



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

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## Planning Commission Agenda

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

**Remote option – Zoom details below**

**Monday, December 12, 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. Approval of Meeting Minutes – November 28, 2022

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### Old Business

6. **Preferred Site Checklist:** No update
7. **Bylaws – Table of Districts and Uses:** Review changes (Rev. 1 – 2022.12.07)
8. **Bylaws – PUD Review Section:** No update

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9. Discussion of items for future agendas
  10. Any other business that can be legally discussed
  11. Adjourn

The next regularly scheduled meeting of the Planning Commission will be **Monday, January 9, 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.

AGENDA ITEM

5

REGULAR MEETING OF THE PLANNING COMMISSION COMMITTEE  
6:30 PM, Monday, November 28th, 2022  
MARTIN MEMORIAL HALL, ASCUTNEY VERMONT  
5459 Rt 5

DRAFT MINUTES

Members in attendance:

**Paul Tillman**  
**Howard Beach**  
**Michael Todd**  
**Joseph Bublat (online)**

**Ryan Gumbart – Land Use Administrator (online)**

Members Not in attendance:

**Tyler Harwell**

Attendees:

Brian Bocenhve  
Beth Hunton  
Rika Henderson  
Beth Gorton  
Ken Blum

Online Attendees:

Hank

1. Meeting was called to order by **Paul Tillman** at 6:30 P.M.
2. Agenda Review – No changes
3. Comments from the Chair and land Use Administrator – No comments
4. Comment from citizens regarding items not on the agenda – Beth Hunton asked about the next few meeting dates and how the holidays would affect this. Paul Tillman shared the meeting schedule for the next few months.

December 12<sup>th</sup> ,2022 meeting at 6:30 (last one for the year 2022)

December 26<sup>th</sup> ,2022– NO MEETING

January 9<sup>th</sup> , 2023 meeting at 6:30

January 23<sup>rd</sup> , 2023 meeting at 6:30

5. Approval of meeting minutes – November 14, 2022 –

**Mike Todd made a motion to accept the minutes from November 14<sup>th</sup>, 2022.**

**Seconded by Howard Beach, Motion Passed 4-0**

6. Public Hearing – Final Plat Revie – Arrison Continuation –

**Mike Todd made a motion to continue the Arrison Hearing to January the January 9<sup>th</sup> meeting.**

**Seconded by Howard Beach, Motion Passed 4-0**

7. Sketch Plan Review – Hodgdon: Continuation – No discussion or action.

8. Sketch Plan Review – Fairbrother: Continuation – No discussion or action.

9. Town Plan – Energy section: Consider vote to approve changes –

**Mike Todd made a motion to accept Energy Plan document presented as of November 15<sup>th</sup>**

**Seconded by Joseph Bublat, Motion Passed 4-0**

Discussion was had about moving section 7.3 - “Heat pumps” to the “Recommendation” section 7.9.10. Mike Todd agreed to have this moved and said it was minor housekeeping because no content was changed. Joseph and the rest of the board agreed.

**Mike Todd made a motion to set a hearing date for the approved Energy Plan on February the 13<sup>th</sup> 2023 at 7:00 PM.**

**Seconded by Howard Beach, Motion Passed 4-0**

10. Preferred Site Checklist: Review and modify if needed – Discussion was had about the wording in item #3, Ryan will reword for the next draft. Ryan will investigate what a scoring sheet would look like for Weathersfield as a preferred site. The Board like the Colchester preferred sit designation scorecard and would like to use some of the Colchester “preferred Sites” document as a starting point.

11. Bylaws – Table of Districts and Uses: Review C-10 (Conservation) district use table –

Discussion was had about the “Goals” of any changes and how any changes would affect the residents and reflect the Town Plan. Paul Tillman wanted to

talk about this with the commission and attendees and shared that this was asked of him from Ken Blum who had sent Paul a letter with his thoughts and suggestions. Paul Tillman thanked Ken for his letter and suggestions.

Paul Tillman read section 1.2 Purpose from the Weathersfield Zoning Bylaws.

### 1.2 Purpose

These Bylaws are intended to guide the development and growth of the Town of Weathersfield along the lines designated in the adopted Town Plan. The many factors which these Bylaws must take into account may be found in the Town Plan and Section 4302. However, a few factors are the very foundation of these Bylaws and are therefore emphasized by being listed here:

- It is neither desirable nor possible to stop growth.
- Without the aid of Zoning Bylaws, the Town of Weathersfield could be forced by outside pressure into a growth rate much larger than it can accommodate.
- The rights of a property owner must not be ignored, and the rights of all property owners and residents must be so balanced as to avoid placing an unfair burden on anyone.
- The cost of housing should not be increased by needless regulations.
- Development of rural land must be guided by the above factors, plus the suitability of soils and terrain, as well as the desire of the people of Weathersfield to retain a rural, rather than urban or suburban atmosphere.

And he read Section 2.2 Zoning Map and Interpretation of the Weathersfield Zoning Bylaws.

### 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.

Paul Tillman asked for a history of the changes to this district, specifically the big change in 1995. Ryan Gumbart gave a brief description of the changes and his opinion on why the changes were made.

Ryan wanted to start with some general house keeping and clarification to the use table for the C-10 district. Ryan will look at the following sections and update a copy with better language to reflect the “definition” section.

- Uses that do not require a Zoning permit
- In the Permitted Principal use section

- Single family – add Residential
    - Two family – add Residential
  - Permitted accessory uses:
    - Athletic structures
    - Swimming pools
  - Conditional principal uses
    - Cemetery
    - Home base business level #2
12. Bylaws – PUD Review section – no discussion
13. Discussion of items for future agendas – Joseph Bublat asked to have an executive session at the next meeting to discuss personal.
14. Any other business that can be legally discussed – No other business was discussed.
15. Meeting adjourned at 8:47 P.M.

**Mike Todd made a motion to adjourn at 8:47 P.M.**

**Seconded by Howard Beach, Motion Passed 4-0**

Respectably submitted by,  
Paul Tillman (Chair)

AGENDA ITEM

**7**

# 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-nine~~ 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) All uses permitted within the Town of Weathersfield.~~
- ~~e) Which uses may be permitted in each district type under certain conditions and with what additional requirements.~~
- ~~e)f) 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 (Article 3) and ~~Special Provisions-Specific Use Standards (Article 4) 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 Article 7 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)

### **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.

### **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:** For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:

- ~~Agriculture/Forestry~~
- ~~Baby sitting services~~
- ~~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 Cemetery (Private Cemeteries refer to...)
- ~~Group homes~~
- Residential, Single family ~~dwelling~~
- Small enterprise<sup>1,2,3</sup> (in keeping with the Village residential/commercial mix)
- Residential, Two-family ~~dwelling~~ (altered from pre-existing single family dwelling, if no enlargement of structure; not new construction)

**Permitted Accessory Uses:**

- Accessory dwelling unit<sup>2</sup>, Section 4.1
- Accessory use or structure
- Adult day care service<sup>2</sup>, Section 4.2.2-
- Residential Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home<sup>2</sup>, Section 4.2.1
- ~~Home occupations~~
- Home-based Business Level-1<sup>2</sup>, Section 4.5.3
- Non-agricultural Pponds<sup>2</sup>, Section 3.2.5
- ~~Seasonal roadside stand~~
- Signs, ~~permanent~~<sup>2</sup> Section 3.8 (Some exemptions apply)
- Residential ~~S~~swimming pool (in ground or aboveground)

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

**Conditional Principal Uses:**

- Adult day care facility, Section 4.2.2<sup>1,2,3</sup>
- Family child care facility, Section 4.2.1<sup>1,2,3</sup>
- Indoor or outdoor recreation facility<sup>1,3</sup>
- Inn/small hotel <sup>1,3</sup>
- Medical facility<sup>1,2,3</sup>
- Multi-family dwelling<sup>1,2,3</sup> (three to six units)
- Public water, sewage treatment plant <sup>1,2,3</sup>
- ~~Residential care home~~
- School<sup>1,2</sup>
- Semi-public <sup>1, 2, 3</sup> (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Residential, Two-family dwelling (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:**

- Docks for water access
- ~~Home industry~~
- Wireless Communication Facilities <sup>2,3</sup>

**USES NOT PERMITTED:** The following uses are not permitted within this District:

- Campground, resort, children's camp
- Contractor's storage (of materials, machinery, heavy equip.)
- Gasoline/service station
- Highway Commercial
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- Extraction of earth resources
- Mobile home park
- 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.
4. 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                      80 feet

Front Setback	40 feet
Rear Setback	20 feet
Side Setback	20 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

### 2.5.2 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
- 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:**

- Cemetery
- Group home
- Single family dwelling
- Small enterprise<sup>1,2,3</sup> (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)

**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
- Home occupations
- 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:**

- Adult day care facility<sup>1,3</sup>
- Family child care facility<sup>1,3</sup>
- Indoor or outdoor recreation facility<sup>1,2,3</sup>
- Inn/small hotel<sup>1,3</sup>

- Medical facility<sup>1,2,3</sup>
- Public water, sewage treatment plant<sup>1,2,3</sup>
- School<sup>1,2,3</sup>
- Semi-public<sup>1,3</sup> (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Single family PRD<sup>1,3</sup>
- 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, resort, children's camp
- 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.
4. Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations.

**Lot Area Minimum:** Basic minimum 1 acre

Two family dwelling: 1 acre (1½ acre if no public water or if altered single family dwelling)

**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*)

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

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

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



### *2.5.3 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
- 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:**

- Cemetery
- Group home
- 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
- Home occupations
- 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:**

- Adult day care facility<sup>1,3</sup>
- Campground, resort, children's camp<sup>1,3</sup>
- Church (see Semi-Public)
- Family child care facility<sup>1,3</sup>

- Indoor or outdoor recreation facility<sup>1,2,3</sup>
- Inn/small hotel<sup>1,3</sup>
- Medical facility<sup>1,2,3</sup>
- Extraction of earth resources<sup>1,2,3</sup>
- Mobile Home Park
- Public water, sewage treatment plant<sup>1,2,3</sup>
- School<sup>1,2,3</sup>
- Semi-public<sup>1,2,3</sup> (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Single family PRD<sup>1,2,3</sup>
- 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:

- Contractor's storage (of materials, machinery, heavy equip.)
- Gasoline/service station
- Highway Commercial
- Industrial
- Junkyard, 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.
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. Standards for soil suitability are available from the Soil Conservation Service.

**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 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

### *2.5.4 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
- 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:**

- Cemetery
- Group home
- 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
- Home occupations
- 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:**

- Adult day care facility<sup>1,3</sup>
- Campground, resort, children's camp<sup>1,3</sup>
- Church (see Semi-Public)<sup>superscript?</sup>
- Contractor's storage<sup>1,3</sup> (of materials, machinery heavy equipment)

- Family child care facility<sup>1,3</sup>
- Indoor or outdoor recreation facility<sup>1,2,3</sup>
- Inn/small hotel<sup>1,3</sup>
- Medical facility<sup>1,2,3</sup>
- Extraction of earth resources<sup>1,2,3</sup>
- Mobile home park
- Public water, sewage treatment plant<sup>1,2,3</sup>
- School<sup>1,2,3</sup>
- Semi-public<sup>1,2,3</sup> (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Single family PRD<sup>1,2,3</sup>
- 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<sup>2,3</sup>

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

- Gasoline/service station
- Highway Commercial
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- 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.
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:** 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

### 2.5.5 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
- 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:**

- 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)

**Permitted Accessory Uses:**

- Accessory dwelling unit
- Accessory use or structure
- Adult day care service
- Athletic structures
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home
- Home occupations
- 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:**

- Adult day care facility<sup>1,3</sup>
- Campground, resort, children's camp<sup>1,3</sup>
- Cemetery
- Church (see Semi-Public)<sup>superscript?</sup>

- Contractor's storage<sup>1,3</sup> (materials, machinery, heavy equipment)
- Family child care facility<sup>1,3</sup>
- Inn/small hotel<sup>1,3</sup> (must not defeat purpose of the District)
- Medical facility<sup>1,2,3</sup>
- Extraction of earth resources<sup>1,2,3</sup>
- Outdoor recreation facility<sup>1,2,3</sup> (must not defeat the purpose of the District)
- Public water, sewage treatment plant<sup>1,2,3</sup>
- School<sup>1,2,3</sup>
- Semi-public<sup>1,2,3</sup>
- 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<sup>2,3</sup>
- Single family PRD<sup>1,2,3</sup>

**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.
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: 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

### 2.5.6 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
- 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:**

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

**Permitted Accessory Uses:**

- 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
- Home occupations
- Ponds
- Seasonal roadside stand
- 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<sup>1,3</sup>
- Church (see Semi-Public)<sup>superscript?</sup>
- Contractor's storage<sup>1</sup> (materials, machinery, heavy equip.)
- Family child care facility<sup>1,3</sup>
- Gasoline/service station<sup>1,2,3</sup>

- Group home
- Indoor recreational facility<sup>1,3</sup>
- Inn/small hotel<sup>1,3</sup>
- Outdoor recreation facility<sup>1,2,3</sup>
- Public water, sewage treatment plant<sup>1,2,3</sup>
- Semi-public<sup>1,2,3</sup> (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Self-Storage Facility >10,000 sq ft of gross floor area<sup>1,2,3,4</sup>
- 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
- Dock
- Home Industry
- Wireless Communication Facilities<sup>2,3</sup>

**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 or PRD
- Non-highway Commercial
- School
- Single family PRD

**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 (altered from pre-existing single 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*)

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

### ***2.5.7 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 sodeveloped 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
- 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>1,2,3,4</sup>
- Small office space

**Permitted Accessory Uses:**

- Accessory use or structure
- Adult day care service
- Athletic Courts
- Bed and Breakfast (in existing home only; up to 3 bedrooms for transient boarders/tourists)
- Family child care home
- Home occupations
- Ponds
- Seasonal roadside stand
- Self-Storage Facility<sup>1,2,3,4</sup>
- 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<sup>1</sup> (materials, machinery, heavy equip)
- Extraction of earth resources<sup>1,2,3</sup>
- Family day care facility<sup>1,3</sup>
- Highway Commercial
- Home Industry

- Junkyard, landfill, recycling facility (privately owned)<sup>1,2,3</sup>
- Industrial<sup>1,2,3</sup>
- Non-highway Commercial<sup>1,2,3</sup>
- 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
- Gasoline/service station
- Indoor recreational facility
- Inn/small hotel
- Medical facility
- Mobile home park
- Multi-family dwelling or PRD
- School
- Semi-public
- Single family dwelling
- Single family PRD
- Two family dwelling (new construction)

**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

**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 with the following exception: In this District, proposed structures exceeding 35 feet may be allowed with a conditional use permit.

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*)

<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

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# 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 Dwelling Unit (ADU): See Section 4.1.**

**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.

**Adult Day Care Service/Facility: See Section 4.2.2.**

**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 as 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

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

**Residential 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)

**Campground:** 9 V.S.A § 4410: Recreational campground or camping park is property where transient residence is offered or provided for seasonal or short-term vacation or recreational purposes on which may be located cabins, tents, or lean-tos, or campsites designed for temporary set-up of portable or mobile camping, recreational, or travel dwelling units, including tents, campers, and recreational vehicles such as motor homes, travel trailers, truck campers, and van campers.

**Public Cemetery:** Property on public or private lands used for the interment of the dead and that

is available for public visitation.

**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.

**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 3.7.2.

**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.

**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). [See Section 4.2.1.](#)

**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:

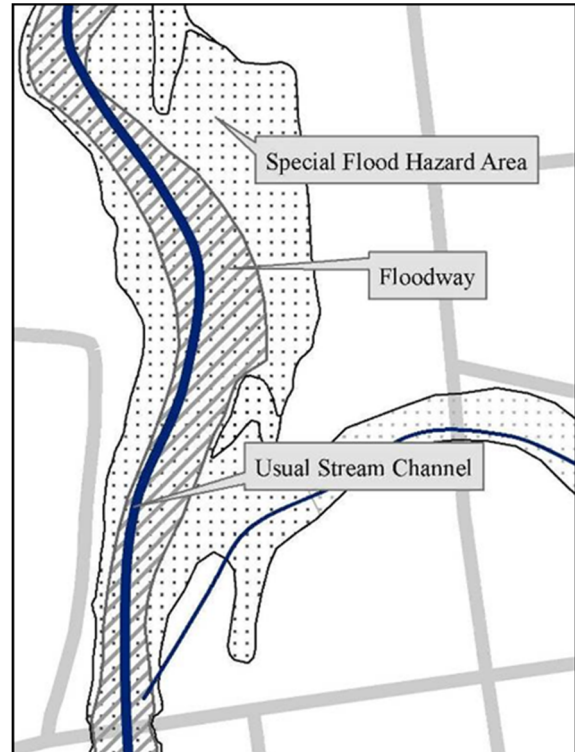
1. is used in connection with the sale of \$1,000 or more of agricultural products in a normal year; or
2. is used in connection with raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen, 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.

**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.

**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. [See Section 4.5.3 and 4.5.4.](#)

**Home-Based Occupation:** Employment activity that is carried on for gain by the resident and is clearly subordinate to the residential structure. [See Section 4.5.2.](#)

**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 (1) or (2) 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 (1) or (2) above, if the bylaws so require.
5. An amendment of any of the documents listed in (1) through (4) 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 nighttime 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.

**Non-agricultural Pond: See Section 3.2.5.**

**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.

**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, Sewage Treatment Plant:** Any community drinking water distribution system, whether publicly or privately owned. A place where sewage is cleaned so that it is not harmful or dangerous to the environment.

**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)*

**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.

**Residential swimming pool:** Includes in ground or above ground pools. Does not include hot tubs, or temporary pools that are removed and stored at the end of the season.

**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.

**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)

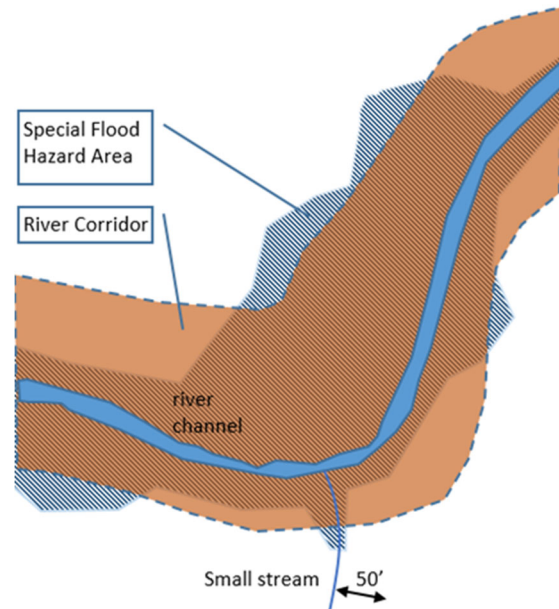
**Semi-Public:** Primarily nonprofit uses generally available to the public. Includes museums, assembly halls, concert halls, private clubs, YMCA, YWCA, and in these Bylaws, mortuaries; and other uses deemed similar by the ZBA.

**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. [See Section 3.8.](#)

**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) 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](https://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.

**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.

**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.

**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.

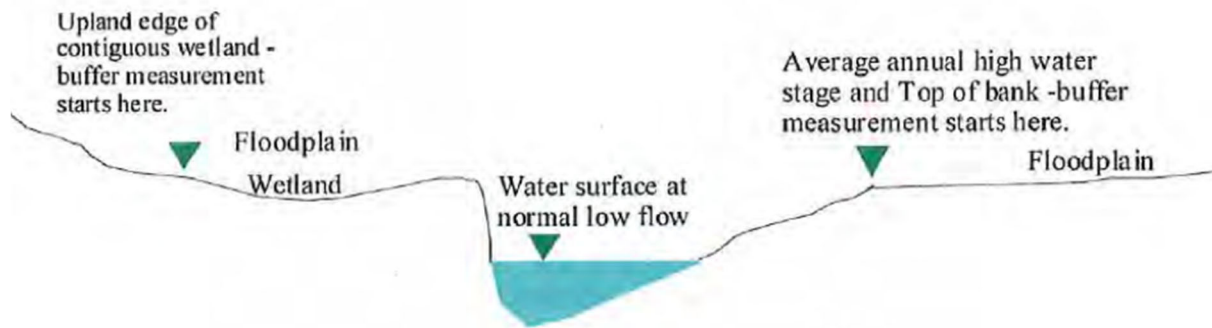


Figure 1: Illustration of "top of bank" (Source: Appendix C of the VT Riparian Buffer Guidelines)

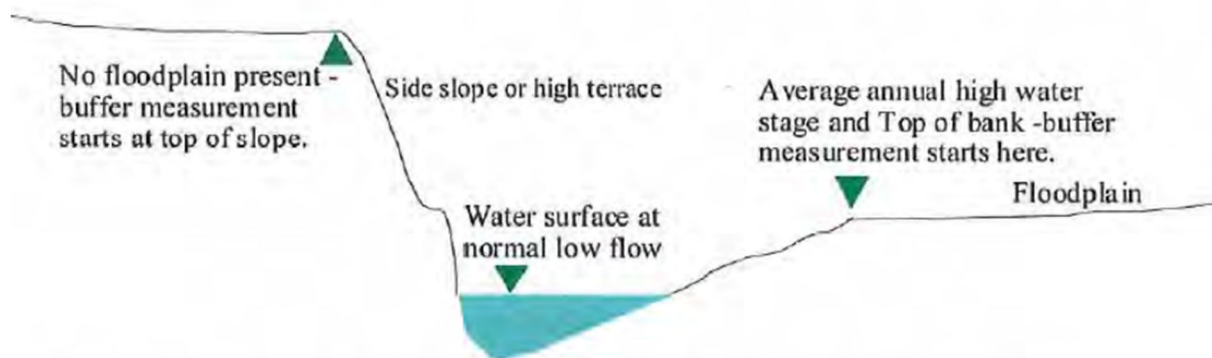


Figure 2: Illustration of "top of slope" (Source: Appendix C of the VT Riparian Buffer Guidelines)

**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.

**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 telecommunications 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 telecommunications 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 telecommunications 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.