

# Article 2: Zoning Districts and District Standards

## 2.1 Introduction and Table of Districts and Uses

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

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

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

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

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

## 2.2 Zoning Map and Interpretation

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

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

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

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

## 2.3 Lot in Two Districts

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

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

## 2.4 Expansion of Minimum Lot Size

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

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

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

## 2.5 Table of Districts and Uses

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

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

### Description and Purpose of Each District

#### Village (V):

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

#### Hamlet (H):

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

#### Rural Residential (RR 1):

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

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

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

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

#### Conservation (C10):

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

#### Highway Commercial (HC):

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

#### Industrial (I):

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

#### Groundwater Protection Overlay (GPOD):

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

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

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

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

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

## 2.5.1 Village (V)

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

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

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

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

### Permitted Principal Uses:

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

### Permitted Accessory Uses:

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

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

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

**Conditional Principal Uses:**

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

**Conditional Accessory Uses:**

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

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

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

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

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

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

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

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

Lot area minimum: 1 acre

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

Lot frontage and setbacks:

Frontage 80 feet

Front Setback 40 20 feet

Rear Setback 20 10 feet

Side Setback 20 10 feet

Building Height:

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

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

### 2.5.3 Hamlet (H)

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

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

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

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

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

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

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

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



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

**Conditional Principal Uses:**

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

**Conditional Accessory Uses:**

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

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

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

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

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

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

**Lot Area Minimum:** 1 acre

**Lot Frontage and Setbacks:**

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

**Building Height:**

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

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

## 2.5.4 Rural Residential (RR-1)

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

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

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

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

### Permitted Principal Uses:

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

### Permitted Accessory Uses:

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

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

### Conditional Principal Uses:

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

**Conditional Accessory Uses:**

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

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

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

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

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

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

**Lot Area Minimum:** 1 acre

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

Frontage 150 120 feet

Front Setback 40 25 feet

Rear Setback 25 feet

Side Setback 25 15 feet

#### **Building Heights:**

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

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

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

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

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

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

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

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

#### Permitted Principal Uses:

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

#### Permitted Accessory Uses:

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

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

**Conditional Principal Uses:**

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

**Conditional Accessory Uses:**

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

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

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

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

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

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

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

**Lot Area Minimum:** 3 acres

**Lot Frontage and Setbacks:**

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

**Building Heights:**

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

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



### 2.5.6 Conservation (C-10)

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

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

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

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

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

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

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

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

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

**Conditional Principal Uses:**

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

**Conditional Accessory Uses:**

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

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

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

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

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

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

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

**Lot Area Minimum:**

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

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

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

**Building Height:**

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

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

### 2.5.7 Highway Commercial (HC)

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

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

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

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

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

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

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

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

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

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

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

**Conditional Accessory Uses:**

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

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

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

- Non-highway Commercial
- School (see definitions)

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

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

**Lot Area Minimum:**

Basic District Requirement: 1 acre

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

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

**Lot Frontage and Setbacks:**

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

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

**Building Height:**

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

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

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

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

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

### 2.5.8 Industrial (I)

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

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

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

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

#### Permitted Principal Uses:

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

#### Permitted Accessory Uses:

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

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

**Conditional Uses:**

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

**Conditional Principal Uses:**

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

**Conditional Accessory Uses:**

- ~~Wireless Communication Facilities~~ 2,3

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

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



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

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

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

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

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

**Lot Area Minimum:**

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

**Lot Frontage and Setbacks:**

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

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

**Building Height:**

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

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

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

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

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

#### **Purpose:**

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

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

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

#### **Conditional Uses:**

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

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

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

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

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

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

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

##### **Purpose:**

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

Source Protection Plan.)

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

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

**Conditional Uses:**

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

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

## Article 3: General Provisions

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

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

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

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

#### 3.1.1 Location of Driveways

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

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

### 3.2 Conservation of Natural Resources

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

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

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

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

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

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

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

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

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

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

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

### *3.2.3 Connecticut River*

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

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

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

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

### *3.2.4 Habitat areas*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

### *3.2.5 Pond Construction*

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

### **Conditional Use Review**

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

1. Loss of life;

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

### **Conditions of Approval**

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

### **Construction Standards**

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

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

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

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

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

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

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

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

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

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

These areas are better left undisturbed.

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

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

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

#### Purpose

The purpose of this bylaw is to prevent:

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

#### Application

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

#### Method

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

#### Approved Management Practices

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

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

### *3.2.9 Wetlands*

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

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

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

### *3.2.10 Groundwater Protection Overlay District Bylaw*

#### a) Title

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

#### b) Performance Standards

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

- Any conditionally permitted facility involving the collection, handling, manufacture, use, storage, transfer or disposal of hazardous material or hazardous wastes must have a secondary containment system that is easily inspected and whose purpose is to intercept any leak or release from primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and inspectable sumps.
- Open liquid waste ponds containing hazardous material or hazardous wastes will not be permitted without a secondary containment system.
- Storage of petroleum products in quantities exceeding (1,000) gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks must have a secondary containment system as noted above.
- All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous material or hazardous waste.
- All conditionally permitted facilities must prepare an acceptable contingency plan for preventing hazardous materials and/or hazardous wastes from contaminating the shallow/surficial aquifer should floods, fire, or other natural catastrophes, equipment failure, or releases occur:
  - (a) All conditionally permitted underground facilities shall include, but not be limited to a monitoring system and secondary standpipe 5-feet above the 100-year flood control level, for monitoring and recovery. For above-ground conditionally permitted facilities, an impervious dike, 5-feet above the 100-year flood level and capable of containing 10 percent of the largest volume of storage, will be provided with an overflow recovery catchment area (sump).
  - (b) All conditionally permitted facilities shall include fire fighting plans and procedures, a fire retarding system, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are pipes, hazardous materials, hazardous wastes, or open flames in the immediate vicinity.
  - (c) For equipment failures, plans for conditionally permitted facilities that use, maintain, store, process or produce hazardous materials and/or hazardous wastes shall include, but not be limited to, below-ground level, removal and replacement of leaking parts, a leak detection system with monitoring, and an overflow protection system; and above-ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.
  - (d) For any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the Town of Weathersfield. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells shall be properly plugged according to local and state regulations.

#### c) District Boundary Disputes

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

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

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

#### d) Enforcement and Penalties

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

#### e) Enforcement Officials

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

#### f) Liability

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

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

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

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

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

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