



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Planning Commission Agenda

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

Remote option – Zoom details below

Monday, January 23, 2023 – 6:30 PM

-
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 – January 9, 2023

Old Business

6. **Town Plan – Energy Section:** ZBA comments
7. **Bylaws – PUD Review:** Review changes (Rev. 4 – 2023.01.18)
8. **Bylaws – Table of Districts and Uses:** Amendments discussion (Rev. 3 – 2023.01.11)

-
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, February 13, 2023 - 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
6:30 PM, Monday, January 9th, 2023
MARTIN MEMORIAL HALL, ASCUTNEY VERMONT
5459 Rt 5

DRAFT MINUTES

Members in attendance:

Paul Tillman
Howard Beach
Michael Todd
Joseph Bublat

Ryan Gumbart – Land Use Administrator
Brandon Gulnick – Town Manager (online)

Members Not in attendance:

Attendees:

Kevin Rumnill
Beth Hunton
Peter Martin
Ken Blum
Beth Gorton
Eva onis – UVHFH
Andrew Grimson - UVHFH

Online Attendees:

Tod Hindinger
Marina Garland
John's Phone
Belancy.nh

1. Meeting was called to order by **Paul Tillman** at 6:32 P.M.
2. Agenda Review – No changes at the start of the meeting.
3. Comments from the Chair and land Use Administrator – Paul Tillman informed the Planning Commission that Tyler Harwell had resigned his

position on the board due to family issues he need to focus on. Paul Tillman thanked Tyler for his work and insights as a planning commission member over the past few years and wished him well. Ryan Gumbart apologized for the improper warning of last meeting that resulted in its cancellation. He stated that there was a new process in place that would eliminate this error in the future.

4. Comment from citizens regarding items not on the agenda – No comments from Citizens.

5. Approval of meeting minutes – November 28, 2022 –

Mike Todd made a motion to accept the minutes from November 28th, 2022.

Seconded by Joseph Bublat, Motion Passed 4-0

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

Mike Todd made a motion to continue the Arrison Hearing from January 9th to the February 13th meeting at 6:30PM.

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. Discussion – Habitat for Humanity – Discussion was had about
10. Preferred Site Checklist: No update currently.
11. Bylaws – PUD Review Section: No update currently.

Paul Tillman changed the agenda order at this point and moved item 14 up to item 12 because Brandon Gulnick was online for this discussion.

12. Land Use Administrator contrasted services – Ryan Gumbart presented a contract and gave a brief explanation about the benefits to him and the Town to move the LUA position to a contracted service position. This would be through his employer New England Forestry INC. Town of Wethersfield would then contract Ryan’s time through his company. With a contracted services structure Ryan’s company will take all liabilities for his employment, and this would also allow Ryan to possibly work some extra over time if ever needed. Please see Appendix A for the letter of explanation to be voted on and if passed signed by the Planning Commission. Please see Appendix B for the contrast drafted with New England Forestry, INC. Brandon Gilnick presented the proposed cost change and budget affects this would have.

Mike Todd made a motion to accept the recommendation to change the LUA position from employee agreement to contracted services as presented by the Town Manger and Land Use Administrator.

Seconded by Howard Beach, Motion Passed 3-0 with 1 abstention by Joseph Buble.

Joseph Buble stated his abstention was because he felt Land Use should have more staffing.

13. Bylaws – Table of Districts and Uses: Please see Appendix C for the review material of the Districts and Definitions sections. Discussion was had about the proposed changes presented by Ryan. These changes are for clarification and consistency though out the usage table and to clear up the definitions section so it will reflect the usages tables. Todd Hingdinger recommended the following changes.
 - a. Move Home based Business level 2 to Conditional Accessory Use in all districts except Highway Commercial.
 - b. Change and or add the note's 1,2,3 in "other uses"
 - c. Keep PUD in the "area , land and structural requirements". This will help to direct people to a PUD use.
 - d. Note #1 in "site plan required" add section 5.1.2

Ryan will make any changes and provide a "clean" copy at the next meeting.

14. Sign Martel mylar – The Chair, Paul Tillman singed the Martel Mylar.
15. Discussion of items for future agendas – No future agenda items discussed.
16. Any other business that can be legally discussed – No other business was discussed.
17. Meeting adjourned at 9:14 P.M.

Howard Beach made a motion to adjourn at 9:14 P.M.

Seconded by Mike Todd, Motion Passed 4-0

Respectably submitted by,
Paul Tillman (Chair)

APPENDIX A



TOWN OF WEATHERSFIELD

WEATHERSFIELD PLANNING COMMISSION

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

January 9, 2023

Re: Recommendation to Change LUA Position from Employee Agreement to Contracted Services

Dear Selectors,

The Land Use Administrator is requesting a change in his employment structure from employee to contracted services. In the current fiscal year, there will be a cost savings of \$500 & during the next fiscal year there will be a cost difference of \$1,267. The calculation is as follows:

<i>Budget Description</i>	FY23	FY24 Employee	FY24 Contracted
<i>Administrative Officer</i>	21,692	23,427	-
<i>Contracted LUA Services</i>	-	-	31,200
<i>FICA</i>	1,659	1,792	-
<i>Special Projects</i>	4,000	4,000	-
<i>Workers Compensation</i>	93	100	-
<i>Unemployment</i>	106	114	-
<i>Memberships & Conferences</i>	500	500	-
<i>Total</i>	28,050	29,933	31,200

According to Page 3 of the Purchasing Policy (Attachment 1), three (3) types of Service Purchases are exempt from the bid and quotation process, which include the following:

- a. Repairs on equipment owned by the Town that are preventing the department from performing their everyday functions.
- b. Service Contracts
- c. Purchases made subject to existing contracts issued by the State of Vermont shall be deemed in compliance with the provisions of this policy.

A service contract is defined as “a contract that directly engages the time and effort of a contractor whose primary purpose is to perform an identifiable task rather than to furnish an end item of supply. A service contract may be either a nonpersonal or personal contract. It can also cover services performed by either professional or nonprofessional personnel whether on an individual or organizational basis.”

We consider Mr. Gumbart’s request as a Service Contract that is exempt from the Purchasing Policy.

We see no issue in moving forward with this change and are not concerned with whether we employ a contracted Land Use Administrator OR an Employment Agreement with a Land Use Administrator, so long as the Job Description does not change, nor the level of service provided. See Attachment 2, Contracted Services Agreement

Paul Tillman, Chair

Michael Todd

Joseph Bublat

Howard Beach

APPENDIX B



New England
Forestry Consultants, Inc.
neforestryconsultants.com

Land Use Services Work Order
December 29, 2022

CLIENT:
Town of Weathersfield
5259 US Route 5
PO BOX 550
Ascutney, VT 05030

CONSULTANT:
Ryan C. Gumbart
1235 Weathersfield Center Road
Springfield, VT 05156

The CLIENT requests New England Forestry Consultants, Inc. to provide the following services:

In the Town of Weathersfield, in the State of Vermont, the CONSULTANT will:

Provide services to fulfill the duties of the Land Use Administrator (Administrative Officer) for the Town of Weathersfield. These services broadly include:

1. Administer the Land Use Regulations
2. Facilitate the work of the Planning Commission, Conservation Commission and Zoning Board of Adjustment
3. Serve as a professional land use planner

* See the attached Description of Services which is hereby made a part of this contract.

The CLIENT requests the aforementioned services to be provided on a weekly basis. Ten (10) hours per week to be completed in the Town Office and five (5) hours per week to be completed either remotely or at Planning Commission or Zoning Board meetings, totaling fifteen (15) hours per week.

For the above work, the CLIENT will pay the New England Forestry Consultants, Inc. as follows:

On a fixed fee basis, plus expenses, as indicated by the following schedule:

Consultant	\$2,600.00/month
Mileage	\$0.63/mile (Does not include commute to and from home for office hours or meetings.)

At the request of the CLIENT services beyond the fifteen (15) hours attributed to the aforementioned fixed fee basis, will be billable at a rate of \$40 per hour.

This Work Order will expire on January 1, 2024, unless both parties agree to an extension.

If this Work Order meets with your approval, please return one signed copy to the Consultant.

CLIENT: _____ CONSULTANT: _____

70 Overlook Drive, Bristol, NH 03222
866-609-6332
www.neforestryconsultants.com

Description of Services – Land Use Administrator

Town of Weathersfield, Vermont

Position Title

Administrative Officer of Planning and Zoning

Planning & Zoning Responsibilities

Administer the Land Use Regulations

- Assist permit applicants, review applications, make decisions on permit approval, and educate the public about the requirements of the town bylaws and state laws relating to land use;
- Make decisions on the literal application, interpretation, and enforcement of Town ordinances, regulations, bylaws, and policies, as well as State laws and policies;
- Investigate complaints of alleged zoning violations, and enforces all violations of Town ordinances, bylaws, and regulations relating to land use;

Facilitate the work of the Planning Commission and Zoning Board

- Prepare agenda & packet for Planning & Zoning Board meetings, provide legal public notice and warning of hearings according the Vermont Open Meeting Law;
- Attend all Planning Commission and Zoning Board meetings, site visits, public hearings, and Town meetings;
- Facilitate all correspondence resulting from Zoning from Board decisions;
- Maintain constant communication with Boards and the general public;
- Assist the public with inquiries into previous Board actions or recommendations;
- May represent the Planning Commission and/or Select Board in hearings before the District Environmental Commission and/or State Environmental Board;

Serve as Professional Land Use Planner

- Assist in drafting and adoption of revisions to the Town Plan, Zoning Bylaws, Subdivision Regulations, Flood Hazard Regulations, Highway Regulations, Official Town Highway Map, and other documents;
- Maintain land use records with the Town Clerk, and assist individuals searching the land records;
- Maintain the following webpages on the Town Website: Land Use, Health Department, Planning Commission, Zoning Board, and Conservation Commission;
- Maintain communication with listers office with matters related to development;
- Represent the Town at meeting and conferences involving land use;
- Acts as Deputy Health Officer, pursuant to 18 VSA Chapter 11;
- Perform other duties as needed or assigned.

Regular Schedule

Total contracted hours: 15 hours per week
Town Office hours: 10 hours per week, Wednesdays, 7:00 AM - 5:00 PM
Board meetings: Hours vary, will attend all Board meetings
Home office hours: Remainder of contracted hours
*Hours in excess of the contracted 15 hours caused by long running board meetings will be subject to the fixed fee agreed upon in the work order.

Supervision

Reports to the Town Manager.

Disclaimer

This description of services does not constitute an employment agreement between the Town of Weathersfield and the New England Forestry Consultants, Inc.

APPENDIX C

Article 2: Zoning Districts and District Standards

2.1 Introduction and Table of Districts and Uses

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

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

For district locations, refer to the official Zoning Districts Map and aerial photographs located at the Town Office.

~~In addition, a) 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.

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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;

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- 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^{1,2,3} (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 unit², Section 4.1
- Accessory use or structure
- Adult day care service², Section 4.2.2
- Residential a Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- ~~• Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5
- ~~• Seasonal roadside stand (See Section 4.12)~~
- Signs, permanent Section 3.8 (some exemptions apply)
- Residential 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:

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- Adult day care facility [1,2,3, Section 4.2.2^{1,3}](#)
- Family child care facility [1,2,3, Section 4.2.1^{1,3}](#)
- [Home-based business - level 2^{1,2}, Section 4.5.4](#)
- Indoor or outdoor recreation facility^{1,3}
- Inn/small hotel ^{1,3}
- Medical facility^{1,2,3}
- [Residential, Multi-family dwelling^{1,2,3}](#) (three to six units)
- Public water, sewage treatment plant ^{1,2,3}
- ~~Residential care home~~
- School^{1,2,3}
- Semi-public ^{1,2,3} (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^{2,3}, Section 4.19^{2,3}](#)

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

- Campground, resort, children's camp
- Contractor's storage [yard](#) (of materials, machinery, heavy equip.)
- Gasoline/service station
- Highway [Commercial](#)
- ~~Industrial~~
- Junkyard, landfill, recycling facility (privately owned)
- Extraction of earth resources, [Section 4.3](#)
- Mobile home park, [Section 4.9](#)
- 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. ~~2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a [subdivision PUD permit](#).
4. ~~3.~~ 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

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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~~)

Notes:

- 1 Site Plan Review required, [Section 5.2](#)
- 2 ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)
- 3 Certificate of Occupancy required, [Section 6.7](#)

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: 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 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 Cemetery (private cemeteries refer to...)
- ~~• Group home~~
- Residential, Single-family dwelling
- Small enterprise^{1,2,3} **(of a neighborhood trade character; may include one apartment)**
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; not new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1-
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~• Home occupations~~
- Home-based Business - level 1², Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5 -
- ~~• Seasonal roadside stand~~
- Signs, permanent Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

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

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2^{1,2}

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- Family child care facility^{1,2,3}, [Section 4.2.1¹⁺³](#)
- [Home-based business - level 2^{1,2}, Section 4.5.4](#)
- Indoor or outdoor recreation facility^{1,2,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,2,3}
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD¹⁺³~~
- Other uses (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District.

Conditional Accessory Uses:

- Docks [\(for water access\)](#)
- ~~Home Industry~~
- Wireless ~~c~~ommunication ~~f~~acilities^{2,3}, [Section 4.19²⁺³](#)

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

- Campground, resort, children's camp
- Contractor's storage [yard](#) (materials, machinery, heavy equipment)
- Gasoline/service station
- Highway ~~c~~ommercial
- Industrial~~ial~~
- Junkyard, landfill, recycling facility (privately owned)
- Extraction of earth resources, [Section 4.3](#)
- Mobile home park, [Section 4.9](#)
- [Residential](#), Multi-family ~~dwelling~~
- Non-highway ~~c~~ommercial
- Self-~~S~~storage ~~f~~acility ~~(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. ~~2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a [subdivision PUD permit](#).
4. ~~3.~~ 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: ~~Basic minimum~~-1 acre

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

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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)~~

Notes:

- 1 Site Plan Review required, [Section 5.2](#)
- 2 ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)
- 3 Certificate of Occupancy required, [Section 6.7](#)

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: 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 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 Cemetery (private cemeteries refer to...)
- ~~• Group home~~
- Residential Single-family dwelling
- Residential Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1-
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~• Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5-
- ~~• Seasonal roadside stand~~
- Signs, permanent Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

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

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2-

- Campground, resort, children's camp^{1,3}
- ~~Church (see Semi Public)~~
- Family child care facility^{1,2,3}, [Section 4.2.1](#)
- [Home-based business - level 2^{1,2}, Section 4.5.4](#)
- Indoor or outdoor recreation facility^{1,2,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,2,3}
- Extraction of earth resources^{1,2,3}, [Section 4.3](#)
- Mobile Home Park^{1,2}, [Section 4.9-](#)
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD^{1,2,3}~~
- Other uses (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Docks ([for water access](#))
- ~~Home Industry~~
- Wireless [Communication Facilities^{2,3}, Section 4.19](#)

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

- Contractor's storage [yard](#) (of materials, machinery, heavy equip.)
- Gasoline/service station
- Highway [Commercial](#)
- ~~Industrial~~
- Junkyard, landfill, recycling facility (privately owned)
- [Residential](#), Multi-family ~~dwelling or PRD~~
- [Residential](#), 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.~~
- ~~3.2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a [PUD-permit](#) ~~subdivision~~.
- ~~4.3.~~ 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)~~

Notes:

- 1 Site Plan Review required, [Section 5.2](#)
- 2 ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)
- 3 Certificate of Occupancy required, [Section 6.7](#)

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: 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 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 Cemetery (private cemeteries refer to...)
- ~~• Group home~~
- Residential, Single-family dwelling
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1-
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential Athletic courts
- Bed and Bbreakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~• Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Pponds
- ~~• Seasonal roadside stand~~
- Signs, permanentSection 3.8 (some exemptions apply)
- Residential Sswimming pool (in ground or aboveground)

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

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2

- Campground, resort, children's camp^{1,3}
- ~~Church (see Semi-Public)^{superscript2}~~
- Contractor's storage yard^{1,3} (of materials, machinery heavy equipment)
- Family child care facility^{1,2,3}, [Section 4.2.1](#)
- [Home-based business - level 2^{1,2}, Section 4.5.4](#)
- Indoor or outdoor recreation facility^{1,2,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,2,3}
- Extraction of earth resources^{1,2,3}, [Section 4.3](#)
- Mobile home park^{1,2}, [Section 4.9](#)
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD^{1,2,3}~~
- Other uses (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Dock ([for water access](#))
- ~~Home Industry~~
- Wireless Communication Facilities^{2,3}, [Section 4.19](#)

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

- Gasoline/service station
- Highway Commercial
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- [Residential](#), 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.~~
- ~~3.2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a [subdivision PUD permit](#).
- ~~4.3.~~ 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: 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)~~

Notes:

- 1 Site Plan Review required, Section 5.2
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7

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: 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 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~~
- Residential, Single-family dwelling (must not defeat purpose of the District)
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1-
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential A athletic structures/courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~* Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds
- ~~* Seasonal roadside stand~~
- Signs, permanent Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

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

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2
- Campground, resort, children's camp^{1,3}

- Public Cemetery (private cemeteries refer to...)
- ~~Church (see Semi-Public)^{superscript?}~~
- Contractor's storage yard^{1,3} (materials, machinery, heavy equipment)
- Family child care facility^{1,2,3} Section 4.2.1
- Home-based business - level 2^{1,2}, Section 4.5.4
- Inn/small hotel^{1,3} (must not defeat purpose of the District)
- Medical facility^{1,2,3}
- Extraction of earth resources^{1,2,3} Section 4.3
- Outdoor recreation facility^{1,2,3} (must not defeat the purpose of the District)
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Other uses (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Dock (for water access)
- ~~Home Industry~~
- Wireless Communication Facilities^{2,3} Section 4.19
- ~~Single family PRD^{1,2,3}~~

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

- Gasoline/service station
- Highway Commercial
- Indoor recreational facility
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- Mobile home park Section 4.9
- Residential, Two-family dwelling (new construction)
- Residential, 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 subdivision.

4.3. _____ 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: 10 acres

~~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)~~

Notes:

- 1 Site Plan Review required, Section 5.2
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7

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: 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 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 ~~C~~ommercial^{1,2,3}
- Light industry~~v~~ial^{1,3}
- Self-~~S~~storage ~~F~~acility ≤10,000 sq ft of gross floor area^{1,2,3,4}

Permitted Accessory Uses:

- Accessory use or structure (Includes athletic courts incidental to allowed principal uses)
- Adult day care service², Section 4.2.2-
- ~~• Athletic courts~~
- Bed and ~~B~~reakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~• Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds
- ~~• Seasonal roadside stand~~
- Self-Storage Facility ≤10,000 sq ft of gross floor area ^{1,2,3,4}
- Signs, ~~permanent~~Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

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

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2-
- ~~• Church (see Semi-Public)^{superscript2}~~

- Contractor's storage yard^{1,3} (materials, machinery, heavy equip.)
- Family child care facility^{1,2,3}, Section 4.2.1
- Gasoline/service station^{1,2,3}
- ~~Group home~~
- Home-based business - level 2^{1,2}, Section 4.5.4
- Indoor or outdoor recreational facility^{1,3}
- Inn/small hotel^{1,3}
- ~~Outdoor recreation facility~~^{1,2,3}
- Public water, sewage treatment plant^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Self-Storage Facility >10,000 sq ft of gross floor area^{1,2,3,4}
- Residential, Single-family ~~dwelling~~
- Residential, 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~~
- Residential athletic courts
- Wireless Communication Facilities^{2,3}

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

- Campground, resort, children's camp
- Public Cemetery (private cemeteries refer to...)
- ~~Industrial~~
- Junkyard, landfill, recycling facility (privately owned)
- Medical facility (~~see definitions~~)
- ~~Mineral~~ Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Residential, Multi-family ~~dwelling or PRD~~
- Non-highway Commercial
- School
- ~~Single family PRD~~
- Planned Unit Development, Residential

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.~~
- ~~3.2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit subdivision.~~
- ~~4.3. 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

~~Basic District Requirement: 1 acre~~

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

~~*Residential, Two-Family Dwelling (altered from pre-existing single family dwelling): 3 acres 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)~~

Notes:

- 1 Site Plan Review required, Section 5.2
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7
- 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 so developed and considered to be appropriate for such use.

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 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^{1,2,3}
- Self-Storage Facility^{1,2,3,4}
- Small office-space

Permitted Accessory Uses:

- Accessory use or structure (Includes athletic courts incidental to allowed principal uses)
- Adult day care service², Section 4.2.2
- ~~• Athletic Courts~~
- Bed and Breakfast (in existing home only; up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- ~~• Home occupations~~
- Non-agricultural Ponds
- ~~• Seasonal roadside stand~~
- Self-Storage Facility^{1,2,3,4}
- Signs, ~~permanent~~Section 3.8 (some exemptions apply)

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 yard^{1,3} (materials, machinery, heavy equip)
- Extraction of earth resources^{1,2,3}, Section 4.3
- Family daychild care facility^{1,2,3}, Section 4.2.1

- Highway ~~C~~commercial
- ~~Home Industry~~
- Junkyard, landfill, recycling facility (privately owned)^{1,2,3}
- Industrial^{1,2,3}
- Non-highway ~~C~~commercial^{1,2,3}
- ~~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 ~~C~~ommunication ~~F~~acilities^{2,3}

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

- Adult day care facility, Section 4.2.2
- Campground, resort, children's camp
- Cemetery
- Gasoline/service station
- Indoor recreational facility
- Inn/small hotel
- Medical facility
- Mobile home park, Section 4.9
- Residential, Multi-family dwelling or PRD
- School
- Semi-public (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Residential, Single-family dwelling
- Planned Unit Development, Residential Single family PRD
- Residential, 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.~~
- ~~3.2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a subdivision PUD permit.
- ~~4.3.~~ 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

~~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: 35 feet

~~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~~ Zoning Board of Adjustment during Site Plan Review, a minimum of 50' buffer with natural screening is required between industrial and residential zones. ~~(Amended 6/11/2012)~~

Notes:

- 1 Site Plan Review required, Section 5.2
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7
- 4 ~~Expires 8/5/2012 as an interim bylaw; effective 7/9/2012 as a permanent bylaw~~

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 an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

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

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

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

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

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 cCourts: 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.

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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.

Dock: [F%0w%h%y%z%w%j% }%y%i%n%l% %q%l%x%t%w%j% %w%t%z%y%w%t%r% %m%j% %s%y%t% %q%t%i%-%q%k%| %f%y%w%| %m%h% %f%h%u%y%f%y%j%x% %f%h%j%x%&t% %m%j% %f%y%j%w%t%w%t% %f%y%3](#)

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.

Extraction of Earth Resources: See Section 4.3.

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:

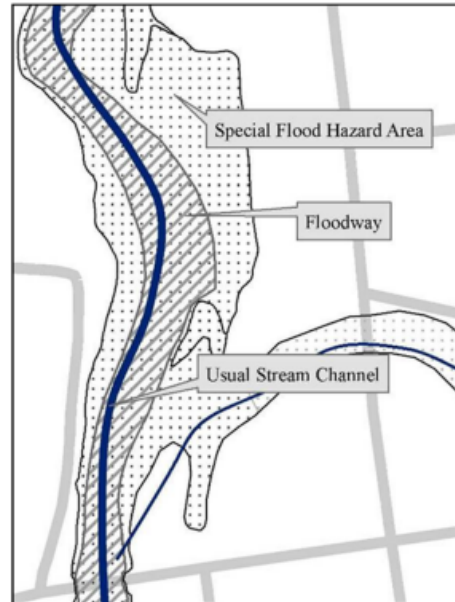
1. is used in connection with the sale of \$1,000 or more of agricultural products in a normal year; or
2. is used in connection with raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen, 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 ~~rattles~~[rarities](#) (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 dDpendent uUse: 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 Recreation~~a~~ 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.

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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: See Section 6.2.2(l).

- ~~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: See Section 4.9. 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 eConstruction:

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.~~ A building containing three or more individual dwellings with separate cooking and toilet facilities for each dwelling.

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)~~

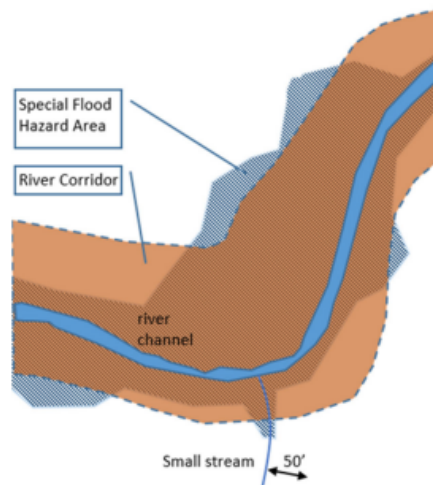
Semi-Public: Primarily nonprofit uses generally available to the public. Includes museums, assembly halls, concert halls, private clubs, YMCA, YWCA, and in these Bylaws, mortuaries; and other uses deemed similar by the ZBA.

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(l) 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(l) 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. 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 ~~d~~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 ~~i~~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.

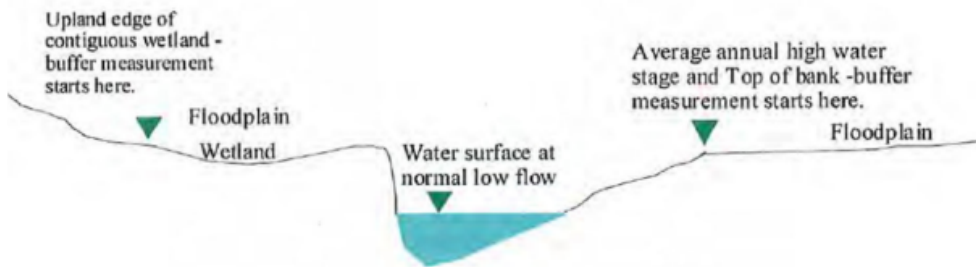


Figure 1: Illustration of "top of bank" (Source: Appendix C of the VT Riparian Buffer Guidelines)

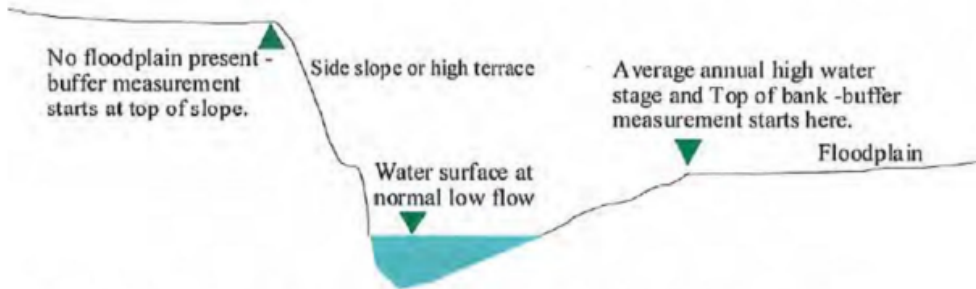


Figure 2: Illustration of "top of slope" (Source: Appendix C of the VT Riparian Buffer Guidelines)

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.

AGENDA ITEM

6

ENERGY

7.1 Introduction

We all use energy in many forms to conduct our daily lives. That energy may come from local sources or be imported from outside the town. Either source may be renewable or non-renewable. Renewable energy comes from sources that are naturally replenished and include biomass (wood, corn, grasses, and vegetable oil), the sun (solar), wind, the earth (geothermal), water (hydro), or manure (methane digesters - “cow power”). Non-renewable energy is produced from sources that cannot be renewed by human activity or within the human time scale. These include oil, natural gas, uranium, and coal.

Weathersfield is heavily dependent upon imported, non-renewable sources to meet its energy needs. This chapter provides an analysis of our energy resources and needs, as well as energy scarcity, conservation, costs, and problems in our community.

7.1.1 This plan seeks to:

- 7.1.1.1 Help the town identify ways to conserve energy,
- 7.1.1.2 Encourage renewable or lower-emission energy sources for electricity, heat and transportation,
- 7.1.1.3 Encourage a pattern of development that likely results in the conservation of energy,
- 7.1.1.4 Encourage development of appropriately scaled renewable energy resources,
- 7.1.1.5 Reduce greenhouse gas emissions, and
- 7.1.1.6 Reduce transportation energy demand and single-occupant vehicle use.

7.2 Analysis of Renewable Energy Resources in Weathersfield

Weathersfield has significant potential to generate additional renewable energy from biomass, geothermal, hydro, solar, and wind sources.

7.2.1 Biomass: The term “biomass” includes bio-diesel, perennial grasses, methane digesters, waste to energy, firewood, and woody biomass.

7.2.1.1 *Bio-diesel*: Bio-diesel is a type of fuel made from vegetable oils, animal fats, or waste cooking oil. It may be used in its purest form or combined with petroleum diesel. It is biodegradable, nontoxic, far less polluting than fossil fuels and may be used in ordinary diesel engines with little or no modification. Bio-diesel may also be produced from waste cooking oil. There are several restaurants in Weathersfield that could provide small amounts of waste

cooking oil for conversion to bio-diesel. Any biodiesel use in Weathersfield is by private users; no figures are readily available.

7.2.1.2 Vegetable oils: Vegetable oils are derived from oilseed crops such as mustard, rapeseed, or sunflowers. There are no oilseed crops being produced in Weathersfield nor are there the facilities within a reasonable distance to convert the seeds to bio-diesel.

7.2.1.3. Woody Biomass: Wood is used in a variety of forms to provide heat or to generate electricity. In the simplest form, wood from trees is split and sold for firewood for wood- burning stoves and furnaces in home heating. The Weathersfield School uses wood chips to heat the school. Wood pellets are also a popular way to provide home heating.

Studies show that burning woody biomass to generate heat is far more efficient than burning it to generate electricity. Additional challenges to using woody biomass for energy production on a large scale are truck traffic (large logging trucks), waste heat (if the biomass is used for electricity production), and carbon dioxide emissions.

7.2.1.4. Perennial Grasses: There are problems associated with the burning of perennial grasses that must be taken into consideration when considering this fuel source. No perennial grasses are currently being grown in Weathersfield for energy use.

7.2.1.5. Methane Digesters: According to Green Mountain Power (GMP), Cow Power, "one cow can produce about 30 gallons of manure a day which, in turn, can generate enough electricity to power two 100-watt incandescent light bulbs for 24 hours. The waste from 4-6 cows will generate about 1 kw of electricity" (VT Renewable Energy Atlas). Weathersfield has a number of various types of livestock in town, but no working dairy farms. There are currently no methane digesters in town.

7.2.2 Geothermal: Geothermal, or ground source heating, is the direct use of energy absorbed from the sun at the earth's surface, and supplemented from the earth's core. Modern geothermal heating and cooling systems rely on the stable temperature of the earth (55 degrees Fahrenheit), or groundwater in a well, along with an electric heat pump. This technology is not currently financially feasible in Weathersfield.

7.2.3 Hydro: There are three potential sites in Weathersfield for hydroelectric power - Stoughton Pond, Springfield Reservoir, and the Soapstone Dam on the Black River. The Vermont Energy Atlas estimates they have the potential to produce a total of 207 kW of power.

With the abundance of streams in Weathersfield, micro hydro-power (run-of-river) is another alternative that should be considered. Micro hydro-power generation requires as little as two gallons per minute of stream flow and does not require the usual reservoir associated with standard hydro-power projects. Peak power production is in the winter when electricity demands are high. Installation costs and maintenance fees are relatively small in comparison to other technologies.

7.2.4 Solar: Solar energy may be used to generate electricity or thermal heat. It may be stored on-site using batteries or sent to the grid via net-metering. Solar hot water does not require batteries or net-metering. There are an increasing number of net-metering sites in Weathersfield.

7.2.5 Wind: State wind resource data was analyzed and it shows only limited potential for utility-scale (70 meters or 230 feet tall at the hub) or commercial-scale (50 meters or 164 feet tall) wind power in town. Residential-scale (30 meters or 98 feet tall) wind appears to be the only reasonable option given prevailing wind speeds, land ownership, and proximity to three phase power lines.

7.2.6 Summary of Renewable Resources: In summary, it appears that there are several ways that Weathersfield residents and the town government could reduce their non-renewable, imported energy dependencies through the development and use of locally produced, renewable energy fuels.

7.2.7 All development of renewable energy in Weathersfield should be consistent with land use, conservation, and other goals described elsewhere in this plan.

7.3 Analysis of Non-Renewable Energy Resources in Weathersfield

Fuel oil and propane for home heating, cooking, and hot water are delivered to Weathersfield residents from commercial sources outside the Town. The only reserves for home heating fuel in the Town are the storage tanks on municipal and private properties.

Transportation is fueled primarily with gasoline or diesel fuel that is likewise imported to the Town by various distributors in the area. The only storage facilities in Town for any of these energy resources are the gasoline storage tanks at the gas stations in Town, the storage tanks at the Town Highway Garage, and some at commercial and residential locations.

Electricity is brought to the majority of Weathersfield homes and businesses via the “grid.” The electricity traveling in the grid is produced from both renewable and non-renewable sources. The Town is crisscrossed by numerous distribution and transmission lines belonging to both Vermont Electric Power Company (VELCO) and GMP. The substation in

Ascutney was upgraded to a newer design that will be more reliable than the previous design.

7.4 Analysis of Energy Scarcity and Needs in Weathersfield

7.4.1 Scarcity

Weathersfield does not have any local sources of non-renewable energy. The scarcity or abundance of non-renewable sources is entirely dependent on factors beyond the town.

Weathersfield has a variety of local sources of renewable energy, as discussed in detail in Section 1.2 above. The potential of renewable energy at each specific site will depend on site conditions (e.g. solar access). Factors, such as droughts, may limit micro-hydro opportunities.

7.4.2 Needs

Weathersfield residents, like many Vermonters, are highly dependent on non-renewable energy, although each year residents and business owners invest in more renewable systems. Many are encouraged to do so with existing incentives through Efficiency Vermont or Green Mountain Power. Additional incentives are needed to encourage more residents to invest in energy efficiency improvements and renewable energy systems, especially for retirees and lower-income residents.

7.5 Analysis of Energy Costs in Weathersfield

To provide a complete or accurate analysis of energy costs, the Town must establish a baseline of energy costs from municipal buildings, vehicles, and operations and diligently maintain the database to determine where energy costs may be stabilized or reduced.

Cost savings may be realized from:

7.5.1 Weatherization of buildings

7.5.2 Energy efficient lighting

7.5.3 Heating and air conditioning changes to more efficient

7.5.4 mechanisms, such as air-source cold climate heat pumps

7.5.5 Conservation measures (reduction in use)

7.5.6 Fuel-efficient vehicles

7.5.7 Analysis of town vehicle operations

7.6 Analysis of Energy Problems in Weathersfield

The primary energy problems in Weathersfield are less efficient older homes and dependence on energy from outside the Town.

Problems could arise in the future as a result of energy projects, such as funding for decommissioning of solar projects. The Town should promote future energy projects, but also the carefully review the current and potential impacts of energy projects on costs, aesthetics, natural resources, and the environment.

There are specific areas where the Town’s residents would not like to see overhead transmission lines or energy projects (other than roof-mounted solar) that have an undue adverse impact on important scenic resources. They are listed in the Scenic Resources section in the Town Plan.

7.7 Energy Goals

7.7.1 To make efficient use of energy, provide for the development of renewable energy resources, encourage weatherization, reduce emissions of greenhouse gases, prioritize energy efficient forms of transportation, and promote land use policies that are likely to result in energy conservation

7.8 Energy Policies

7.8.1 Weathersfield has limited potential for utility-scale wind energy development, as areas with sufficient access to consistent wind are generally small in size and more than a mile away from three-phase power lines. The prime wind sites (e.g. Weathersfield Center, Butterfield Hill, Pikes Peak) are relatively close to established residences and/or specifically identified scenic, historic or natural resources in the Town Plan and/or Biologic Natural Areas of Weathersfield. The secondary wind sites (e.g. Skyline Drive, Hawks Mountain, Little Ascutney, Pierson Peak, Mount Ascutney) are largely in scenic or natural resources areas also specifically identified in the Town Plan and/or Biologic Natural Areas of Weathersfield. Development in these areas would have a profoundly negative impact on critical viewsheds throughout the community, as the natural profile of the mountain forms an iconic backdrop from both in-town and rural valley locations. Because no other locations in Weathersfield have suitable wind resource, infrastructure availability, or are free from significant environmental constraints (Figure 6), no utility-scale (100 KW capacity or greater) wind energy facilities should be located in the town. Smaller scale wind projects, including residential-scale

turbines (generally less than 10 KW) and turbines installed at farms, residences or small businesses, up to 100 KW, are encouraged as long as noise from the turbines does not adversely affect neighboring residential properties and as long as they are not prominently visible from any town-identified historic district.

- 7.8.2 The Town particularly encourages solar energy development, of any scale, on building rooftops as well as other types of renewables including methane digesters and micro-hydro.
- 7.8.3 The Town strongly supports the development of residential-scale (up to 15 KW capacity ground-mounted) electricity generation from solar energy at homes, businesses, schools, and other institutions.
- 7.8.4 The Town also supports solar projects (between 15 KW and 150KW in size) provided they are located on sites identified as having high potential for electricity generation based on solar resource availability and avoid “prohibited areas” as identified below. Moreover, any community solar project located on a site that is not a prohibited/exclusion area shall be considered as being located on a “preferred site” and eligible for all of the regulatory and financial incentives associated with larger scale solar energy installations pursuant to Public Utility Commission Rule 5.100 and 30 V.S.A. Section 248.
- 7.8.5 Any larger scale solar development (greater than 150 kW capacity) shall be subject to the following policies and standards.

7.8.6 Solar Electricity Facility Siting Standards

The term “solar facility” shall have the following meaning: a solar electricity generation and transmission facility with a 150kW (AC) or greater capacity, including all on-site and offsite improvements necessary for the development and operation, and on-going maintenance of the facility.

The Town of Weathersfield has developed standards for the development of solar facilities for reference and use by facility developers and local property owners and for consideration in Section 248 proceedings (30 VSA §248). These standards are set forth below.

7.8.7.1 Community Standards

The following community standards are to be considered in undertaking municipal solar electricity projects and programs, in updating Weathersfield’s Zoning Bylaws to address solar facilities subject to local regulation, and in the review of any new or upgraded solar facilities in excess of 15 kW capacity, by the Town of

Weathersfield and the Public Utility Commission (Section 248 review).

- a) **Plan Conformance:** New solar facilities and proposed system upgrades should be consistent with the Vermont Comprehensive Energy Plan, the Vermont Long-Range Transmission Plan, and utilities Integrated Resource Planning (IRP).
- b) **Benefits:** A demonstrated statewide public need that outweighs adverse impacts to local residents and resources must be documented for municipal support of new solar facilities located within or which may otherwise affect Weathersfield. Facility development must benefit Town of Weathersfield and State residents, businesses, and property owners in direct proportion to the impacts of the proposed development.
- c) **Impacts:** New solar facilities must be evaluated for consistency with community and regional development objectives and shall avoid undue adverse impacts to significant cultural, natural, and scenic resources and aesthetic values identified by the community in the Weathersfield Town Plan and the Scenic Resources Inventory. When evaluating impacts of a proposed solar facility under the criteria set forth in this Town Plan, the cumulative impact of existing solar facilities, approved pending solar facilities, and the proposed solar facility shall be considered. It is explicitly understood that a proposed solar facility which by itself may not have an adverse impact may be deemed to have an adverse impact when considered in light of the cumulative impacts of the proposed solar facility and existing solar facilities and pending already approved solar facilities.
- d) **Decommissioning:** All facility certificates shall specify conditions for system decommissioning, including required sureties (bonds) for facility removal and site restoration to a safe, useful, and environmentally stable condition. All hazardous materials and structures, including foundations, pads, and accessory structures must be removed from the site and safely disposed of in accordance with regulations and best practices current at the time of decommissioning.

7.8.7.2 Solar Facility Siting Criteria

Weathersfield supports development of solar energy generation facilities consistent with the policies and guidelines set forth in this plan. It recognizes that financial considerations require projects to be located in close proximity to electric power lines capable of distributing the load proposed to be generated and to have

convenient access from major transportation networks for construction. However, the Town desires to maintain the open landscape and scenic views important to Weathersfield's sense of place, tourism economy, and rural cultural aesthetic. Not all solar facilities proposed can meet this standard. Projects must meet the following criteria in order to be supported by this Town Plan:

- a) **Siting Requirements:** New solar facilities shall be sited in locations that do not adversely impact the community's traditional and planned patterns of growth of compact village centers surrounded by a rural countryside, including working farms and forest land. Solar facilities shall, therefore, not be sited in locations that adversely impact scenic views, roads, or other areas identified in the Scenic Resources Section of this Plan, nor shall solar facilities be sited in locations that adversely impact any of the following scenic attributes identified in the Plan including: views across open fields, especially when those fields form an important foreground; prominent ridgelines or hillsides that can be seen from many public vantage points and thus form a natural backdrop for many landscapes; historic buildings and districts and gateways to historic districts; and, scenes that include important contrasting elements such as water. The impact on prime and statewide agricultural soils shall be minimized during project design.
- b) **Preferred Areas:** The following areas are identified as preferred areas for solar facilities, and they must also meet the Town's Preferred Siting Checklist:
- Roof-mounted systems;
 - Parking lot canopies;
 - Systems located in proximity to existing large scale, commercial or industrial buildings;
 - Proximity to existing hedgerows or other topographical features that naturally screen the entire proposed array;
 - Reuse of former brownfields;
 - Facilities that are sited in previously disturbed areas, such as gravel pits, closed landfills, or former quarries;
- c) **Prohibited (Exclusion) Areas:** In addition to those areas that do not meet the siting requirements set forth above, development of solar generating facilities shall be excluded from (prohibited within), and shall not be supported by the Town, in the following locations:
- Floodways shown on Flood Insurance Rate Maps (FIRMs);
 - Class I or II wetlands;

- Riparian buffers and setbacks as defined in Weathersfield's Zoning Bylaws;
- Rare, threatened, or endangered species habitat or communities as mapped or identified through site investigation, and core habitat areas, migratory routes and travel corridors;
- Elevations of 1,500 feet in elevation or higher;
- Steep slopes (>25%);
- Habitat blocks of 500 acres or greater in size;
- A site in proximity to and interfering with a significant viewshed identified in the Scenic Resources sections of the Town Plan (see Section 7.6 and Section 5.3);
- A site that causes adverse impacts to historical or cultural resources, including state or federal designated historic districts, sites and structures, and locally significant cultural resources identified in the municipal plan. Prohibited impacts to historical and cultural resources include:
 - Removal or demolition;
 - Physical or structural damage, significant visual intrusion, or threat to the use;
 - Significant intrusion in a rural historic district or historic landscape with a high degree of integrity;
 - Significant visual intrusion into a hillside that serves as a backdrop to a historic site or structure;
 - Creating a focal point that would disrupt or distract from elements of a historic landscape;
 - A significant intrusion in a rural historic district or historic landscape that has a high degree of integrity;
 - Impairing a vista or viewshed from a historic resource that is a significant component of its historic character and history of use;
 - Visually overwhelming a historic setting, such as by being dramatically out of scale;
 - Isolating a historic resource from its historic setting, or introducing incongruous or incompatible uses, or new visual, audible or atmospheric elements.

d) **Mass and Scale:** Except for projects located on preferred sites, solar facilities larger than 10 acres, individually or cumulatively, cannot be adequately screened or mitigated to blend into the municipality's landscape and are, therefore, explicitly prohibited.

- 7.8.8 Energy audits should be conducted prior to undertaking major improvements to Town-owned buildings, and the Town should invest in priority energy efficiency upgrades as called for in energy audit.
- 7.8.9 All applicable new and renovated buildings are subject to the Vermont Residential Building Energy Standards or Vermont Commercial Building Energy Standards.
- 7.8.10 The Town encourages other methods to exceed the state energy code, such as through passive solar building orientation to take advantage of heating from the sun, landscaping to shade buildings and reduce summer temperatures, or using the “Energy Star” building performance rating system.
- 7.8.11 The current land use pattern requires people to drive to work and other amenities; encourage new housing, businesses, and other amenities in walkable/centralized areas. The reduction of sprawl and low-density development not only reduces energy consumption, but also can improve the local and regional economy. Refer to Future Land Use Map.

7.9 Energy Recommendations

- 7.9.1 Consider adopting a freestanding solar screening bylaw under 24 V.S.A. §4414 (15).
- 7.9.2 The Town of Weathersfield may participate in the Public Utility Commission’s review of new and expanded generation facilities to ensure that local energy, resource conservation, and development objectives are identified and considered in proposed utility development. This may include joint participation and collaboration with other affected municipalities and the Mount Ascutney Regional Commission for projects that may have significant regional impact. It is acknowledged that the PUC’s primary focus is on administering state public policy and regulating actions that are directed at ensuring that utility services promote the general good of the state.
- 7.9.3 The Planning Commission, in consultation with the Select Board, should develop guidelines to direct local participation in Section 248 proceedings related to solar facilities located in Weathersfield or in neighboring communities which may affect the town. The guidelines should reflect levels of participation or formal intervention in relation to the type, location, scale, operation, and magnitude of a proposed project, and its potential benefits, detriments to, and impacts on the community.

- 7.9.4 Inform residents about Efficiency Excellence Network (EEN) contractors by providing links to EEN information through a municipal website or through other means.
- 7.9.5 Participating in the Safe Routes to School program will help reduce reliance on vehicle transport.
- 7.9.6 Inform residents and business owners about existing energy efficiency programs and incentives, especially weatherization services and financing options for low-to-moderate income household.
- 7.9.7 Appoint an Energy Coordinator or establish an Energy Committee to help implement recommendations in this Chapter.
- 7.9.8 Hold an information forum such as Button Up, and invite residents to speak about the energy improvements that they have made to their homes. Provide data that demonstrates why these improvements make sense for residents.
- 7.9.9 Assess the life cycle costs of potential energy improvements during design and construction planning. For example, investment in a new, efficient heating system may be more expensive up front, but more economical to operate over time.
- 7.9.10 Promote the use of cold climate heat pumps (aka air-source heat pumps, mini-splits or ductless heat pumps) as a highly efficient source of heat and air conditioning with education/presentations in coordination with the EEU's/electric utilities. These systems are a good option to retrofit existing houses, and can be used to supplement the existing heating system. They also provide air conditioning during the warmer months. Ground source (geothermal) heat pumps may also be suitable option. Heat pump water heaters are also an energy efficient option.
- 7.9.11 Promote the Go Vermont webpage, which provides rideshare, vanpool, public transit and park-and-ride options.
- 7.9.12 Seek grants and partnerships to fund the installation of electric vehicle charging infrastructure at the park and ride lot, school or other town-owned properties.
- 7.9.13 Coordinate with MARC and Local Motion to promote the planned electric-bicycle lending library to help promote e-bikes as a viable form of travel.
- 7.9.14 Continue to financially support The Moover public transportation services, such as the commuter bus that serves the I-91 Exit 8 park and ride lot, to provide access to jobs for residents and encourage less single-occupant vehicle use.

- 7.9.15 The Town should work with electric and utility contractors to assist homeowners with switching to alternative heating systems such as wood pellet stove and air source heat pumps. Woody biomass can be sourced locally.
- 7.9.16 If renewable energy systems are not practicable, encourage homeowners to replace old furnaces or boilers with a high-efficiency model.
- 7.9.17 Promote wood stove change-out programs that take older non-EPA certified stoves out of service and replace them with more efficient and lower emitting cordwood or pellet stove.

DRAFT

AGENDA ITEM

7

Key

Black: Original remaining text

~~Red stricken: Original removed text~~

Green underlined: New added text

Yellow highlighted: Changes since last revision

Article 5: Development Review

5.1 Application Submission Requirements

An application for a zoning permit shall be filed with the Administrative Officer on form(s) provided by the municipality. Required application fees, as set by the Legislative Body, also shall be submitted with each application.

5.1.3 PUD Review Application

Applications for PUDs shall include the following, in addition to the information required for subdivisions:

- a) **Application Form:** Supplied by the Administrative Officer; signed by the owner of record and, in the case of a non-owner applicant, by the applicant;
- b) **Site Plan:** A site plan shall meet all of the requirements of Section 5.1.2(b) of these bylaws.
- c) **Project Narrative:** A description of the proposed project shall be required as part of a complete application. Also required is a narrative that is clear and succinct and includes:
 1. SUMMARY: A brief summary of the project and how it meets the PUD standards in this section;
 2. EXCEPTIONS: A statement describing all proposed modifications, changes, or supplements to requirements in the Zoning Bylaws. Any such modification approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required and these shall be noted or appended to the plat;
 3. MANAGEMENT: A sound proposal for the financing and membership of the management organization which will maintain and operate the property in common ownership, such as community facilities, private roads, and/or open spaces; and,
 4. PHASING PLAN: Projects that will take more than 24 months to complete must present a description and clear plan for the project's phasing, including the area, uses, and timing of each phase. In any case, the sketch plan shall show the complete project.
 5. Additional information required by the Planning Commission to determine whether the proposed mix of uses, density and scale and intensity of uses will meet the standards set forth in these Zoning Bylaws.
- d) **Application Fees:** All applicable fees must be paid as part of a complete application.
- e) PUD applications may involve single or multiple **parcels** and one owner or multiple owners under a common application.
- f) PUD applications are subject to approval by the Planning Commission in accordance with the requirements of Section 5.4 in these Bylaws.

5.45 Planned Unit Development

~~An applicant for PUD approval applies to the Administrative Officer, who in turn notifies the Planning Commission. The Commission has up to sixty days to hold a public hearing, and sixty after that to approve, approve with conditions, or disapprove the application based on Standards of Review in these Bylaws. Failure to act within sixty (60) days of the hearing shall be deemed approval. Prior to filing a formal application, the applicant is encouraged to meet with the Commission to discuss the project. Notice for a combined review hearing shall be made in accordance with 24 V.S.A. §4464(a)(1).~~

~~The hearing notice shall include a statement that the hearing will be a combined review of the proposed project and list each review process that will be conducted at the hearing.~~

~~As applicable, the combined review process shall be conducted in the following order:~~

- ~~a) Site Plan Review~~
- ~~b) Access by right-of-way~~
- ~~c) Requests for Waivers~~
- ~~d) Requests for Variances~~
- ~~e) PUD Review~~
- ~~f) Subdivision Review (preliminary and final)~~
- ~~g) Conditional Use Review~~

~~All hearing and decision requirements and all deadlines applicable to each review process shall apply. Separate written decisions may be issued for each review conducted as part of the combined review, but shall be coordinated where appropriate.~~

In accordance with the provisions set forth in Section 4417 of The Act, Planned Unit Developments (PUDs) are allowed to permit flexibility in the application of the Zoning Bylaws for the purposes of Section 4302 of The Act and in conformance with the Weathersfield Town Plan.

5.4.1 Purpose

- a) To allow for multiple principal uses on a single parcel of land.
- b) To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both, especially in downtowns, village centers, new town centers, and associated neighborhoods.
- c) To implement the policies of the municipal plan, such as the provision of affordable housing.
- d) To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.
- e) To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the municipal plan and bylaws within the particular character of the site and its surroundings.
- f) To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.
- g) To provide for efficient use of public facilities and infrastructure.
- h) To encourage and preserve opportunities for energy-efficient development and redevelopment.

5.4.2 Applicability

- a) The PUD provisions may be applied to any land development in any zoning district within the Town of Weathersfield at the request of the applicant.
- b) Uses shall be limited to those permitted and conditional uses within the district in which the PUD is proposed.

5.4.3 PUD Review Procedures

- a) Complete applications for PUDs must include the information specified in Section 5.1.
- b) PUD applications shall be reviewed under the Subdivision Application Procedures set forth in Weathersfield's Subdivision Regulations, as most recently amended.
- c) Approval granted under this section for a PUD that involves the development of one or more uses requiring approval under conditional use review (Section 5.3) does not exempt the proposed development from both review processes, although various reviews by the ZBA for PUDs may be reviewed separately or concurrently.
- d) The order of PUD review will be:
 - 1. Planning Commission – Sketch Plan Review
 - 2. Zoning Board of Adjustment – Site Plan Review, Conditional Use Review, other reviews administered by the ZBA
 - 3. Planning Commission – Preliminary Review (if required by PC)
 - 4. Planning Commission – Final Plat Review

5.4.5.41 General Standards

In addition to the standards set forth in Weathersfield's Subdivision Regulations, the following general standards must be met in order for the Planning Commission to approve a PUD application:

- a) PUD is consistent with Town Plan.
- b) All Site Plan Review requirements in Section 5.2~~3~~ have been met.
- c) The PUD is an appropriate and **unified-singular** treatment for the proposed development.
- d) The development is designed so as to be compatible with the character of the area. Particular attention will focus on the aural and visual impacts.
- ~~e)~~e) State and local standards for fire and safety regulations by local fire and police officials are in compliance.
- ~~e)~~f) Adequate water supply and sewage disposal facilities are provided.
- ~~f)~~g) The development will not place an undue burden on municipal services.

5.4.5 Standards for Non-residential PUDs

- a) **DENSITY:** The density requirements do not exceed the number of units permitted if the land were subdivided in accordance with district regulations.
 - 1. For PUDs not requiring a subdivision, the number of uses or units of the same use will be equal to the number of subdividable lots pursuant to 5.4.5(a) of these bylaws.
- b) **USE:** All compatible uses allowed in the sites district are allowed as part of a non-residential PUD. The ZBA may determine if any proposed uses are not compatible. A non-residential PUD may include residential dwelling units.

- c) **OPEN SPACE:** At least 1 acre of open space shall be dedicated for the use of the residents, owners or employees.

5.4.6 Standards for Residential PUDs

- a) **DENSITY:** The total number of dwelling units in any Residential PUD must not exceed 125% of the number of lots into which the parcel could be legally subdivided and developed based upon minimum lot size requirements and all other applicable bylaws.
- b) **USE:** Only residential and residential accessory uses shall be permitted within a Residential PUD.
- c) **DEVELOPMENT:** Of the land left open within the Residential PUD for common usage or ownership, no more than 25% shall be developed for community facilities (excluding subsurface installations), access road, parking areas, or recreational structures.
- d) **OPEN SPACE:** A minimum of 33% of the total applicable property shall be designated for open space or community facilities.
 - 1. Open space shall be designated as private (for the benefit of the residents of the PUD), or public (for the benefit of the municipality and its citizens).
 - 2. Land set aside as open space shall be of a size, type and location to meet its intended use.
 - 3. Open space should be contiguous to other existing or potential open space areas.
 - 4. Ownership of open space should be consistent with the best means of maintaining the resources on site.

5.5.2 Modification of Zoning Regulations

After a duly-warned public hearing (per Section 6.3), simultaneously with subdivision approval, and subject to the standards and conditions set forth in this section, the Planning Commission may modify the zoning district regulations for the proposed PUD as to the following requirements only:

- a) Setbacks, including provision for zero lot lines;
- b) Height, Bulk and Spacing of Buildings;
- c) Type of Building, including ~~a mix of residential and commercial uses in one building~~, a variety of residential structures (one, two, and multi-family structures).
- d) Location of buildings; and
- e) Size of lots.

Any modification of the Bylaws for the proposed PUD granted by the Planning Commission shall be noted on the subdivision plat.

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CHAPTER 350. PLANNED UNIT DEVELOPMENT (PUD) STANDARDS

Section 351. Applicability

- 351.A Applicants may propose land development that deviates from the standards of the base zoning district(s) in accordance with the provisions of this chapter.

This chapter establishes standards for planned unit developments (PUDs) that are intended to encourage coordinated and creative land development by providing developers with flexibility and incentives for projects that further the town's planning goals.



Section 352. Cottage Cluster Development

- 352.A **PURPOSE.** The purpose of this section is to address the need for smaller and more affordable housing choices in response to changing household demographics and living preferences. The intent is to encourage development of pocket neighborhoods composed of cottages sited around common open space that are pedestrian-oriented and minimize the footprint and visibility of auto-oriented features like parking and garages.
- 352.B **APPLICABILITY.** Cottage cluster developments are permitted in the Residential Neighborhood and Rural Residential districts.
- 352.C **DENSITY.** The maximum density for a cottage cluster development will be 200% of the residential density allowed in the base zoning district.
- 352.D **DIMENSIONAL STANDARDS.** The following will apply within a cottage cluster development:
- (1) The dimensional standards for lots, setbacks, yards and buildings in the base zoning district will not apply within a cottage cluster development. The development must meet all applicable dimensional standards around its perimeter.
 - (2) The lot coverage for the development as a whole must not exceed 60%.
 - (3) The development must conform to all applicable riparian setbacks and resource protection standards under [CHAPTER 330](#).
- 352.E **USE.** Nonresidential principal uses are prohibited within a cottage cluster development.
- 352.F **CLUSTER SIZE.** The development must be designed as one or more clusters composed of 3 to 12 cottages arranged around a common open space.
- 352.G **COTTAGE DESIGN.** A cottage as allowed under this section must be a single- or two-family detached dwelling that:
- (1) Has a footprint of not more than 1,200 square feet if single-family or 1,600 square feet if two-family. Attached garages will be included in the footprint calculation and must not exceed a footprint of 360 square feet.
 - (2) Has a total floor area that does not exceed 180% of its footprint. Unheated storage or utility space and space under the slope of the roof with a ceiling height of less than 7 feet will not be included in the floor area calculation.

- (3) Has at least 300 square feet of private, contiguous, usable yard area abutting the building with no dimension less than 10 feet.
- 352.H **COMMON OPEN SPACE.** The development must include one or more common open spaces in accordance with the following:
- (1) A minimum of 400 square feet of common open space suitable for community gardens and/or passive outdoor recreation is required per cottage.
 - (2) Each cottage must have a principal entryway that faces a common open space and that is not separated from the open space by a street or driveway. Garage doors must not face the common open space.
 - (3) A minimum of 50% of the cottages must directly abut a common open space and each cottage must be connected to a common open space by a walkway not more than 60 feet long.
 - (4) A common open space must have cottages abutting on at least two sides.
 - (5) The common open space must be landscaped and must not be used for parking, utility, trash collection or other service functions. Green stormwater and renewable energy infrastructure may be located within common open space provided that such functions do not unreasonably interfere with recreational use and aesthetic enjoyment of the common open space.
- 352.I **ACCESSORY BUILDINGS.** Private garages, carports, sheds or similar accessory structures must have a footprint of not more than 360 square feet and a height of not more than 18 feet. A private, detached carriage house that includes an accessory dwelling unit may have a footprint of not more than 60% of the associated cottage and a height of not more than 18 feet. Shared or common accessory buildings must have a footprint of not more than 1,200 square feet and a height of not more than 20 feet.
- 352.J **COMMUNITY BUILDINGS.** The development may include one or more community buildings that are clearly incidental to the cottages and that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. A community building must be commonly-owned by the residents. A community building must be compatible in scale, design and height to the cottages.
- 352.K **VEHICULAR ACCESS AND PARKING.** The development must provide vehicular access and parking in accordance with the following:
- (1) Vehicular access and on-site parking will not be required to/on each lot or cottage. The development may provide one or more common off-street parking areas or structures with pedestrian walkways connecting the parking and the cottages.
 - (2) Vehicular access and parking must not be located within the front yard or the common open space, or between the cottages and the common open space.

- (3) Vehicular access and parking should be located primarily around the periphery of the development or each cottage cluster and should be designed to have minimal visibility from the common open space and from public vantage points beyond the development. Shared driveways, rear alleys and narrow lanes should be used to the maximum extent feasible.
- (4) Unless otherwise approved by the Development Review Board, vehicular access and parking must meet all applicable site design, engineering, setback, buffering and landscaping requirements of these regulations.

Section 353. Traditional Neighborhood Development

- 353.A **PURPOSE.** The purpose of this section is to encourage land development in a manner consistent with the historic development principles and patterns of Brattleboro's pre-war neighborhoods. Traditional neighborhood developments:
- (1) Combine a variety of housing types with small-scale commercial and civic uses in a compact, walkable neighborhood setting;
 - (2) Feature a highly interconnected street network, sidewalks and building setbacks appropriate to create a public realm built on a human scale; and
 - (3) May not be appropriate where severe environmental constraints, such as steep slopes, wetlands or streams, preclude street interconnections and high impervious surface coverage (consider a conservation subdivision for such sites).
- 353.B **APPLICABILITY.** Traditional neighborhood developments are permitted in the Village Center, Neighborhood Center, Mixed Use and Residential Neighborhood districts on sites that are 2 acres or more in size.
- 353.C **DENSITY.** The maximum density for a traditional neighborhood development will be 150% of the residential density allowed in the base zoning district. The minimum density for a traditional neighborhood development will be 75% of the residential density allowed in the base zoning district.
- 353.D **DIMENSIONAL STANDARDS.** The dimensional standards for lots, setbacks, yards and buildings in the base zoning district will apply within a traditional neighborhood development except as specifically modified in this section. The development must conform to all applicable riparian setbacks and resource protection standards under [CHAPTER 330](#).
- 353.E **USE.** The uses allowed within a traditional neighborhood development will be as established in the base zoning district.
- 353.F **BLOCKS.** Block length within a traditional neighborhood development must not exceed 1,000 feet. Block perimeter must not exceed 1,600 feet.
- 353.G **LOTS.** Lots within a traditional neighborhood development must have a minimum of 30 feet of frontage on a new street within the development or the minimum frontage required in the base zoning district on an existing street bordering the development. The average frontage along a new street within the development must not exceed 70 feet.
- 353.H **BUILDING DESIGN.** Buildings within a traditional neighborhood development must be designed in accordance with the following:

- (1) At least 80% of principal buildings must front on, be oriented to and have entrance facing a street or common open space.
 - (2) At least 50% of single-family dwellings must have an open front porch at least 60 square feet in size with a minimum dimension of 6 feet on any side.
 - (3) Loading areas must not be oriented to a street and must adjoin alleys or parking areas to the rear of the principal building.
 - (4) Non-residential buildings must conform to the architectural standards of the base zoning district.
- 353.I **STREET DESIGN.** Streets within a traditional neighborhood development must be designed with narrow lanes, sidewalks and street trees. Streets must be laid out and designed to discourage through and high speed traffic to the maximum extent feasible.
- 353.J **PARKS AND OPEN SPACE.** Within a traditional neighborhood development, a minimum of ¼ acre or 5% of total site, whichever is greater, must be reserved as park(s) and/or open space available for public recreational use.

Section 354. Campus Development

- 354.A **PURPOSE.** The purpose of this section is to provide flexibility in site design to accommodate the particular needs of institutional uses, and office or business parks.
- 354.B **APPLICABILITY.** Campus developments are permitted in the Urban Center, Village Center, Service Center, Neighborhood Center, Mixed Use, Institutional and Industrial districts on sites that are 2 acres or more in size. For the purposes of this section, a campus is a self-contained development that includes multiple buildings and/or lots that:
- (1) Are commonly owned and/or managed;
 - (2) Are located in proximity to and related to one another;
 - (3) Are oriented and organized around common open space areas;
 - (4) Are connected with pedestrian walkways; and
 - (5) Accommodate primarily institutional, office or light industrial uses that have a shared, common, and/or similar purpose and function.
- 354.C **DIMENSIONAL STANDARDS.** The dimensional standards for lots, setbacks, yards and buildings in the base zoning district will not apply within a campus development. The development must meet all applicable dimensional standards around its perimeter. Lot coverage for the development as a whole must not exceed 70% or the district maximum, whichever is less. The development must conform to all applicable riparian setbacks and resource protection standards under [CHAPTER 330](#).
- 354.D **DENSITY.** There will be no maximum residential density within a campus development (provided that residential use is allowed in the base zoning district). Floor area ratio for the development as a whole must not exceed the maximum for the applicable district.
- 354.E **USE.** The uses allowed within a campus development will be as established in the base zoning district and as follows:
- (1) Any institutional, office or light industrial use (permitted or conditional) allowed in the base zoning district will be allowed in a campus development as a permitted use.

- (2) The Development Review Board may approve uses not otherwise allowed in the base zoning district within a campus development as a conditional use upon determining that the proposed use is incidental to or supportive of the principal purpose of the campus development as follows:
 - (a) The amount of floor area within the campus development occupied by such uses must not exceed 20% of the total floor area within the development.
 - (b) Retail, day care, personal service or similar customer-oriented uses must be located, designed and operated principally as a convenience to campus residents or employees.

- 354.F **BUILDING DESIGN.** Buildings within a campus development must be designed as follows:
 - (1) Buildings taller than 3 stories must be set back a distance equal to or exceeding twice their height from parcels abutting the perimeter of the campus development. The Development Review Board may reduce this setback requirement to the district minimum if the proposed development within the campus will be compatible in scale and intensity with the existing or planned development pattern on the adjacent parcel(s).
 - (2) Buildings must be oriented to streets, common open space areas or pedestrian walkways. Buildings must not be oriented to parking lots.

- 354.G **OPEN SPACE.** At least 30% of the total area of the campus must be reserved as common open space, including parks, greens, courtyards or quads developed for community gardening or passive recreational use but excluding outdoor areas developed for active recreational use (ex. sports courts or fields).

- 354.H **PEDESTRIAN ACCESS.** All principal buildings within a campus development must be connected with a system of sidewalks or paths. The Development Review Board may require the applicant to extend sidewalks along nearby public streets into the campus.

- 354.I **VEHICULAR ACCESS.** Vehicular access to a campus development must be provided in a manner that minimizes traffic impacts on surrounding neighborhood streets. To the maximum extent feasible, vehicular access must be provided from an arterial street.

- 354.J **PARKING.** In addition to all the applicable provisions of [SECTION 313](#), off-street surface parking must be located to the rear of principal buildings and, to the maximum extent feasible, around the periphery of the campus.

- 354.K **SIGNAGE.** The campus development must have an approved common scheme signage plan and the campus will be considered a “common scheme premises” for the purposes of regulating signage under [SECTION 319](#). The campus may have an entrance sign not more than 64 square feet in area and 20 feet in height at its principal street entrance. Any secondary entrance may have a sign that is not more than 32 square feet in area and 12 feet in height. All other signage must be designed and located so as to be primarily visible from within the campus.

Section 355. Conservation Subdivision

- 355.A **PURPOSE.** The purpose of this section is to provide flexibility in site design for residential subdivisions in order to preserve natural resources, open space and rural character.
- 355.B **APPLICABILITY.** Conservation subdivisions are permitted in the Residential Neighborhood, Rural Residential, Rural, and Waterfront districts. They are required for all major subdivisions in the Rural district.
- 355.C **DENSITY.** The density of a conservation subdivision must not exceed the maximum density as determined based on the applicable zoning district standards (total area to be subdivided divided by the residential density).
- 355.D **DIMENSIONAL STANDARDS.** The following will apply within a conservation subdivision:
- (1) The dimensional standards for lots, setbacks, yards and buildings in the base zoning district will not apply within a conservation subdivision. The subdivision must meet all applicable dimensional standards around its perimeter.
 - (2) Lot coverage for the subdivision as a whole must not exceed the district maximum.
 - (3) Development within the subdivision must conform to all applicable riparian setbacks and resource protection standards under [CHAPTER 330](#).
- 355.E **USE.** Nonresidential principal uses are prohibited within a conservation subdivision except for community buildings and agricultural enterprises. All forms of residential use and buildings will be permitted within a conservation subdivision except for multi-family buildings with 5 or more dwelling units and live-work units.
- 355.F **CONSERVATION AREAS.** A minimum of 60% of the total area of the conservation subdivision must be set aside as conservation areas in accordance with the following:
- (1) The following will be considered primary conservation resources and must be included in the conservation area:
 - (a) Wetlands;
 - (b) Mapped flood hazard and river corridor areas; and
 - (c) Severely steep slopes (30% or greater);
 - (2) The following will be considered secondary conservation resources and must be included in the conservation area to the maximum extent feasible:
 - (a) Primary agricultural soils;
 - (b) Riparian areas (see [SECTION 334](#));
 - (c) Moderately steep slopes (15% to <30%);
 - (d) Woodlands that are part of a contiguous forest block at least 50 acres in size; and
 - (e) Scenic views into the property from public vantage points.
 - (3) Conservation areas must abut existing conservation areas, parks, open space or farmland on adjacent parcels to the maximum extent feasible.
 - (4) Conservation areas must be designated as permanent open space, not to be further subdivided, and protected through a conservation easement held by the town, state and/or a land trust or conservancy. The conservation easement must prohibit further development in the conservation areas and may establish other standards to safeguard or maintain the conservation resources.

- (5) Conservation areas must not be cleared, graded, filled or subject to construction except:
 - (a) The Development Review Board may allow streets and above ground utilities to cross conservation areas when reasonable access cannot otherwise be provided to the portions of the site to be developed. Disturbance of the conservation area must be the minimum necessary to provide adequate access.
 - (b) Underground utilities, including absorption areas for shared septic systems, may be located within conservation areas provided that the Development Review Board finds that such development will not adversely impact the conservation resources intended to be protected by inclusion in a conservation area.
 - (c) Community gardens, trails and passive recreation amenities may be developed within conservation areas in accordance with the approved plan.
 - (d) Accepted agricultural practices and construction of farm structures may be allowed within conservation areas intended for agricultural use in accordance with the terms of the easement.

355.G **DEVELOPMENT AREAS.** A maximum of 40% of the total area of the conservation subdivision may be developed for residential use in accordance with the following:

- (1) The development must be designed as one or more clusters composed of 3 to 12 lots or dwelling units separated by open space.
- (2) At least 40% of the lots or dwelling units must abut a conservation area.
- (3) All lots or dwelling units not directly abutting a conservation area must have direct pedestrian access to the conservation area(s) from a continuous system of sidewalks, paths or trails. The Development Review Board may waive the access requirement for conservation areas intended for agricultural use.
- (4) Access to the conservation subdivision must be from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or to minimize disturbance of conservation resources.
- (5) All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways, narrow lanes, and locating development near existing streets).

355.H **COMMUNITY BUILDINGS.** A conservation subdivision may include one or more community buildings that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. The subdivision residents must commonly own any community building.

355.I **APPLICATION REQUIREMENTS.** In addition to all other applicable requirements, the applicant must submit:

- (1) An existing site conditions map of the subject property showing the location of all primary and secondary conservation resources (see [SUBSECTION 355.F](#)) and delineating the boundary of the proposed conservation areas over an aerial photo base map; and
- (2) A context map of the subject property and surrounding land within 1,500 feet of the property boundary showing the location of all primary and secondary conservation resources (see [SUBSECTION 355.F](#)) and any public or conserved lands over an aerial photo base map.

Section 356. Rural Enterprise Development

- 356.A **PURPOSE.** This section recognizes that Brattleboro’s rural areas are characterized by working landscapes where resource-based economic activities have traditionally flourished. The purpose of this section is to accommodate enterprises that are compatible in use, scale and intensity with maintaining the town’s rural character and supporting economically viable farm and/or forest lands in the town and region by:
- (1) Adding value to local farm or forest products;
 - (2) Direct marketing of local farm or forest products;
 - (3) Engaging in agritourism or education; and/or
 - (4) Offering goods or services needed for farming or forestry.
- 356.B **APPLICABILITY.** Rural enterprises are permitted in the Rural Residential and Rural districts on sites that are 9 acres or more in size and that are not accessed from a Class 4 town highway.
- 356.C **DIMENSIONAL STANDARDS.** The following will apply within a rural enterprise development:
- (1) The dimensional standards for lots, setbacks, yards and buildings in the base zoning district will not apply within a rural enterprise development. The development must meet all applicable dimensional standards around its perimeter.
 - (2) Lot coverage for the development as a whole must not exceed the district maximum.
 - (3) All land development, except for agriculture and forestry, must be set back at least 120 feet from the side and rear lot lines at the perimeter of the rural enterprise development.
 - (4) The development must conform to all applicable riparian setbacks and resource protection standards under [CHAPTER 330](#).
- 356.D **DENSITY.** The density of the development as a whole must not exceed the maximum for the applicable district.
- 356.E **USE.** In addition to the uses allowed in the base zoning district, the Development Review Board may approve any of the uses listed in [FIGURE 3-39](#) as part of a rural enterprise in accordance with the following:
- (1) Dependence on locally produced farm or forest products must be an essential component and distinguishing hallmark of any proposed retail, food service or industrial use.
 - (2) Providing guests, visitors or students with an opportunity to learn about or interact with farming or forestry operations must be an essential component and distinguishing hallmark of any proposed lodging, camping, entertainment, event or educational use.
 - (3) The total combined floor or site area within a rural enterprise devoted to retail sales must not exceed 12,000 square feet.
- 356.F **BUILDING DESIGN.** Buildings within a rural enterprise development must be sited and designed as follows:
- (1) Context-sensitive siting and design techniques must be used to fit new buildings into the working landscape in a manner that maintains rural character and incorporates existing site elements such as open fields and meadows, tree lines, landmark trees,

Locally produced means agricultural or silvicultural products that are raised, grown or harvested within Vermont or within 30 miles of Vermont.



Figure 3-39. Rural Enterprise Development Use Table

Bed and breakfast or inn (see SECTION 304)	Exhibition, convention or conference structure
Shop or store	Other community structures
Open market or market shop	Camps, camping or related establishments
Lawn, garden or farm supply sales	Trade or specialty school (see SECTION 115)
Lumber yard or building material sales	Museum or exhibition hall
Veterinary services	Outdoor facility or pavilion (see SECTION 115)
Food services (restaurant)	Stable or equine facility
Food service contractor	Composting facility (see SECTION 112)
Pet and animal sales or services	Greenhouse (see SECTION 112)
Light industrial	Support functions for animal production
Miscellaneous manufacturing (see SECTION 306)	Game and fishing retreats and reserves
Wood products establishments	

hedgerows, stone walls, or topographic features. To preserve rural character, open space (working lands or natural areas) must be maintained within and/or around the development.

- (2) Building designs must incorporate vernacular New England architectural forms and materials. Designs that reference the form and materials of traditional farmsteads characterized by a cluster of residential buildings, barns and/or agricultural outbuildings are strongly encouraged. The adaptive re-use of existing historic and/or agricultural buildings is encouraged.
- (3) Building designs that use high-quality natural materials such as wood clapboards, board and batten, barn board or composite materials that resemble traditional materials for exterior cladding are strongly encouraged, as is use of architectural grade asphalt shingles, slate, standing seam, or composite materials that resemble these traditional materials for roofing. Use of traditional agricultural (dark green, red, brown or gray), neutral or earth-tone colors on building exteriors is strongly encouraged.

356.G **PARKING.** In addition to all the applicable provisions of SECTION 313, off-street surface parking must be sited and designed to minimize its visibility from the street in accordance with the following:

- (1) Parking must be set back at least 40 feet from the street.
- (2) There must not be more than two rows of parking between a building and the street. The Development Review Board may waive this limit if the parking will be screened by a natural change in elevation and/or buffer of natural vegetation.
- (3) The Development Review Board may waive requirements for asphalt or concrete pavement, for marking parking spaces, and for electric vehicle charging spaces under SUBSECTION 313.H.

356.H **SIGNAGE.** The rural enterprise development must have an approved common scheme signage plan and the development will be considered a “common scheme premises” for the purposes of regulating signage under SECTION 319. The development may have an entrance sign not more than 32 square feet in area and 12 feet in height and may display temporary seasonal signs to the same extent as allowed for agricultural enterprises under SUBSECTION 308.A. All other signage must be designed and located as required under SECTION 319 for Sign Zone 3, irrespective of whether the base zoning district is otherwise included in Sign Zone 3.

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(D) Standards

In addition to the General Standards in Section 6.04, all Planned Unit Developments (PUDs) shall meet the following standards:

1. Any residential use permitted in the district in which the PUD is located is permissible under the PUD, including home based businesses as provided in Section 5.03. A PUD may include, at the discretion of the Development Review Board, dwelling units of varied types, including single- and two- unit dwellings and multi- unit dwellings in districts where permitted.
2. Certain non-residential uses also are allowed. Examples of such uses include: recreational facilities; day care facilities; and accessory uses.
3. The overall density of the project may exceed the usual limits on density for the district(s) in which the land is located, per Table 2.2. The permitted density may be increased according to criteria (a-g) in this subsection. Density bonuses are described either as a number of additional units or as a percentage increase. Density bonuses are additive, which means that if a project qualifies for bonuses according to more than one criterion the total bonus will be the sum of the bonuses from the qualifying criteria. However, the total density bonus for a project shall not exceed 150% in the Rural Residential district and shall not exceed 250% in the Village Residential or Community Business district. Fractional density bonuses are not rounded up, which means that the number of additional units allowed by the bonus is the largest whole number that does not exceed the number that results from applying the bonus percentage.

a. Affordable Housing

In all districts density bonuses may be granted for projects that create affordable housing units, as defined in Section 8.02. The density bonus shall depend on the district in which the housing units will be created and on the percentage of affordable housing units as a percentage of the total number of housing units to be created, as shown in Table 6.1.

Table 6.1 Affordable Housing Density Bonuses			
Percentage of units affordable	Rural Residential	Village Residential	Community Business
0%	0%	0%	0%
10%	13%	25%	25%
20%	25%	50%	50%
30%	38%	75%	75%
40%	50%	100%	100%
50%	63%	125%	125%
60%	75%	150%	150%
70%	88%	175%	175%
80%	100%	200%	200%
90%	100%	200%	200%
100%	100%	200%	200%

b. Energy-efficient Residential Building

A Home Energy Rating System (HERS) “index” score may be used to determine a density bonus. To qualify for this incentive, all residential units in the project must be built to achieve a rating that exceeds the requirements for compliance with the Vermont Residential Building Energy Standards (RBES), i.e. each unit must be designed to achieve a HERS score less than the RBES maximum. The RBES standard, as updated from time to time, is available from the Vermont Department of Public Service. An applicant must submit projected HERS scores for each unit designed in the project. The projected HERS scores must be the work product of Efficiency VT or other licensed engineer. The maximum density bonus shall be equal to the percentage by which the energy rating of the project is an improvement over, i.e. less than, the RBES standard. The improvement over the RBES standard, measured as a fraction, shall be determined by the following formula:

$$\text{Density bonus \%} = (\text{RBESmax} - \text{Design Score}) / \text{RBESmax} * 100\%$$

Where

RBESmax is the maximum HERS index score allowed for compliance with RBES; and

Design Score is the HERS score of the least energy efficient unit in the project.

As required by 21 V.S.A. § 266, an RBES certification for each unit must be filed with the Town Clerk and the Vermont Department of Public Service within 30 days of construction completion. In addition, it shall be a condition of any permit that the certification must be signed by a home energy rating organization that is Vermont-accredited in accordance with 21 V.S.A. § 267, and that the certified HERS rating for all units must be no higher than the projected scores shown on the plans that were approved.

c. Natural Resource Protection

A density bonus may be granted for each of the values in subsections i – iii, below, if the DRB determines that the conditions required in the subsection are met. Bonuses for these subsections are additive but the total bonus due to natural resource protection shall not exceed 100%.

i. *Significant Wildlife Habitat*

A density bonus of up to 50% of the permitted overall density may be granted if and only if the adverse impact on significant wildlife habitat would be less than if the development were done according to the standards of Section 6.04 (A).

ii. *Forest Resources*

A density bonus of up to 50% of the permitted overall density may be granted if and only if the adverse impact on forest land would be less than if the development were done according to the standards of Section 6.04 (B).

iii. *Agricultural land*

A density bonus of up to 50% of the permitted overall density may be granted if and only if the adverse impact on agricultural land would be less than if the development were done according to the standards of Section 6.04 (C).

The methods for meeting the conditions shall include but are not limited to the following:

- The methods described in Section 6.04;
- Designation of open space, as defined in Section 8.02 and regulated in Section 3.08.

If development would have no adverse impact or de minimus adverse impact if done according to the standards of Section 6.04, with no designation of open space, then no density bonus shall be allowed. In determining the density bonus to be granted for each value, the DRB shall consider the following:

- The density bonus, as a percentage, compared to the percentage of the total area of the parcel(s) that is set aside as open space, to the extent that the open space provides protection against adverse impact.
- The density bonus compared to that portion of the designated open space that is the minimum necessary to reduce the adverse impact to none or *de minimus*.

4. Residential development may be concentrated within some portion(s) of the site which are offset by open space areas if the open space will promote the values described in the Purpose subsection above and if the overall density of the project does not exceed the usual limits on density for the district(s) in which the land is located, per Table 2.2. This provision is independent of density bonuses.
5. It shall be a condition of any PUD permit that a Vermont Residential Building Energy Standards certification must be filed with the Town Clerk and the Vermont Department of Public Service in accordance with 21 V.S.A. § 266.
6. It shall be a condition of any permit that buffers of native vegetation and trees shall be established and protected along water bodies. The width of buffers and acceptable activities within buffers shall be determined on a case by case evaluation, consistent with the Vermont Agency of Natural Resources "Guidance for Agency Act 250 and Section 248 Comments Regarding Riparian Buffers".
7. The PUD shall be consistent with the goals and objectives of the Town Plan.
8. The PUD shall result in no greater burden on present and planned municipal services and facilities than would result from traditional development of the parcel with the same number of units as proposed in the PUD. The available public or private facilities and services, including schools, streets, emergency services, and utilities, will be adequate to provide service to the proposed PUD. The Development Review Board shall require written certification from town departments that the town

BLANK



Statutory Authorization: 24 V.S.A., §4417 / **Type:** REGULATORY

Related Topic Areas: Capital Improvement Program; Growth Centers; Housing Regulations; Impact Fees; Land Use & Development Regulations; Open Space & Resource Protection Regulations; Public Transportation; Subdivision Regulations; Transfer of Development Rights; Zoning Regulations

Planned Unit Development

Overview

Planned Unit Development (PUD) is a tool municipalities use to encourage or require flexibility, creativity, and innovation in the planning and design of development to achieve a variety of objectives. The PUD concept emerged in the 1960s as a means to accommodate the planning and development of “new communities” that included a variety of uses, densities, and building styles. Zoning at the time typically featured single uses at uniform densities, and subdivision regulations resulted in the creation of large numbers of identical lots. The variety and interest envisioned for new, planned communities did not fit well within conventional zoning and subdivision regulations.

Under the PUD concept, a municipality can provide for planned development that incorporates a variety of uses, including a mix of housing types, such as garden apartments, townhouses, and single-family homes, as well as other uses that might not



PUDs can be crafted to encourage creative design for compact, mixed-use neighborhoods, where private homes and public amenities are part of a single master plan. Flexible standards and density bonuses are typically used to reward developers for providing public benefits.

otherwise be allowed under zoning. PUDs can also be used to encourage or require clustered development and are increasingly used in more rural settings to protect farmland and open space.

Application

Chapter 117 (§4417) encourages the adoption and use of PUD provisions under local zoning and subdivision regulations for a variety of purposes, for example to promote:

- compact, pedestrian-oriented, mixed-use development, especially in downtowns, villages, and new town centers;
- affordable housing;
- open space preservation and project compatibility with surrounding rural lands;

- flexibility in lot layout and site design, including the placement and design of buildings, parking and circulation, open areas, and related design considerations that will “best achieve the goals of the area as articulated in the municipal plan and bylaws” for a particular site and its surroundings;
- the efficient use of public facilities and infrastructure; and
- energy-efficient forms of development.

PUD regulations must conform to the municipal plan, and individual PUD projects must promote policies and objectives set forth in the municipal plan.

Given their broad application, the use of PUDs and associated standards vary by municipality and often

New Communities

In the mid-twentieth century, some very large developments, with thousands of individual dwellings, were constructed in the United States. It soon became apparent that such developments required a variety of support services, including schools, public facilities, parks, commercial centers, and places of employment. The PUD concept emerged as a means of accommodating well-planned mixed-use development, without simply allowing all uses everywhere. Early PUDs were primarily residential, but the concept has matured and is now used for a wide range of development types.

for different areas within a single community. For instance, a PUD in a rural district may focus on clustered design, open space protection, and an overall low density of residential development, while a PUD in a village district may emphasize a mix of uses, a variety of housing types, pedestrian amenities, and moderate to high densities of development.

Generally speaking, there are three types of PUDs:

Residential PUDs. Planned residential developments, or PRDs, are no longer separately authorized under Chapter 117 but are still allowed as a type of PUD that includes primarily residential uses. In rural districts, PRDs are often used to encourage or require limited, clustered, low-density residential development, while emphasizing the protection of important natural features and resource lands identified in the municipal plan. (See topic paper, *Open Space & Resource Regulations*.) In more urban or village settings, residential PUD standards may allow a mix of housing types and promote a more pedestrian-oriented neighborhood design that incorporates moderate to high densities of development, street trees, sidewalks, and parks.

Nonresidential PUDs. Similarly, a municipality may identify certain limited areas or situations for PUDs that include only nonresidential uses, for example, regional commercial centers or industrial parks. In the former, PUD provisions may empha-

size compact layout and design, a pedestrian scale of development, urban streetscapes with pedestrian amenities, high-quality landscaping, and shared, unobtrusive parking areas. In the latter, PUD standards could be used to promote a more “campus” style of development with consistent design elements, landscaping, dispersed parking and loading facilities, public transit facilities, employee amenities such as recreational and day-care facilities, and buffering and screening to minimize physical and visual impacts to neighboring properties and uses.

Mixed-use PUDs. Perhaps the most common use of PUDs is to promote, or require, an integrated mix of residential and nonresidential uses at moderate to higher densities of development, as are found in traditional town and village centers, new town centers, and other designated growth centers.

Depending on the vision set forth in the municipal plan, the standards for mixed-use PUDs may emphasize the appropriate mix of uses, such as the siting, orientation, and design of buildings to ensure some privacy for residential uses and to create well-defined streetscapes and public spaces that incorporate pedestrian amenities, public transit facilities, and on- and off-street parking.

In some cases, municipalities have created or used PUD provisions for very specific purposes, such as Shelburne’s “Rural Mixed Use PUD,” which accommodates the unique requirements of Shelburne Farms, Stowe’s “Resort PUD” provisions for ski areas and other large resorts, and Middlebury’s use of PUD standards to manage the development of Middlebury College holdings.

Under Chapter 117, PUD regulations *must* include the following:

- *A statement of purpose*, in conformance with the purposes of the municipal plan and regulations.
- *Review process(es)*, to be used in reviewing the planned unit development, which may include

Importance of PUD Review Standards

Many Vermont municipalities have included PUD (and/or PRD) provisions in their zoning bylaws, often with few associated standards or requirements. This leads to uncertainty on the part of developers and encourages conflict during the review process. Chapter 117 now requires clear standards that are consistent with municipal plan policies and recommendations.

conditional use review, subdivision review, or both, as specified in the regulations. The timing and sequence of applicable reviews also must be specified in the regulations.

- *Application Requirements*, including design specifications as included or referenced in the regulations.
- *Standards* for the review of proposed planned unit developments, which may vary the intensity or density of development under the regulations with respect to site location and physical characteristics; the proposed type, design, and use of lots and structures; and the amount, location, and proposed use of open space. Standards must also cover required public and nonpublic improvements and incorporate adopted impact fee ordinances by reference. The phasing of development also may be required in accordance with municipal plan policies and an adopted capital budget and program. (See related topic papers.)

PUD regulations may also include the following:

- *Modifications*, including the authorization of uses, densities, and intensities of development that are not otherwise allowed under the regulations—as long as the municipal plan includes policies that encourage mixed-use development, or development at higher overall densities than would normally be allowed, or both.
- *Open Space Standards*, including standards for the reservation or dedication of common land or other open

PUD Options to Consider

24 V.S.A., §4417(b)

Local bylaws may include PUD provisions that:

- apply to single or multiple properties, having one or more owners;
- are limited to parcels that have a minimum area, or minimum size or number of units;
- require PUDs for all new development within specified zoning districts, or for projects of a specified type or magnitude.

space for the use or benefit of residents of the proposed development. These standards must include provisions for determining the amount and location of common land or open space and for its improvement and long-term maintenance. Open space standards may allow for the dedication and municipal acceptance of land or interests in land for public use and maintenance; or require that the applicant provide for or establish an organization or trust for the long-term maintenance of common land and open space.

One of the important features of the PUD enabling provision is that it authorizes municipalities to modify or waive zoning uses, densities, and intensities that would otherwise apply to a proposed development. Chapter 117, however, also requires PUD language to include clear standards for

PUD review. It's important that local regulations be very clear about the type and limits of modifications that can be approved; the reviewing body has discretion only within the boundaries established in the regulations, which must, in turn, be based on the municipal plan.

Considerations

Statutory Provisions. PUD provisions can be used to encourage—or require—certain types of development, based on goals and objectives in the municipal plan. These can range from affordable housing to certain forms of development such as transit-oriented or traditional neighborhood design. The regulations must clearly spell out standards regarding these objectives.

As noted above, Chapter 117

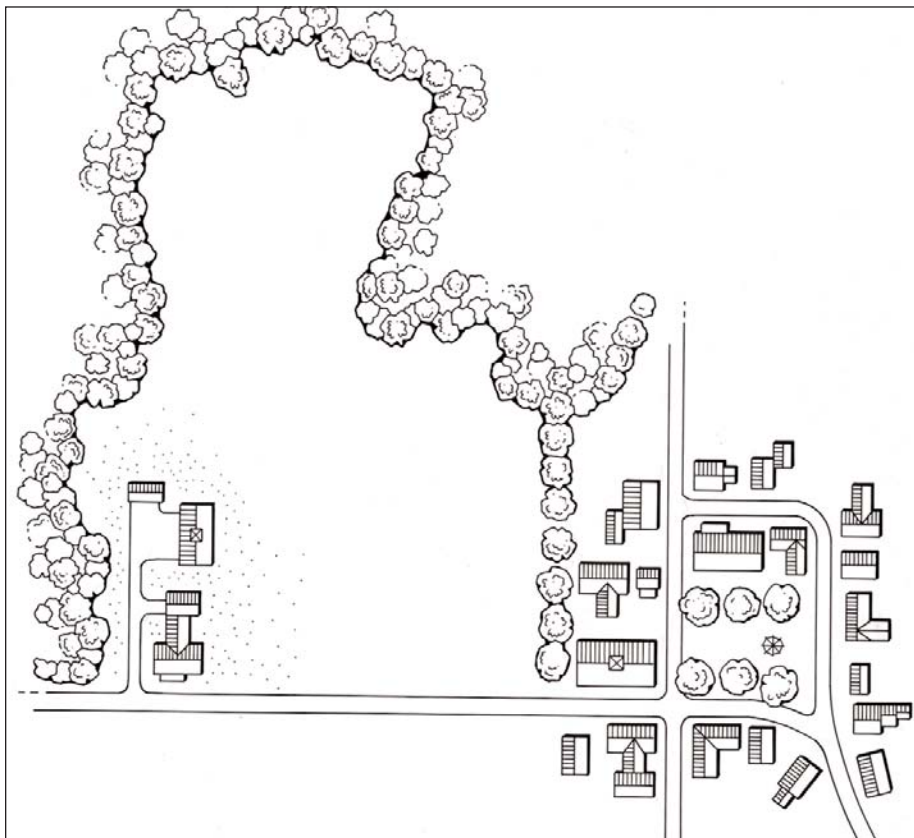
(§4417) includes a number of optional provisions that municipalities can incorporate in their PUD provisions. For instance, PUDs may be required for developments of certain size or in specified zoning districts. In addition, municipalities may craft their bylaws to allow PUDs made up of multiple properties (which may or may not be contiguous) that are held by multiple owners. South Burlington and Charlotte have used the ability to include noncontiguous properties to facilitate the transfer of development rights from a remote parcel to a more developable parcel as a part of the PUD approval process.

Incentives. PUD provisions are often intended to convey benefits to developers in the form of higher densities, lower development costs, and reduced infrastructure costs.

However, those benefits must be balanced by some public benefit that achieves goals or objectives set forth in the municipal plan. The regulations should make it very clear what must be provided to qualify as a PUD before benefits can be realized.

The use of density bonuses is a common feature of PUDs and can be effective in achieving affordable housing objectives; Chapter 117 once set a cap of 50 percent on affordable housing density bonuses, but under recent amendments, this statutory limit no longer applies. The regulations, however, must clarify what types of housing qualify and the connections between the amount of affordable housing provided and the amount of density bonuses to be granted. (See topic paper, *Housing Regulations*.) Density bonuses can also be used as incentives to encourage the dedication of open space or public facilities such as parks or recreation trails.

Impacts. PUDs often, by their nature, are larger than other developments in a community and may generate substantial demands on public facilities such as roads, schools, libraries, water and sewer systems, public safety facilities, and parks. It's



The town of Warren adopted use and design standards for “Crossroad Hamlet” PRDs that apply to residential subdivisions in rural residential districts and are intended to maintain traditional rural settlement patterns. This illustration of a crossroad hamlet is used in the bylaw to show how development can be concentrated around a crossroads and conserve important resource lands. See topic paper, *Open Space & Resource Protection Regulations* for more information. Illustration from the *Warren Land Use and Development Regulations*

therefore important for local PUD review to include determinations that increased demand can be satisfied by existing or planned facilities, for example, as scheduled in the community's capital improvement program. Municipalities may also include provisions to phase or limit the rate of build-out of PUDs to ensure that the capacity to provide municipal services is available when the development is occupied (see related topic papers).

Larger PUDs, particularly commercial and mixed-use PUDs, may also have substantial impacts on surrounding areas. Where PUDs are expected in or near community centers, it's important for the PUD regulations to include a brief vision or description of the type and density of development anticipated. This can then be translated into specific standards to be used by the reviewing body when approving proposed PUDs.

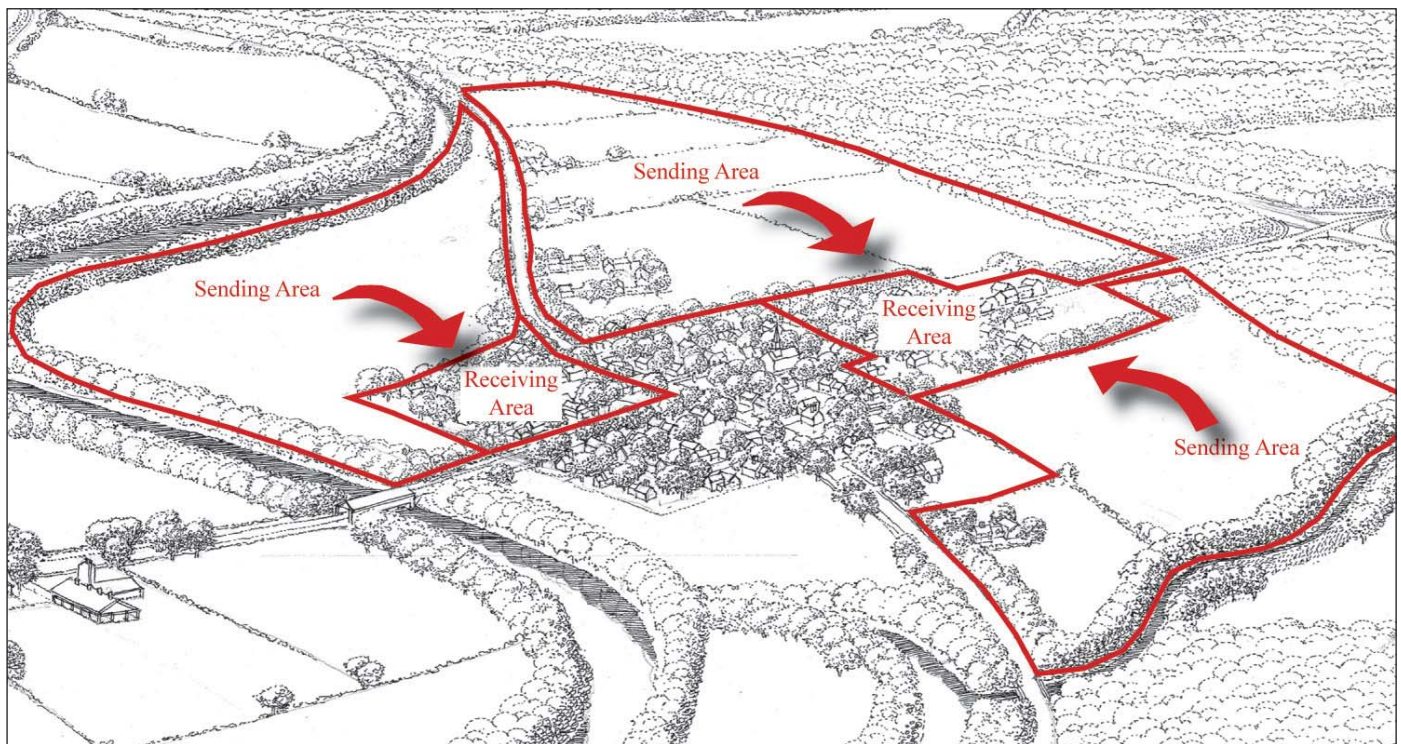
Coordination of Review. PUDs are often relatively complex developments that require more than one local approval. Under Chapter, 117 PUD regulations can be applied in association with subdivision or conditional use review, but depending on the types of use or location, site plan approval or even a variance may be required. As noted, under Chapter 117 (§4417), municipalities must specify in their regulations just how multiple reviews will be consolidated or sequenced to streamline the review process.

Typically, PUD review is incorporated within or conducted concurrently with subdivision review—or with conditional use review if no subdivision review is required under local regulations. Conditional use, site plan, or variance review also can be combined under final subdivision review—given similar public notice and hearing requirements—for uses

that require these approvals. If site plan, conditional use, or variance approvals cannot be granted simultaneously with PUD approval, it may make sense to require such approvals before getting too far into the details of development under advanced stages of PUD review.

Vermont communities have the ability to further a wide range of development objectives through the use of PUD regulations. PUD regulations that are carefully crafted and applied can have many benefits for both the community and local landowners and developers. The challenge is to capture this potential.

There are many examples of local PUD regulations available online. Access to municipal websites and local bylaws can be found through www.vpic.info, or contact your regional planning commission for assistance.



PUDs are normally used to shift the permitted density from one portion of a property to a smaller area to enable more efficient and concentrated development on a single parcel of land. In Vermont, PUDs can also be used to transfer density from one property to another. Such provisions, if specified in the bylaw, would allow the transfer of development rights from land the community hopes to conserve (sending areas) to land in growth centers (receiving areas), where higher-density development can be used to achieve multiple community goals.

AGENDA ITEM

8

Key

Black: Original remaining text

~~Red stricken: Original text removed~~

Green underlined: New added text

Yellow highlighted: Changes since last revision

Article 2: Zoning Districts and District Standards

2.1 Introduction and Table of Districts and Uses

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

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

For district locations, refer to the official Zoning Districts Map and aerial photographs located at the Town Office.

~~In addition, a~~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^{1,2,3} (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 unit², Section 4.1
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential a Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- ~~▪ Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5
- ~~▪ Seasonal roadside stand (See Section 4.12)~~
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential 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 1,2,3, Section 4.2.2^{4,3}
- Family child care facility 1,2,3, Section 4.2.1^{4,3}
- Indoor or outdoor recreation facility^{1,3}
- Inn/small hotel ^{1,3}
- Medical facility^{1,2,3}
- Residential, Multi-family ~~dwelling~~^{1,2,3} (three to six units)
- Public water, sewage treatment plant ^{1,2,3}
- ~~Residential care home~~
- School^{1,2,3}
- Semi-public ^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Residential, Two-family ~~dwelling~~ (new construction)
- Other uses^{1,2,3} (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~~
- ~~Home-based business - level 2~~^{1,2}, Section 4.5.4
- Wireless communication facilities^{2,3}, Section 4.19^{2,3}

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

- Campground, resort, children's camp
- Contractor's storage yard (of materials, machinery, heavy equip.)
- Gasoline/service station
- Highway commercial
- Industry~~ial~~
- Junkyard, landfill, recycling facility (privately owned)
- Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- 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.~~
- ~~3.2.~~ Establishment of multiple principal uses on a single parcel of land requires a subdivisionPUD permit.
- ~~4.3.~~ 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	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~~)

Notes:

- 1 Site Plan Review required, [Article 5](#)
- 2 ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)
- 3 Certificate of Occupancy required, [Section 6.7](#)

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: 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 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 Cemetery (private cemeteries refer to...)
- ~~▪ Group home~~
- Residential, Single-family dwelling
- Small enterprise^{1,2,3} (of a neighborhood trade character; **may include one apartment**)
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; not new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1-
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential, Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~▪ Home occupations~~
- Home-based Business - level 1², Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5 -
- ~~▪ Seasonal roadside stand~~
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential, Swimming pool (in ground or aboveground)

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

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2^{4,3-}

- Family child care facility^{1,2,3}, Section 4.2.1^{1,3}
- Indoor or outdoor recreation facility^{1,2,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,2,3}
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD~~^{1,3}
- Other uses^{1,2,3} (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-based business - level 2^{1,2}, Section 4.5.4
- ~~Home Industry~~
- Wireless communication facilities^{2,3}, Section 4.19^{2,3}

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

- Campground, resort, children's camp
- Contractor's storage yard (materials, machinery, heavy equipment)
- Gasoline/service station
- Highway commercial
- Industry~~ial~~
- Junkyard, landfill, recycling facility (privately owned)
- Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Residential, 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.~~
- ~~3.2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a subdivision PUD permit.
- ~~4.3.~~ 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: ~~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)~~

Notes:

- 1 Site Plan Review required, [Article 5](#)
- 2 ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)
- 3 Certificate of Occupancy required, [Section 6.7](#)

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: 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 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 Cemetery (private cemeteries refer to...)
- ~~▪ Group home~~
- Residential, Single-family dwelling
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1-
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential, Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~▪ Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5-
- ~~▪ Seasonal roadside stand~~
- Signs, permanent Section 3.8 (some exemptions apply)
- Residential, Swimming pool (in ground or aboveground)

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

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2-

- Campground, resort, children's camp^{1,3}
- ~~Church (see Semi-Public)~~
- Family child care facility^{1,2,3}, Section 4.2.1
- Indoor or outdoor recreation facility^{1,2,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,2,3}
- Extraction of earth resources^{1,2,3}, Section 4.3
- Mobile Home Park^{1,2}, Section 4.9-
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD^{1,2,3}~~
- Other uses^{1,2,3} (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-based business - level 2^{1,2}, Section 4.5.4
- ~~Home Industry~~
- Wireless communication facilities^{2,3}, Section 4.19

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

- Contractor's storage yard (of materials, machinery, heavy equip.)
- Gasoline/service station
- Highway commercial
- Industry ial
- Junkyard, landfill, recycling facility (privately owned)
- Residential, Multi-family ~~dwelling or PRD~~
- Residential, 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.~~
- ~~3.2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a PUD permit subdivision.
- ~~4.3.~~ 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)~~

Notes:

- 1 Site Plan Review required, [Article 5](#)
- 2 ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)
- 3 Certificate of Occupancy required, [Section 6.7](#)

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: 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 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 Cemetery (private cemeteries refer to...)
- ~~▪ Group home~~
- Residential, Single-family dwelling
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1-
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~▪ Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds
- ~~▪ Seasonal roadside stand~~
- Signs, permanent Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

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

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2

- Campground, resort, children's camp^{1,3}
- ~~Church (see Semi-Public)^{superscript?}~~
- Contractor's storage yard^{1,3} (of materials, machinery heavy equipment)
- Family child care facility^{1,2,3}, Section 4.2.1
- Indoor or outdoor recreation facility^{1,2,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,2,3}
- Extraction of earth resources^{1,2,3}, Section 4.3
- Mobile home park^{1,2}, Section 4.9
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD^{1,2,3}~~
- **Other uses^{1,2,3} (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 (for water access)
- **Home-based business - level 2^{1,2}, Section 4.5.4**
- ~~Home Industry~~
- Wireless Communication Facilities^{2,3}, Section 4.19

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

- Gasoline/service station
- Highway Commercial
- ~~Industry~~
- Junkyard, landfill, recycling facility (privately owned)
- Residential, Multi-family ~~dwelling or PRD~~
- Non-highway Commercial
- Small enterprise
- Self-Sstorage 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.~~
- ~~3.2.~~ Establishment of multiple principal uses on a single parcel of land requires a subdivision PUD permit.
- ~~4.3.~~ 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: 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)~~

Notes:

1 Site Plan Review required, [Article 5](#)

2 ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)

3 Certificate of Occupancy required, [Section 6.7](#)

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: 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 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~~
- Residential, Single-family dwelling (must not defeat purpose of the District)
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1-
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential Athletic structures courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~▪ Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds
- ~~▪ Seasonal roadside stand~~
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

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

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2
- Campground, resort, children's camp^{1,3}

- Public Cemetery (private cemeteries refer to...)
- ~~Church (see Semi-Public)~~^{superscript?}
- Contractor's storage yard^{1,3} (materials, machinery, heavy equipment)
- Family child care facility^{1,2,3}, Section 4.2.1
- Inn/small hotel^{1,3} (must not defeat purpose of the District)
- Medical facility^{1,2,3}
- Extraction of earth resources^{1,2,3}, Section 4.3
- Outdoor recreation facility^{1,2,3} (must not defeat the purpose of the District)
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Other uses^{1,2,3} (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 (for water access)
- Home-based business - level 2^{1,2}, Section 4.5.4
- ~~Home Industry~~
- Wireless Communication Facilities^{2,3}, Section 4.19
- ~~Single-family PRD~~^{1,2,3}

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

- Gasoline/service station
- Highway Commercial
- Indoor recreational facility
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- Mobile home park, Section 4.9
- Residential, Two-family dwelling (new construction)
- Residential, 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.~~
- ~~3.2.~~ Establishment of multiple principal uses on a single parcel of land requires a PUD permit subdivision.

4.3. _____ 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: 10 acres

~~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)~~

Notes:

- 1 Site Plan Review required, Article 5
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7

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: 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 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 ~~C~~ommercial^{1,2,3}
- Light industry~~ial~~^{1,3}
- Self-~~S~~storage ~~F~~acility ≤10,000 sq ft of gross floor area^{1,2,3,4}

Permitted Accessory Uses:

- Accessory use or structure (Includes athletic courts incidental to allowed principal uses)
- Adult day care service², Section 4.2.2-
- ~~▪ Athletic courts~~
- Bed and ~~B~~reakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~▪ Home occupations~~
- Non-agricultural Ponds
- ~~▪ Seasonal roadside stand~~
- Self-Storage Facility ≤10,000 sq ft of gross floor area^{1,2,3,4}
- Signs, ~~permanent~~Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

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

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2-
- ~~▪ Church (see Semi-Public)^{superscript?}~~
- Contractor's storage yard^{1,3} (materials, machinery, heavy equip.)

- Family child care facility^{1,2,3}, Section 4.2.1
- Gasoline/service station^{1,2,3}
- ~~Group home~~
- Indoor or outdoor recreational facility^{1,3}
- Inn/small hotel^{1,3}
- ~~Outdoor recreation facility^{1,2,3}~~
- Public water, sewage treatment plant^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Self-Storage Facility >10,000 sq ft of gross floor area^{1,2,3,4}
- Residential, Single-family ~~dwelling~~
- Residential, Two-family ~~dwelling~~ (altered from pre-existing single family dwelling, if no enlargement of structure; no new construction)
- Other uses^{1,2,3} (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-based business - level 1², Section 4.5.3
- Home-based business - level 2^{1,2}, Section 4.5.4
- ~~Home Industry~~
- Residential athletic courts
- Wireless Communication Facilities^{2,3}

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

- Campground, resort, children's camp
- Public ~~C~~emetery (private cemeteries refer to...)
- Industry~~ial~~
- Junkyard, landfill, recycling facility (privately owned)
- Medical facility ~~(see definitions)~~
- ~~Mineral~~ extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Residential, Multi-family ~~dwelling or PRD~~
- Non-highway Commercial
- School
- ~~Single family PRD~~
- Planned Unit Development, Residential

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.~~
- ~~3.2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a ~~PUD permit~~ subdivision.
- ~~4.3.~~ 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

~~Basic District Requirement: 1 acre~~

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

~~*Residential, Two-Family Dwelling (altered from pre-existing single family dwelling): 3 acres 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)~~

Notes:

- 1 Site Plan Review required, Article 5
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7
- ~~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: 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 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^{1,2,3}
- Self-Storage Facility^{1,2,3,4}
- Small office ~~space~~

Permitted Accessory Uses:

- Accessory use or structure (Includes athletic courts incidental to allowed principal uses)
- Adult day care service², Section 4.2.2
- ~~▪ Athletic Courts~~
- Bed and ~~B~~breakfast (in existing home only; up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- ~~▪ Home occupations~~
- Non-agricultural Pponds
- ~~▪ Seasonal roadside stand~~
- Self-Storage Facility^{1,2,3,4}
- Signs, ~~permanent~~Section 3.8 (some exemptions apply)

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 yard^{1,3} (materials, machinery, heavy equip)
- Extraction of earth resources^{1,2,3}, Section 4.3
- Family ~~day~~child care facility^{1,2,3}, Section 4.2.1

- Highway ~~C~~commercial
- ~~Home Industry~~
- Junkyard, landfill, recycling facility (privately owned)^{1,2,3}
- Industrial^{1,2,3}
- Non-highway ~~C~~commercial^{1,2,3}
- ~~Outdoor recreation facility (only as facilities for use by employees during lunch, etc. on same basis as primary industrial commercial facility)~~
- Other uses^{1,2,3} (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 ~~C~~ommunication ~~F~~acilities^{2,3}

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

- Adult day care facility, Section 4.2.2
- Campground, resort, children's camp
- Cemetery
- Gasoline/service station
- Indoor recreational facility
- Inn/small hotel
- Medical facility
- Mobile home park, Section 4.9
- Residential, Multi-family dwelling or PRD
- School
- Semi-public (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Residential, Single-family dwelling
- Planned Unit Development, Residential Single family PRD
- Residential, 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.~~
- ~~3.2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a subdivision PUD permit.
- ~~4.3.~~ 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

~~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: 35 feet

~~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~~ Zoning Board of Adjustment during Site Plan Review, a minimum of 50' buffer with natural screening is required between industrial and residential zones. ~~(Amended 6/11/2012)~~

Notes:

- 1 Site Plan Review required, Article 5
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7
- 4 ~~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 an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

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

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

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

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

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, or employment, 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.

Dock: A structure extending alongshore or out from the shore into a body of water, which facilitates access to the water or boats.

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.

Extraction of Earth Resources: See Section 4.3.

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:

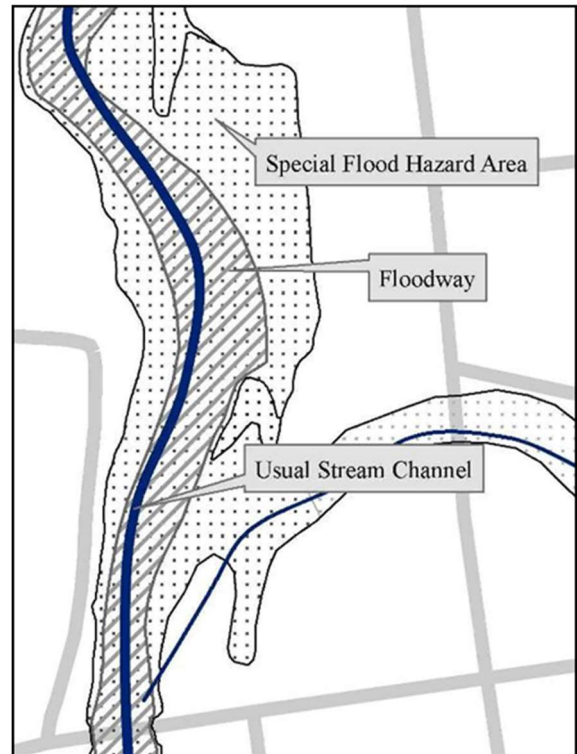
1. is used in connection with the sale of \$1,000 or more of agricultural products in a normal year; or
2. is used in connection with raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen 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 rarities (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 dDependent uUse: 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 Recreation 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 up to six (6)** 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: [See Section 6.2.2\(l\).](#)

- ~~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: See Section 4.9. 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 or large hotel: an establishment providing for a fee ~~three-seven~~ 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 eConstruction:

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.~~ A building containing three or more individual dwellings with separate cooking and toilet facilities for each dwelling.

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)~~

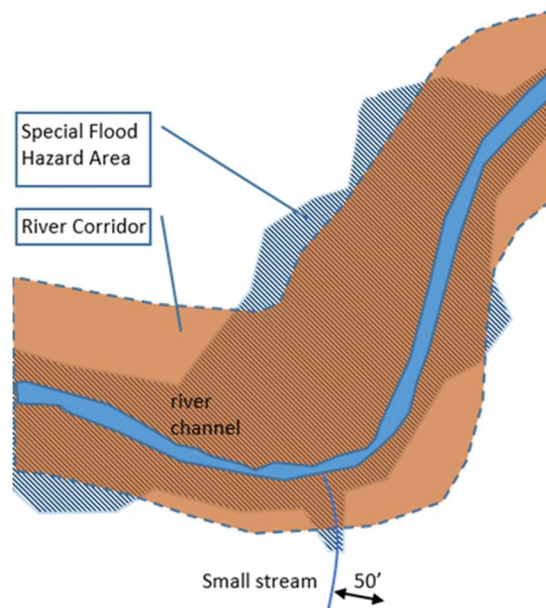
Semi-Public: Primarily nonprofit uses generally available to the public. Includes museums, assembly halls, concert halls, private clubs, YMCA, YWCA, and in these Bylaws, mortuaries; and other uses deemed similar by the ZBA.

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. 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 ~~d~~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 ~~i~~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.

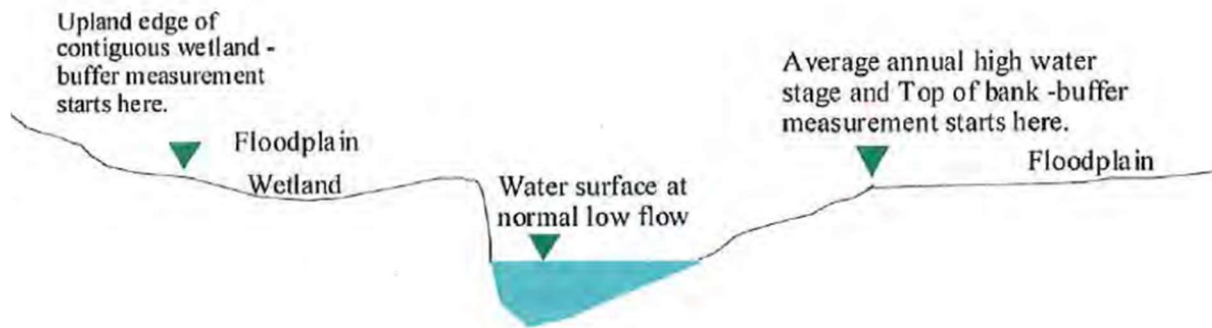


Figure 13: Illustration of "top of bank" (Source: Appendix C of the VT Riparian Buffer Guidelines)

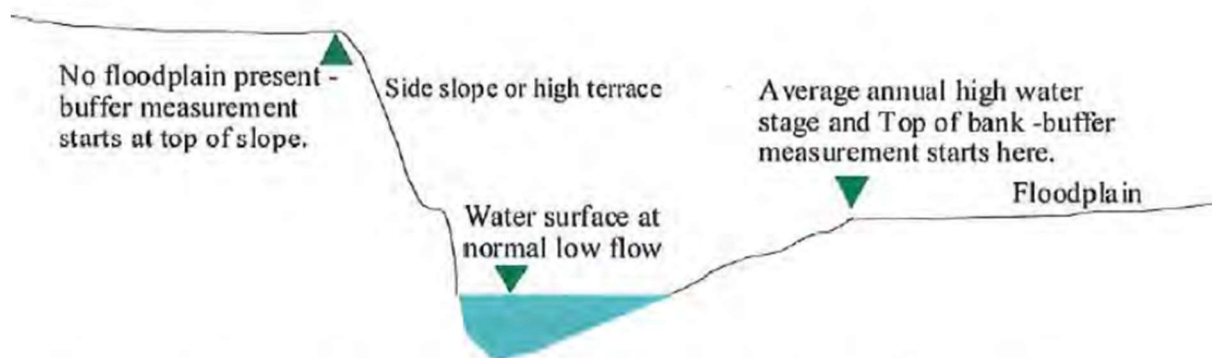


Figure 14: Illustration of "top of slope" (Source: Appendix C of the VT Riparian Buffer Guidelines)

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.