
5. lumber yard, and
6. other similar purposes as determined by the Zoning Board of Adjustment.

**Non-Residential:** Includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

**Outdoor Recreation Facility:** A commercial or public facility for the following out-of-doors activities: customary playing fields and municipal park activities (baseball, soccer field, etc.); tennis, swimming, roller and ice skating, skiing, boating, fishing, horseback riding, golf, miniature golf, bicycling, or other similar activities as determined by the Zoning Board of Adjustment. Excludes tracks or trails for competitive and/or commercial use of motorized vehicles.

**Planned Residential Development (PRD):** An area for strictly residential use, in which the design and development promotes the most appropriate use of the land, to facilitate the adequate and economic provision of streets and utilities, and to preserve open space. PRD's designated as single family contains only single family residential structures; those designated as multi-family contain one or more multi-family residential structures.

**Planned Unit Development (PUD):** One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards.

**Pre-existing:** In existence prior to the adoption date of the original Bylaws, March 5, 1974.

**Primary Containment Facility:** A tank, pit, container, pipe or vessel of first containment of a liquid or chemical, excluding the storage and handling of livestock wastes and by-products.

**Prime Agricultural Land:** Prime land identified by the Natural Resources Conservation Service (NRCS) as "P – prime" or "S – statewide significant" and as described in the Farmland Classification System for Vermont Soils, published by the United States Department of Agriculture (USDA) – NRCS and available at <http://www.nrb.state.vt.us/lup/publications/importantfarmlands.pdf>.

**Public Water:** Any community drinking water distribution system, whether publicly or privately owned.

**Public Water Supply:** For purposes of the GPOD, any system(s) or combination of systems owned or controlled by a person, that provides drinking water through pipes or other constructed conveyances to the public and that has at least 15 service connections or serves an average of at least 25 individuals daily for at least 60 days out of the year. Such term includes all collection, treatment, storage and distribution facilities under the control of the water supplier and used primarily in connection with such system, and any collection or pretreatment storage facilities not

under such control that are used primarily in connection with such system. In addition, this includes any water supply system with ten or more residential connections.

**Receptor:** With the intent of confining decibel levels higher than allowed to the emitter's property, the receptor is any abutting property receiving noise.

**Recreational Vehicle:** A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Regular High Water Mark:** The lower limit of vegetation on the streambank. (Added November 22, 2011)

**Release:** For purposes of the GPOD, any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material and/or hazardous waste, excluding the storage and handling of livestock wastes and by-products.

**Renewable Energy Resources:** Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources.

**Residential Care Home:** A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board and personal care to nine or more residents unrelated to the home operator.

**Residential, Single-Family:** The use of a structure and/or lot to house a single individual or family (see definition for family).

**Residential Structure:** Any structure designed and constructed for human residence.

**Residential, Multi-family:** The use of a structure or lot to house three or more families (see definition for family) or individuals.

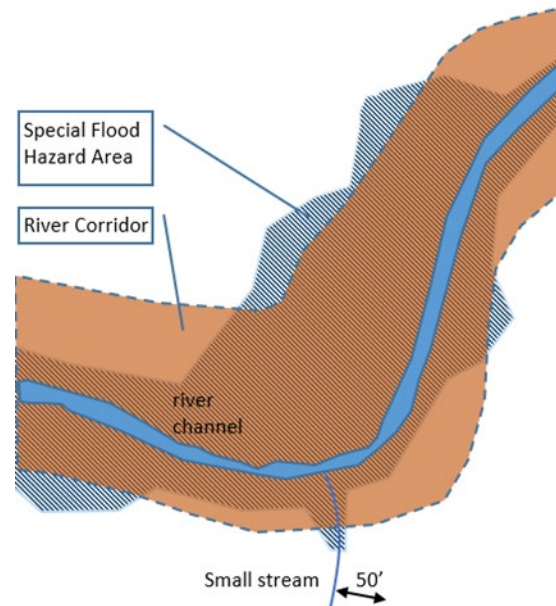
**Residential, Two-Family:** The use of a structure or lot to house two families (see definition for family). A legitimate home occupation is optional.

**River Corridor:** The land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide.

**School:** Includes public, parochial and private kindergarten through college or university and accessory uses such as dormitories, fraternities and sororities. Shall not include commercially operated schools of business, driving, dance, music, cosmetology, beauty, culture, or similar establishments.

**Secondary Containment Structure:** A double walled tank, catchment pit, pipe, or vessel that limits and contains a hazardous material or hazardous waste leaking or leaching from a primary containment area; monitoring and recovery are required excluding the storage and handling of livestock wastes and by-products.

**Self-Storage Facility:** A building or group of buildings and associated external areas containing separate, individual, and private storage spaces available for lease or rent for the purpose of inactive storage only and which are not accessory structures to residential uses. (Expires



8/5/2012 as an interim definition; effective 7/9/2012 as a permanent definition)

**Semi-Public:** Primarily nonprofit uses generally available to the public. Includes museums, assembly halls, concert halls, private clubs, YMCA, YWCA, and in these Bylaws, mortuaries; and other uses deemed similar by the ZBA.

**Setback:**

1. The shortest distance between the exterior of a building and the nearest adjacent boundary of the building lot, measured at right angles to said boundary.
2. Porches are included as part of the building, however, steps are not.
3. Setbacks shall be measured from the nearest boundary of the road right-of-way.
4. When the road or right-of-way measures less than fifty feet in width or is of unknown width, a right-of-way width of 50 feet shall be assumed.
5. The edge of the right-of-way shall be determined by measuring half of the right-of-way width from the center of the traveled portion of the road.
6. Structures added to existing buildings in order to provide access to the disabled or handicapped (i.e., ramps, special stairways, elevators, etc.) are not required to meet setback requirements.
7. New building construction that includes such devices shall meet said requirements.

**Sign:** Any device, logo, structure, illustration, emblem, building, or part thereof for visual communication that is placed in view of the general public for the purpose of directing public attention to any business, industry, profession, product, service, or entertainment.

**Small Enterprise:** In Districts where permitted, the establishment of small enterprises is encouraged in order to promote sound economic development, to maintain the unique character of the community, to promote diversity of economic activity, and to provide a business environment benefitting from foot traffic and proximity. The small enterprise use aims to facilitate entrepreneurial activity by providing a narrow exception to obtaining a conditional use permit, while protecting and maintaining the character and diversity of businesses in the District. All applicants are encouraged to consult the Land Use Administrator prior to submitting an application. The small enterprise shall meet all criteria below.

- a) The small enterprise shall not be a formula business as defined by these Bylaws.
- b) Employs a maximum of five (5) employees on premises at a single point in time.
- c) Occupies a maximum building area of 800 square feet.
- d) Replacing and superseding Article 6.2.2(I)(3) for the purposes of this bylaw, only one structure not in excess of 150 square feet is exempt from the zoning permit requirement. All other provisions of Article 6.2.2(I) apply.
- e) May display one non-illuminated, non-reflective sign, a maximum of nine (9) square feet in size. Additional signs may be permitted upon submission of a Zoning Permit Application.
- f) The small enterprise zoning application shall clearly define the type of business, number of employees, square footage allocated to the business, and traffic generation.
- g) All applications must be accompanied by a site plan.
- h) Any change to the original application shall require permit review.
- i) The small enterprise must comply with all performance standards set forth in Section 3.7 of these Bylaws.

Uses which exceed the thresholds established under this bylaw may still be permitted if falling within another permitted, accessory or conditional use category permitted in the same particular District.

**Small Office:** A space for ten or fewer employees with no deliveries and only employee parking allowed on-site.

**Sound Level Meter:** An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels. The Sound Level Meter shall conform to the ANSI Specifications for Sound Level Meters S1.4-1971.

**Special Flood Hazard Area (SFHA):** The floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: [msc.fema.gov](http://msc.fema.gov). Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

**Spill Response Plans:** Detailed plans for control, re-containment, recovery and clean up of hazardous material and/or hazardous waste releases, such as during fires or equipment failures.

**Start of Construction:** For purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

**Stormwater Treatment Practice (STP):** A stormwater treatment practice that is a specific device or technique designed to provide stormwater quality treatment and or quality control.

**Stormwater Runoff:** Precipitation that does not infiltrate the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain or wastes from combined sewer overflows.

**Stream:** A perennial watercourse, or portion, segment or reach of a watercourse that, in the absence of abnormal, extended or severe drought, continuously conveys surface water flow. Human caused interruptions of flow; i.e. flow fluctuations associated with hydroelectric facility operations, or water withdrawals, shall not influence the determination. A perennial stream does not include the standing waters of wetlands, lakes, and ponds. Streams are indicated on the Vermont Hydrography Dataset viewable on the Vermont Natural Resources Atlas.

**Structure:** An assembly of materials for occupancy or use for more than six (6) months. Fences, gates, stone walls, landscape timbers, sculptures, memorial monuments, TV antennae, and satellite dishes are not structures.

For floodplain management purposes, “structure” shall mean a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

For flood insurance purposes, “structure” shall mean:

1. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
2. A manufactured home, also known as a mobile home, which is built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation; or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws, but does not include a recreational vehicle or a park trailer or other similar vehicle, or a gas or liquid storage tank.

**Structural Development:** The addition of a new structure to a parcel of land.

**Structure Height:** The distance from the average grade at the base of the structure to the highest point of the structure. Notwithstanding any other provision regarding setbacks in these bylaws, the setback distance of any structure which is not considered a building (see definition) from an adjacent road or parcel must be greater than or equal to the structure height. (1/3/2019)

**Subdivision:** Either:

1. division of a parcel of land into two or more lots, plots, or sites; or
2. construction of a single structure containing two or more functional units, such as but not limited to: apartment buildings, condominiums, or shopping plazas, when such actions are taken for the purpose of sale, transfer of ownership, building development or property improvement.

The term subdivision includes re-subdivision.

Construction of a second principal structure on a lot shall be deemed a subdivision of the parcel.

**Substantial damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Telecommunications Facility:** A tower or other support structure, including antennae that will extend 20 or more feet vertically, and related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals.

**Time-Of-Travel Distance:** The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer.

**Top of Bank:** That vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope. See Figures 3 and 4 for representative illustrations for these terms.

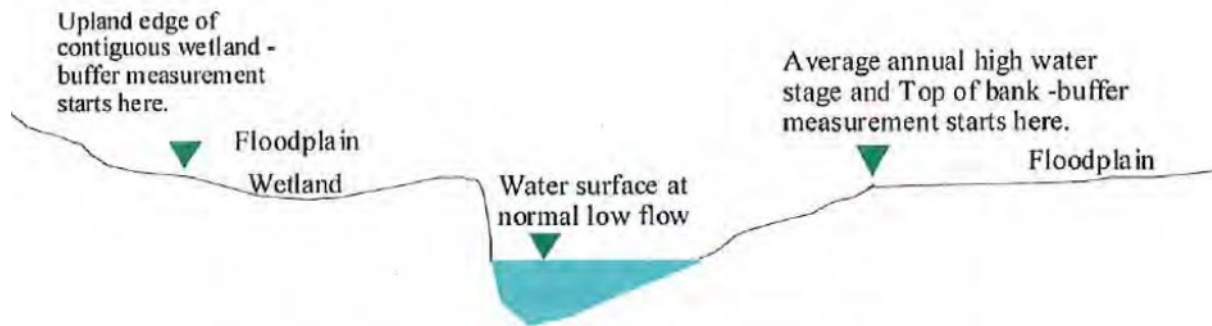


Figure 1: Illustration of "top of bank" (Source: Appendix C of the VT Riparian Buffer Guidelines)

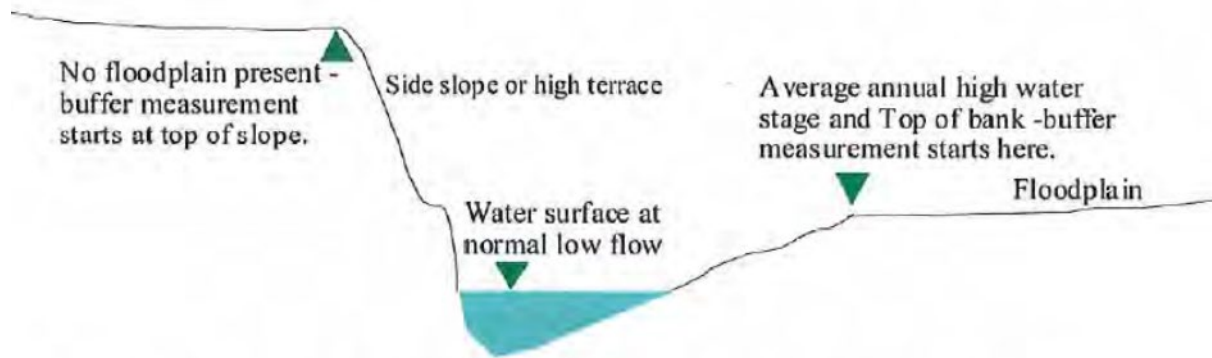


Figure 2: Illustration of "top of slope" (Source: Appendix C of the VT Riparian Buffer Guidelines)

**Travel Trailer:** Any vehicle used, or so constructed as to permit such use, as a conveyance on the public roads and duly licensed as such, which is constructed to permit occupancy as a dwelling or sleeping place for one or more persons. Includes motor homes, tent trailers, truck campers and any vehicle converted to provide temporary sleeping facilities other than a mobile home. This definition does not apply to commercial vehicles, such as 18 wheel trucks equipped with sleeping quarters, that are used to transport goods.

**Two Year Time of Travel:** Approval of septic disposal systems within the two-year time of travel boundary is prohibited unless it can be demonstrated that the discharge from the septic disposal site is not hydraulically connected to the drinking water aquifer, or that additional information is presented to document that a two-year time of travel is met or exceeded to the existing or potential water supply source.

**Use, Associated:** A use customarily incidental to the principal use and on the same lot as the principal use.

**Use, Conditional:** A use permitted only by approval of the Board of Adjustment following a public hearing.

**Use, Permitted:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Variance:** A deviation from the strict application of the requirements of these Bylaws in the case of exceptional physical conditions. See 24 V.S.A., Section 4464 and 4469.

**Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

**Wetlands:** Those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally

saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

**Wireless Communications Facility:** A tower, pole, antenna, guy wire, or related features or equipment intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum-based transmission/reception and the construction or improvement of a road, trail, building or structure incidental to a communications facility. Wireless Communication Facilities include Wireless Telecommunication Facilities. A speculative wireless telecommunication facility, that is, one built on speculation that the builder and operator will be able to lease to a service provider, is considered a wireless communications facility and does not come under the Telecommunications Act of 1996. Applications for such facilities, until a service provider is named and joins in the application, are subject to the review and regulations as a wireless communications facility and not as a wireless telecommunication facility.

**Wireless Telecommunication Facility:** A facility consisting of the structures, including the towers and antennas mounted on towers and buildings, equipment and site improvements involved in sending and receiving telecommunication or radio signals from a mobile communications source and transmitting those signals to a central switching computer which connects the mobile unit with land-based or other telephone lines.