

TOWN OF STANNARD ZONING & SUBDIVISION REGULATIONS



Zoning Bylaws:

Adopted:

5/23/1974

Amended:

5/10/2003

6/03/2006

5/11/2009

**TOWN OF STANNARD, VERMONT
ZONING BYLAW
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ARTICLE I. AUTHORITY & PURPOSE

Section 1.1 Enactment

(A) This bylaw shall be known as the “Stannard Zoning and Subdivision Regulations.” These regulations have been prepared and adopted in accordance with the Vermont Planning and Development Act (24 V.S.A., Chapter 117), hereafter referred to as “the Act.”

Section 1.2 Intent

(A) These regulations are intended to further goals and purposes established in the Act [§4302], and to implement the Stannard Town Plan as most recently amended, to:

- (1) provide for the orderly development of land in the Town of Stannard,
- (2) preserve the town’s agriculture, forestry, and rural residential character,
- (3) ensure that newly created lots are suitable for their intended use, and proposed subdivisions meet zoning requirements and basic standards for access, drainage, water supply and wastewater disposal, and environmental protection,
- (4) provide adjoining landowners and other affected parties the opportunity to comment on proposed development, and to
- (5) ensure that the costs of new development are borne by the developer, to the extent permitted by law.

Section 1.3 Application & Interpretation

(A) The application of these regulations is subject to all provisions of the Act as most recently amended.

(B) No **land development**, including the subdivision of land, may commence in the Town of Stannard except in conformance with these regulations. Any land development not specifically authorized under these regulations, unless exempted under the Act or **Table 1.1** (Exemptions) is prohibited.

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 a building or other structure, or land, or extension of the use of land [24 V.S.A. §4303].

(C) All lots, structures and uses legally in existence as of the effective date of these regulations are allowed to continue indefinitely; however changes or alterations to existing lots, structures, or uses are subject to all applicable requirements of these regulations, including provisions applying to nonconforming lots, structures and uses (see Section 3.7).

(D) The provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare. It is not intended that they repeal, annul or in any way impair any regulations or permits previously adopted or issued. Where these regulations imposes a greater restriction on the use or development of land than is required by any other statute, bylaw, ordinance, rule, permit, easement or agreement, the provisions of these regulations shall control.

Section 1.4 Effective Date

(A) These regulations shall take effect twenty-one (21) days from the date of adoption by the Stannard Selectboard, or immediately upon adoption as the result of a warned town meeting vote, in accordance with the Act [§4442].

TABLE 1.1 EXEMPTIONS

(A) **Municipal Exemptions.** In accordance with the Act [§4446], the following types of land development have been determined to pose minimal or no impact on the surrounding area and overall pattern of development in town, and are therefore exempted by the town from these regulations. No permit or approval is required for the following:

- (1) The normal maintenance and repair of existing structures, utilities and infrastructure that involve no change in structure height, footprint, or use.
- (2) Handicapped ramps, walkways and paths.
- (3) Mail boxes, and fences and walls less than six feet (6') in height, which do not obstruct public rights-of-way or interfere with corner visibility or site distances for vehicular traffic. **Note:** *The town is not liable for any damage to structures located within public rights-of-way.*
- (4) Normal yard, driveway and road maintenance, including landscaping, minor grading, excavation and fill, resurfacing, culvert and utility line replacements, and the installation of playground equipment or above ground pools for private use. New or relocated driveways and culverts require approval from the Stannard Road Foreman.
- (5) Outdoor recreational trails which do not require the development, construction or use of structures or parking areas (e.g., unpaved walking, hiking, cross-country skiing, bicycle and snow-mobile trails).
- (6) Minor accessory structures such as tool and garden sheds, dog houses and tree houses, located outside of the Flood Hazard Overlay District, which do not exceed eighty square feet (80 SF) in floor area or twelve feet (12') in height and meet all required setback distances under these regulations.
- (7) Signs as exempted under Section 3.11 (Signs).
- (8) Garage sales, yard sales, auctions and related activities not exceeding three (3) consecutive days.
- (9) A home office or studio within a principal dwelling or accessory structure, for use only by residents of the dwelling, that does not include signs, general or advertised public access, or outdoor storage or displays.
- (10) A home child care facility operated by the owner of a single family dwelling, licensed or registered by the state, which serves no more than ten (10) children.

(B) **Statutory Exemptions.** The following uses, structures and activities are exempted from these regulations in accordance with the Act [§§4412, 4413]. No zoning permit or approval shall be required for the following:

- (1) Accepted agricultural practices (AAPs), including farm structures (but not farm dwellings), as defined by the Secretary of Agriculture, Food and Markets. **Note:** *Zoning permits need not be obtained for farm structures, however prior to construction landowners must notify the Zoning Administrator in writing of their intent to erect a farm structure and comply with all zoning district setback requirements unless otherwise waived by the Secretary (See Section 4.3)*
- (2) Accepted silvicultural (forestry) practices as defined by the Commissioner of Forests, Parks & Recreation.
- (3) The placement, on a property owner's premises, of antennae used to transmit and/or receive communication signals if the aggregate area of the largest face(s) of the antennae is not more than eight square feet (8SF), and the antennae and any mast support do not extend more than twelve feet (12') above that portion of the building to which it is attached.
- (4) Public utility power generating plants and transmission facilities subject to the jurisdiction of the Vermont Public Service Board [30 V.S.A. §248], including wind towers and solar panels that are linked to the power grid.
- (5) Antennae that are part of a telecommunications facility for which jurisdiction has been assumed by the Vermont Public Service Board [under 30 V.S.A. §248a].
- (6) Hunting, fishing and trapping on public or private land as specified by the state [24 V.S.A. §2295]. This does not include facilities that may support such activities, such as firing ranges or organized rod and gun or fish and game club facilities.

(B) All zoning regulations previously in effect of the Town of Stannard are repealed as of the effective date of these regulations.

ARTICLE II. ZONING DISTRICTS

Section 1.5 Amendment & Repeal

(A) These regulations, including all zoning maps incorporated by reference, may be amended or repealed only in accordance with the requirements and procedures set forth in the Act [§§4441, 4442].

(B) Proposed amendments to these regulations are to be submitted in writing to the Stannard Planning Commission for consideration. If a proposed amendment is requested by the Selectboard, or supported by a petition signed by not less than five percent (5%) of registered Stannard voters, the Planning Commission shall make no changes to the proposal except to correct technical deficiencies, prepare a written report regarding its conformance with the municipal plan, and hold a warned public hearing, as required under the Act [§§4441, 4444], before submitting it to the Selectboard with any recommendations it considers appropriate. The Selectboard shall also hold a warned public hearing prior to the adoption of an amendment, in accordance with the Act [§4442].

Section 1.6 Severability

The provisions of these regulations are severable. A determination by the courts that any part of these regulations is invalid shall not invalidate any other part of these regulations.

ARTICLE II. ZONING DISTRICTS

Section 2.1 Zoning Districts & Zoning Map

(A) For the purposes of these regulations, the Town of Stannard is divided into the following zoning districts, in accordance with the Act [§4414(1)]:

Village District	(VIL)
Rural District	(RUR)
Forest District	(FOR)
Floodplain Overlay District	(FPO)

(B) The location and boundaries of each zoning district are shown on the officially entitled “Stannard Zoning Map,” which is hereby adopted as part of these regulations.

(C) The Floodplain Overlay District applies to all areas in the Town of Stannard identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Vermont Agency of Natural Resources pursuant to 10 VSA §753, which are hereby adopted by reference and declared to be part of these regulations.

(D) The official zoning map shall be identified by the signatures of the Selectboard, as attested to by the Stannard Town Clerk. Changes may be made to the zoning map only in accordance with the bylaw amendment process specified in Section 1.5 and the Act. A reduced copy of the official zoning map is attached to these regulations.

Section 2.2 Boundary Interpretations

(A) Any uncertainty with regard to the location of zoning district boundaries shall be resolved by the Zoning Administrator in accordance with the following:

- (1) Boundaries indicated as following roads, transportation or utility rights-of-way shall be interpreted as following the centerlines of such features.
 - (2) Boundaries indicated as following lot lines shall be interpreted as following delineated property boundaries.
 - (3) Boundaries indicated as following rivers or streams shall be interpreted as following the channel centerlines of such features, and shall move with the river or stream channel.
 - (4) Boundaries indicated as following shorelines shall be interpreted as following the mean water level, and shall move with the shoreline.
 - (5) Boundaries indicated as following contour lines shall be interpreted as following a constant, specified elevation as measured from mean sea level or other accepted reference datum.
 - (6) Boundaries indicated as following a compass heading shall be interpreted as following such headings.
 - (7) Boundaries indicated as parallel or perpendicular to or extensions of the above features shall be interpreted as such on the ground.
 - (8) Distances not specifically indicated on the map shall be determined from the scale on the official zoning map.
- (B) The abandonment or relocation of a right-of-way, or the change in a line or feature that references a district boundary line, after the effective date of these regulations, shall not affect the location of the district boundary, except as specified for streams and shorelines.
- (C) In the Floodplain Overlay District, where available base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps shall be used to administer and enforce flood hazard area overlay district provisions of these regulations. In areas where base flood elevations and floodway limits have not been provided by the NFIP, base flood elevations and floodway information available from state or federal agencies, or other accepted sources shall be obtained and reasonably used to administer and enforce flood hazard area overlay provisions.
- (D) When the Zoning Administrator cannot definitely determine the location of a district boundary, the Planning Commission and/or appropriate state or federal official may be consulted prior to issuing a determination. A determination by the Zoning Administrator regarding the location of a district boundary may be appealed to the Development Review Board under Section 7.4, and shall be resolved based on the Board's interpretation of these regulations and the official zoning map.
- (E) Where a district boundary divides a lot of record that predates the district boundary, the regulations for the less restricted part of the lot shall extend no more than fifty feet (50') into the more restricted part of the lot, provided the lot has frontage on a road in the less restrictive district.
- (F) Where a lot is divided by a town boundary, zoning district standards and other applicable standards of these regulations shall apply to that portion of the lot located in the Town of Stannard in the same manner as if the entire lot were located in the town.

Section 2.3 Application of District Standards

- (A) The following Tables 2.1 through 2.4 set forth the stated purpose, allowed uses and specific standards for each zoning district.

ARTICLE II. ZONING DISTRICTS

(B) All uses and structures, unless specifically exempted from these regulations under Table 1.1, must comply with applicable standards for the district(s) in which they are located, as found in Tables 2.1 through 2.4. The standards for each district shall apply uniformly to each class of use or structure, unless otherwise specified in these regulations. Changes to nonconforming lots, structures and uses must meet the requirements of Section 3.7.

(C) Overlay district standards shall be applied concurrently with the standards for the underlying zoning district(s). Where the overlay district imposes more restrictive standards on the use of land or structures, the standards of the overlay district shall apply.

(D) Uses for each district are classified and listed as **“permitted uses”** to be reviewed by the Zoning Administrator, or **“conditional uses”** to be reviewed and approved by the Development Review Board under Section 5.5 prior to the issuance of a zoning permit. In addition:

(1) Site plan review and approval by the Development Review Board under Section 5.4 is required for all permitted uses, except for agriculture, forestry, single and two-family dwellings and associated accessory structures, prior to the issuance of zoning permit.

(2) Both permitted and conditional uses must meet applicable zoning district requirements, and also general standards under Article III.

(3) Specific use standards under Article IV also may apply to particular uses.

(E) The subdivision of land into two or more lots after the effective date of these regulations does not require the issuance of a zoning permit; however newly created lots must meet the dimensional requirements of the zoning district in which they are located. Subdivision review and plat approval by the Development Review Board under Article VI is required for all subdivisions of land.

Table 2.1 Village District

(A) **Purpose:** The purpose of this district is to provide a logical place for a mix of uses to serve the needs of Stannard residents, including residential, commercial and civic uses, at relatively higher densities of development.

(B) **Permitted Uses:**

- (1) Accessory Use/Structure
- (2) Agriculture (see Section 4.3)
- (3) Bed & Breakfast
- (4) Dwelling, Accessory (see Section 4.2)
- (5) Dwelling, Single Family
- (6) Dwelling, Two Family
- (7) Dwelling, Multifamily
- (8) Forestry (see Section 4.3)
- (9) Group Home (see Section 4.8)
- (10) Home Child Care (see Section 4.6)
- (11) Home Occupation (see Section 4.9)
- (12) Office

(C) **Conditional Uses:**

- (1) Cemetery
- (2) Essential Service
- (3) Day Care Facility (see Section 4.6)
- (4) Cultural Facility
- (5) Home Business (see Section 4.9)
- (6) Health Clinic
- (7) Inn
- (8) Mixed Use (see Section 4.10)
- (9) Mobile Home Park (see Section 4.11)
- (10) Neighborhood Commercial
- (11) Parking Lot
- (12) Personal Service Establishment
- (13) Place of Worship (see Section 4.12)
- (14) Private Club
- (15) Public Building (see Section 4.12)
- (16) Recreation, Indoor
- (17) Recreation, Outdoor
- (18) Residential Care Facility
- (19) Restaurant
- (20) School (see Section 4.12)
- (21) Veterinary Clinic

(D) **District Dimensional Standards** (unless otherwise specified for a particular use):

Minimum Lot Area	3 acres
Mobile Home Parks	5 acres
Minimum Lot Frontage (along road)	180 feet
Minimum Setbacks:	
Front Yard (from road right-of-way)	25 feet
Side Yards (from side property lines)	25 feet
Rear Yard (from rear property line)	50 feet
Surface Waters & Wetlands (see Section 3.12)	Varies
Maximum Height (see Section 3.5)	39 feet

(E) **District Development Standards:**

- (1) All permitted uses in this district, except for agriculture, forestry, single and two-family dwellings and associated accessory structures, require site plan approval by the Development Review Board under Section 5.4. Conditional uses in this district require conditional use approval by the Development Review Board under Section 5.5. Specific use standards also may apply.

Table 2.2 Rural District

(A) **Purpose:** The purpose of this district is to provide for forestry and agriculture as primary uses, and low density residential use. These areas are generally served by town roads and are suitable for some limited development. Because of physical limitations, including soil conditions, steep slopes, and limited access, residential development should be at a density of no greater than one dwelling unit per four acres.

(B) **Permitted Uses:**

- (1) Accessory Use/Structure
- (2) Agriculture (see Section 4.3)
- (3) Bed & Breakfast
- (4) Camp
- (5) Dwelling, Accessory (see Section 4.2)
- (6) Dwelling, Single Family
- (7) Dwelling, Two Family
- (8) Farm Stand
- (9) Forestry (see Section 4.3)
- (10) Group Home (see Section 4.8)
- (11) Home Child Care (see Section 4.6)
- (12) Home Occupation (see Section 4.9)

(C) **Conditional Uses:**

- (1) Campground (see Section 4.5)
- (2) Cemetery
- (3) Contractor's Yard
- (4) Dwelling, Multifamily
- (5) Essential Service
- (6) Home Business (see Section 4.9)
- (7) Inn
- (8) Kennel
- (9) Mixed Use (see Section 4.10)
- (10) Nature Center
- (11) Place of Worship (see Section 4.12)
- (12) Private Club
- (13) Recreation, Outdoor
- (14) Recycling Facility (see Section 4.12)
- (15) Retreat
- (16) Saw Mill
- (17) Telecommunications Facility (see Section 4.13)
- (18) Veterinary Clinic
- (19) Waste Management Facility (see Section 4.12)

(D) **District Dimensional Standards** (unless otherwise specified for a particular use):

Minimum Lot Area	4 acres
Minimum area/principal dwelling unit	4 acres
Minimum Lot Frontage (along road)	200 feet
Minimum Setbacks	
Front Yard (from road right-of-way)	25 feet
Side Yards (from side property lines)	25 feet
Rear Yard (from rear property line)	50 feet
Surface Waters & Wetlands (see Section 3.12)	Varies
Maximum Height (see Section 3.5)	39 feet

(E) **District Development Standards:**

- (1) All permitted uses in this district, except for agriculture, forestry, single and two-family dwellings and associated accessory structures, require site plan approval by the Development Review Board under Section 5.4. Conditional uses in this district require conditional use approval by the Development Review Board under Section 5.5. Specific use standards also may apply.

Table 2.3 Forest District

(A) **Purpose:** The purpose of this district is to provide for sustainable long-term management of forestry and agricultural resources. Poor access, poor soils, steep topographic conditions, and remoteness from public roads, facilities and services present severe limitations for other types of development in this district. The principal uses allowed in this district are resource uses, including forestry and agriculture, and low density residential development that is compatible and does not interfere with resource uses.

(B) **Permitted Uses:**

- (1) Accessory Use/Structure
- (2) Agriculture (see Section 4.3)
- (3) Camp
- (4) Dwelling, Accessory (see Section 4.2)
- (5) Forestry (see Section 4.3)
- (6) Home Child Care (see Section 4.6)
- (7) Home Occupation (see Section 4.9)

(C) **Conditional Uses:**

- (1) Campground (see Section 4.5)
- (2) Dwelling, Single Family
- (3) Dwelling, Two Family
- (4) Essential Service
- (5) Extraction & Quarrying (see Section 4.7)
- (6) Group Home (see Section 4.8)
- (7) Home Business (see Section 4.9)
- (8) Recreation, Outdoor
- (9) Saw Mill
- (10) Telecommunications Facility (see Section 4.13)

(D) **District Dimensional Standards** (unless otherwise specified for a particular use):

Minimum Lot Area	25 acres
Minimum Lot Width (see (E)(2) below)	300 feet
Minimum Setbacks:	
Front Yard (from road right-of-way)	25 feet
Side Yards (from side property lines)	75 feet
Rear Yard (from rear property line)	100 feet
Surface Waters & Wetlands (see Section 3.12)	Varies
Maximum Height (see Section 3.5)	39 feet

(E) **District Development Standards:**

- (1) All permitted uses in this district, except for agriculture, forestry, single and two-family dwellings and associated accessory structures, require site plan approval by the Development Review Board under Section 5.4. Conditional uses in this district require conditional use approval by the Development Review Board under Section 5.5. Specific use standards also may apply.
- (2) New lots in this district must have access to, but are not required to have frontage on, a public road. For a newly created lot, the minimum lot width (shortest lot line) must be at least 300 feet.
- (3) Within this district, lots having less than the minimum required lot area of 25 acres may be subdivided only for transfer or sale for purposes of permanent conservation for sustainable natural resource management, wildlife habitat protection or outdoor recreation. No further subdivision or development of such lots shall be allowed, as notated on the subdivision plat.

Table 2.4 Floodplain Overlay District

(A) **Purpose:** The purposes of this district are to: (1) minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on services that result from flooding and other flood related hazards; (2) ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; (3) to manage all flood hazard areas designated by the state (10 V.S.A. §753); and (4) to ensure that the Town of Stannard and Stannard residents are eligible for federal flood insurance and other federal disaster and recovery funds as may be available.

(B) **Permitted Uses:**

- (1) Accessory Structures (80 ft² or less)
- (2) Agriculture (see Section 4.3)
- (3) Forestry (see Section 4.3)
- (4) Home Child Care (see Section 4.6)*
- (5) Home Occupation (see Section 4.9)*
- (6) Recreation, Outdoor (no structures)

** only within existing single family dwellings*

(C) **Conditional Uses:**

Other development allowed within the underlying zoning district, limited to:

- (1) Substantial improvements to existing structures
- (2) Essential Services

(D) **District Dimensional Standards** (unless otherwise specified for a particular use):

As specified for the underlying zoning district.

(E) **District Development Standards:**

- (1) This district overlies underlying zoning districts. Where standards for this district differ from underlying district standards, the more restrictive shall apply.
- (2) Uses allowed as permitted uses in this district include agriculture, forestry and other undeveloped open space, as well as accessory uses allowed in existing single family dwellings which do not

1 require structural alterations (e.g., home occupations). Minor accessory structures of 80 square feet
2 or less may be allowed outside the floodway, subject to applicable requirements of Section 5.6 and
3 referral to and review by the state under Section 5.6(E), prior to the issuance of a zoning permit. No
4 other new structures are allowed within this district. Essential services, substantial improvements to
5 existing structures, and subdivisions within this district require approval by the Development Review
6 Board under Section 5.6 (Flood Hazard Review) prior to the issuance of a zoning permit or
7 subdivision approval.
8

- 9 (3) Mandatory state [§4412] and federal [44 CFR 60.3 and 60.6] requirements for continued eligibility in
10 the National Flood Insurance Program including, but not limited to, structural standards,
11 administrative and variance requirements, and definitions, are hereby adopted by reference and shall
12 be applied to all development within this district. Accordingly:
13

14 (a) Applications for subdivisions and development within the Floodplain Overlay District must include
15 the information required under Sections 5.6(D) and 6.2(A), and are subject to state agency and
16 federal referral requirements under Sections 5.6(E) and 6.2(A).
17

18 (b) Development within the Floodplain Overlay District must meet flood hazard area development
19 standards under Section 5.6(G) and 6.3(E) in addition to other applicable requirements of the
20 underlying zoning district and these regulations.
21

22 (c) Requests for variances for development within the Floodplain Overlay District must meet the
23 requirements of Section 7.5(C) in addition to variance requirements under Section 7.5(A).
24

25 (d) Permits, certifications and variance actions for development within the Floodplain Overlay District
26 shall be recorded by the Zoning Administrator as required under Section 5.6(J).
27

28 29 30 **ARTICLE III. GENERAL REGULATIONS** 31

32 33 **Section 3.1 Applicability** 34

35 (A) The following general standards apply to all land development in the Town of Stannard subject to
36 review by the Zoning Administrator or Development Review Board. These standards are to be applied in
37 association with the review of applications for permits and approvals, as specified under these regulations.
38

39 **Section 3.2 Abandoned & Damaged Structures** 40

41 (A) **Abandoned Structures.** Structures which are not substantially commenced within two (2) years of
42 the date a zoning permit is issued, or within one (1) year of being substantially damaged or destroyed,
43 shall be considered abandoned for purposes of these regulations. For such structures the owner shall
44 either:
45

46 (1) Apply for a zoning permit under Section 7.2 to resume construction or repair, and thereby confirm
47 the intent not to abandon the structure; or
48

49 (2) Remove all structural materials from the site, fill or cover excavations, and restore the site to a
50 normal grade.
51

52 (B) **Damaged Structures.** No zoning permit shall be required for the stabilization of a damaged
53 structure to prevent hazards to public health and safety, or to adjoining properties, structures or uses; nor
54 for the timely repair or reconstruction of a damaged structure to the extent of its prior condition and use.
55 However:

- (1) The repair or reconstruction a damaged structure must begin within one (1) year of the date of the event resulting in its damage or destruction.
- (2) A zoning permit is required for a replacement structure, or any repair or reconstruction that modifies structural dimensions (height or footprint), or the number of dwelling units or uses under applicable provisions of these regulations.
- (3) Any replacement, repair, or reconstruction of a nonconforming structure that increases the degree of nonconformance must be reviewed by the Development Review Board under Section 3.7 prior to the issuance of a zoning permit.
- (4) No zoning permits or approvals shall be issued for the use or occupancy of any portion of a structure that has been declared unsafe by local or state officials.

Section 3.3 Access & Frontage Requirements

(A) **Frontage.** New lots must meet frontage requirements on public or private roads for the zoning district in which they are located. Land development may be permitted on pre-existing nonconforming lots that do not have adequate frontage either on a public road or public waters, provided that access through a permanent easement or right-of-way has been approved by the Development Review Board, subject to site plan review under Section 5.4, in accordance with the Act [§4412(3)] and the following standards:

- (1) The width of the right-of-way providing access to the parcel shall be at least 50 feet in width, and meet all other applicable requirements under Subsection (B).
- (2) The Board may consult with the Stannard Road Foreman and consider the intended use of the property, and safety, traffic and road, and site conditions in granting, conditioning or denying access approval under this provision. Conditions may be imposed by the Board as appropriate to ensure public safety and welfare.
- (3) The town and school district shall not be required to provide school bussing beyond maintained public rights-of-way.
- (4) Where applicable, legal documentation (easement, right-of-way) granting access across abutting properties shall be provided and recorded in the land records of the town prior to the issuance of a zoning permit for development of the parcel.

(B) **Access & Driveway Standards.** For the purposes of these regulations, rights-of-way serving up to three lots or dwelling units are considered driveways, subject to the provisions of this section. Rights-of-way serving four or more lots or units are considered private roads, subject to subdivision standards under Section 6.3(F). All accesses onto town roads (curb cuts) and driveways shall meet the following standards:

- (1) Accesses (curb cuts) and driveways shall meet Stannard Driveway Ordinance design and construction specifications.
- (2) Accesses shall be located at least 150 feet from any intersection involving two or more town roads.
- (3) In the case where the landowner has necessary frontage and also a permanent easement, the easement cannot be used to access the proposed development unless it is at least 50 feet in width.

- (4) Where a lot has frontage on two roads (e.g., a corner lot), access shall be provided from the secondary (less traveled) road unless it is a Class 4 road.
- (5) The town is not required to maintain Class 4 roads for year-round access or use. Where a Class 4 road is proposed to access development that requires year-round access, it shall be the responsibility of the applicant and subsequent property owners to upgrade and maintain the road right-of-way to provide access by emergency vehicles. At minimum the road shall be upgraded to meet town driveway standards.
- (6) For development subject to review by the Development Review Board, the Board, in consultation with the Road Foreman, may require the elimination, consolidation or relocation of existing accesses to eliminate safety hazards, allow for emergency vehicle access, or improve site layout and circulation.
- (7) Shared access is encouraged and may be required for development subject to review by the Development Review Board. Shared access rights shall be protected by easements recorded in the deed for each lot.
- (8) Driveways may be located within side or rear setback areas.
- (9) Driveways shall be configured to avoid the need to back onto town roads.
- (10) Driveways 500 feet or more in length shall include, at minimum, one (1) 10-foot by 30-foot pull off area and a turn around ("Y" or "T") at the end.
- (11) To the extent feasible, driveways shall be located to avoid crossing open fields, areas of steep slope (20% or more), and streams, wetlands, other surface waters and associated buffer areas.
- (12) The developer shall bear the cost of installing access, driveway or road improvements necessary to serve the development.
- (C) **Driveway Permit.** Prior to the construction of a driveway, a driveway permit shall be obtained from the Stannard Road Foreman as required under the Stannard Driveway Ordinance.

Section 3.4 Foundations

- (A) All dwellings must be constructed on wood or cement posts or footings that extend below the frost line, or on a cement slab at least four (4) inches thick which extends the full perimeter of the dwelling. For enlarged, relocated or substantially improved structures within the Floodplain Overlay District, foundations must also meet applicable flood hazard district requirements.

Section 3.5 Height Standards

- (A) Except as exempted under Subsection (B), in all districts structures shall not exceed 39 feet in height as measured from the average (between highest and lowest) grade at the base of the structure to the highest point of the structure.
- (B) The following structures are specifically exempted from district height requirements under these regulations:
- (1) Farm structures, including barns and silos.
 - (2) Power generation facilities regulated by the Vermont Public Service Board, including wind turbines and solar collectors connected to the power grid.

- (3) Other wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than ten (10) feet high, which are mounted on complying structures.
- (4) Antennae used to transmit and/or receive communications signals if the aggregate area of the largest faces is not more than eight (8) square feet and the antennae and any mast support does not extend more than 12 feet above the roof of that portion of the building to which the mast is attached.
- (5) Telecommunications facilities, including attached antennae, regulated under Section 4.13, or by the Vermont Public Service Board.
- (6) Church steeples, spires and belfries.
- (7) Flag poles.

Section 3.6 Lot & Yard Standards

- (A) Only one principal use or structure shall be located on a single lot, unless otherwise allowed as a "Mixed Use" under Section 4.10.
- (1) A second principal dwelling on a lot may be allowed, subject to subdivision review and approval under Article VI, if it meets separately assigned district lot dimensional requirements, and access requirements, as shown on the subdivision plat. These requirements do not apply to accessory dwellings as authorized under the Act [§4412] and Section 4.2.
- (B) Accessory structures, unless exempt from these regulations under Table 1.1, must conform to district dimensional requirements, including setback requirements.
- (C) A lot that fronts on more than one town road (a corner lot) shall meet minimum road frontage and front setback requirements along either road, and side setback requirements along the other road.
- (D) Structures constructed on a lot divided by a road right-of-way shall meet front setback requirements as measured from either side of the right-of-way.
- (E) All structures, excluding steps, wheelchair ramps or landings, whether attached to the principal structure or not, or open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side or rear yard.
- (F) For development subject to review by the Development Review Board, the Board may increase minimum setback distances, require landscaping or screening within setback areas, or limit or prohibit the use of setback areas for parking or outdoor storage as necessary to avoid adverse impacts to adjoining properties and uses, or to visually or physically separate incompatible uses.

Section 3.7 Nonconforming Lots, Structures & Uses

- (A) **Existing Small Lots.** In accordance with the Act [§4412], any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the effective date of these regulations, may be developed for the purposes permitted in the district in which it is located even if it does not conform to minimum district lot size requirements, if it is at least one-eighth ($\frac{1}{8}$) acre in area or has a width or depth of at least 40 feet.
- (1) **Merged Lots.** If an existing small lot subsequently comes under common ownership with one or more contiguous lots, the existing lot shall be deemed merged with the contiguous lot(s). However, an existing small lot shall not be deemed merged and may be separately conveyed if all of the following apply:
- (a) The lots are conveyed in the preexisting, nonconforming configuration;
 - (b) On the effective date of these regulations, each lot was developed with a water supply and wastewater system;

- (c) At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
- (d) The deeds of conveyance create appropriate easements on both lots for the replacement of one or more wastewater systems, potable water supply systems, or both, in case there is a failed system or supply, as defined by the state (10 VSA Chapter 64).

(B) **Nonconforming Structures.** In accordance with the Act [§4412], any structure or part of a structure that was legally in existence as of the effective date of these regulations, but does not meet the requirements of these regulations, shall be considered a nonconforming structure. A nonconforming structure may continue to be occupied and used indefinitely, subject to the following conditions:

- (1) A nonconforming structure may undergo normal maintenance and repair without permits or approvals as long as such actions do not increase the degree of nonconformance.
- (2) Damaged nonconforming structure may be reconstructed, repaired or restored in accordance with Section 3.2, as long as such actions do not increase the degree of nonconformance.
- (3) A nonconforming structure may be structurally enlarged, extended, expanded, modified, or moved following the issuance of a zoning permit under Section 7.2, as long as such action does not increase the degree of nonconformance.
- (4) A variance issued by the Development Review Board under Section 7.5 shall be required for any structural repair, reconstruction, enlargement, extension, expansion, modification or relocation that increases the degree of nonconformance.

“Increasing in the degree of nonconformance” for purposes of these regulations, includes any enlargement, expansion or relocation of a structure within required setback areas, or any increase in the height of a structure beyond the maximum height limit.

(C) **Nonconforming Uses.** In accordance with the Act [§4412], any use of land or a structure that was legally in existence as of the effective date of these regulations, but does not meet the requirements of these regulations, shall be considered a nonconforming use. A nonconforming use may be continued indefinitely, subject to the following conditions:

- (1) A nonconforming use shall not be changed to another nonconforming use.
- (2) A nonconforming use shall not be extended, except within portions of a nonconforming building or structure that was legally in existence prior to the effective date of these regulations. A nonconforming use shall not be extended in any manner that displaces a conforming use.
- (3) A nonconforming use that has been abandoned for a period of twelve months or more shall not be resumed. A nonconforming use shall be considered abandoned when any of the following conditions are met:
- (a) When the intent of the owner to discontinue the use is apparent.
- (b) When equipment and furniture characteristic of the use have been removed from the premises and have not been replaced by similar equipment and furnishings within a 12-month period.
- (c) When it has been replaced by another, conforming use.
- (4) Nothing in these regulations shall be interpreted as authorization for or approval of the continued use of a structure or land in violation of zoning regulations in effect prior to the effective date of these regulations.

Section 3.8 Outdoor Lighting

(A) No glare, lights, or reflection shall be permitted which are nuisances to other property owners or tenants, or which could impair the vision of a driver of any motor vehicle, or which are detrimental to public health, safety, and welfare. However, reflections from solar energy collectors which are part of an operating solar energy system shall not be considered a nuisance to other property owners and tenants.

(B) All outdoor lighting fixtures, whether permanent or intermittent, shall be designed, located and adjusted so as to not cast direct light on adjacent properties, roadways or surface waters.

Section 3.9 Outdoor Storage

(A) Junkyards are prohibited in all districts.

(B) Storage of more than two (2) inoperative and unregistered motor vehicles on any lot, other than farm vehicles, is prohibited in all districts.

(C) Inoperative, unregistered vehicles and junk shall not be allowed in any setbacks, and shall be effectively screened from view of a public highway and adjacent private property at all seasons of the year.

Section 3.10 Parking

(A) On-site (off-road) parking shall be provided in accordance with the following requirements and specifications for all new uses, or for changes in or enlargements of existing uses.

(1) Parking areas shall consist of spaces adequate for parking motor vehicles with room to open doors on both sides, vehicle maneuvering room, and adequate access onto town roads. Parking areas shall be designed, installed and maintained so that no parking or maneuvering incidental to parking shall occur on any public road.

(2) A minimum number of parking spaces, as determined by the proposed uses(s), shall be provided as required under Table 3.1.

(a) All parking spaces shall have a minimum area of 220 square feet, and be at least 10 feet wide by 22 feet long.

(b) Areas for public parking also shall include marked handicapped car and van spaces as required under state and federal accessibility (Americans with Disabilities Act) standards.

Table 3.1 Minimum Off-Road Parking Requirements

Use	Parking Spaces
Bed & Breakfast	2 per dwelling unit, and 1 per guest room
Campground	1 per campsite
Cemetery	None
Dwelling/ Accessory	1 per dwelling unit
Dwelling/ Multi-Family Dwelling	2 per dwelling unit
Dwelling/ Single or Two Family Dwelling	2 per dwelling unit

Educational Facility	1 per 3 seats in assembly room
Health Clinic	5 per physician, dentist or other primary care giver
Home Child Care/ Business	2 per dwelling unit, and 1 per nonresident employee
Inn	1 per guest room and 1 per nonresident employee
Kennel/ Veterinary Clinic	1 per 1,250 sq. ft. of gross floor area
Mixed Use	Total (sum) required per each individual use
Neighborhood Commercial	1 per 300 sq. ft. of gross floor area
Office/ Municipal, Professional, Business	1 per 400 sq. ft. of gross floor area
Private Club	1 per 4 members
Processing Facility/ Agricultural, Forestry	1 per 1.2 employees on the largest shift
Public Assembly (e.g., church, meeting hall)	1 per 200 sq. ft. of gross floor area, or 1 per 5 seats at capacity, whichever is greater
Public Facility [with limited/no public access] (e.g., garage, fire station)	1 per 1,000 sq. ft. of gross floor area, and 1 per employee
Recreation Facility/ Indoor	1 per 300 sq. ft. of gross floor area
Restaurant , Bar	1 per 4 seats, and 1per employee for the largest shift
Unspecified	As determined by the Development Review Board in accordance with accepted parking standards – e.g., Institute of Transportation Engineer (ITE) standards.

Section 3.11 Signs

(A) **Applicability.** With the exception of signs listed under Subsection (B), no outdoor sign shall be erected, displayed, moved or modified in area, height, or lighting without a zoning permit issued by the Zoning Administrator under Section 7.2.

(B) **Exemptions.** The following outdoor signs do not require a zoning permit, but are subject to all applicable standards under Subsection (C):

- (1) Signs erected and maintained by the town or state on public roads for directional, safety or informational purposes.
- (2) Temporary banners or signs that advertise upcoming public events, located on public property or within public rights-of-way, as approved by the Stannard Selectboard.
- (3) Legally posted trespassing, hunting or safety zone signs.
- (4) Small unlit, directional, warning or informational signs intended to guide the public (e.g., telephone, restroom, entrance signs) which do not exceed two (2) square feet in area.
- (5) One (1) unlit sign attached to a private residence that does not exceed two (2) square feet in area.
- (6) One (1) unlit temporary real estate sign not exceeding four (4) square feet in area that advertises that the property on which the sign is located is available for sale or rent.
- (7) One (1) sign not exceeding four (4) square feet in area that identifies a home occupation or business.

- (8) Temporary lawn, auction, garage, estate or similar sale signs not exceeding four (4) square feet in area, which are removed immediately following the sale.
- (9) Temporary election signs that are posted and removed in accordance with state election laws. Such signs may be displayed not more than 30 days before an election and must be removed within one week of the election.
- (C) **General Standards.** All outdoor signs must meet the following requirements.
- (1) No outdoor advertising signs shall be allowed in any district except for purposes of identifying an on-premise business or use. Off-premise signs are prohibited, except as allowed under Subsection (B).
- (2) No sign shall be erected within town rights-of-way without approval from the Stannard Selectboard.
- (3) No sign shall be erected, attached, maintained, drawn or printed on any rock or other natural feature or upon a utility pole or town sign post.
- (4) With the exception of signs allowed under Section (B), only one sign per property is allowed.
- (5) Total sign area, as measured on one face (side) excluding any support structures, shall not exceed the following:
- (a) 16 square feet for a noncommercial, informational sign.
- (b) 20 square feet for an individual business sign, or
- (c) 30 square feet for a sign identifying multiple businesses or uses located on the premises.
- (6) Signs may be illuminated only during hours of operation by a continuous, nonflashing, light, directed downward onto the sign. Internal illumination, and illumination provided by neon, light emitting diodes (LEDs), or similar sources furnishing inherent color are prohibited.

Section 3.12 Water Supply & Wastewater Systems

- (A) Potable water supply and wastewater disposal systems that are adequate to serve existing and proposed uses shall be provided in accordance with applicable state and municipal regulations. As such:
- (1) No construction authorized under a municipal land use permit that also requires a state wastewater and potable water supply permit (under 10 V.S.A. Chapter 64) may begin unless and until such a permit has been issued by the state, in accordance with the Act [§4414].
- (2) No certificate of occupancy shall be issued by the Zoning Administrator under Section 7.3 until certification, as required by the state, is provided that water supply and wastewater systems have been installed as approved by the state.

ARTICLE IV. SPECIFIC USE STANDARDS

Section 4.1 Applicability

- (B) The following standards apply only to specified uses in any zoning district in which such uses are allowed under Article II. These uses may also require site plan review under Section 5.4 or conditional

1 use review under Section 5.5. If there is a conflict between a standard under these sections and a standard
2 in another section of the regulations, the more restrictive shall apply.
3

4 **Section 4.2 Accessory Dwellings**

5
6 (A) The owner of a single family dwelling, following the issuance of a zoning permit, may establish
7 accessory dwelling as defined in Section 8.2 of these regulations provided there is compliance with all of
8 the following:
9

- 10 (1) The single family dwelling, or accessory dwelling, will be occupied by the either the owner of the
11 single family dwelling, or a member of the owner's family.
- 12 (2) The property has sufficient wastewater capacity to serve both the single family and accessory
13 dwellings.
- 14 (3) The unit does not exceed 30% of the existing total habitable floor area of the single-family dwelling.
- 15 (4) Applicable setback, coverage, and parking requirements specified in the bylaws are met, including
16 one additional parking space for the accessory dwelling.
17

18 (B) The zoning permit issued for an accessory dwelling shall clearly state that the dwelling is permitted
19 only as an accessory to the single family dwelling and as such shall be retained in common ownership.
20 An accessory dwelling unit may be subdivided or converted for conveyance or use as a principal dwelling
21 only if it meets all municipal regulations for a two-family dwelling (for attached units) or two single
22 family dwellings (for detached units), including all applicable lot and dimensional requirements for the
23 district in which it is located. All required municipal permits and approvals shall be obtained prior to
24 conversion or use as a principal dwelling.
25

26 **Section 4.3 Agriculture & Forestry (Silviculture)**

27
28 (A) In accordance with the Act [§4413(d)], nothing in these regulations shall restrict accepted
29 agricultural or silvicultural practices as such practices are defined by the Secretary of Agriculture, Food
30 and Markets or the Commissioner of Forests, Parks and Recreation, respectively, under state law [10
31 VSA §§1021(f), 1259(f); 6 VSA, §4810].
32

33 (B) Agricultural uses shall comply with the following
34 requirements:
35

- 36 (1) Zoning permits need not be obtained for farm
37 structures. However, any landowner proposing to
38 erect a farm structure shall notify the Zoning
39 Administrator in writing of such intent prior to the
40 erection of the structure.
41

Farm Structure: For purposes of these regulations, "farm structure" means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or for carrying out other accepted agricultural or farming practices, as "farming" is defined by the state [10 VSA §6001(22)], but excludes dwellings for human habitation [24 VSA §4413(d)].

- 42 (2) Farm structures shall comply with setback requirements for the zoning district in which they are
43 located, unless otherwise approved by the Secretary of Agriculture, Food and Markets.
- 44 (3) A person proposing to construct a farm structure within required setback areas shall submit, in
45 writing, a request for a waiver from the Secretary of Agriculture, Food and Markets. Such request
46 must include the following information:
47
 - 48 (a) A statement of the reason or reasons less restrictive setbacks are necessary;
 - 49 (b) A copy of these regulations;
 - 50 (c) A sketch plan of the proposed structure(s) showing the distance from all property lines and;
 - 51 (d) A description of the adjoining land uses.
52

- (4) Written notifications and waivers granted under this section shall be filed in the land records of the town.
- (C) Any forest management practices required under these regulations that result in changes to a forest management plan for land enrolled in the state's use value appraisal program (under 32 VSA Chapter 124) must:
- (1) protect specific natural, conservation, aesthetic or wildlife features within designated zoning districts, and
 - (2) be referred to the Commissioner of Forests, Parks and Recreation for a determination that the proposed changes are silviculturally sound, prior to the issuance of a municipal permit or approval.

Section 4.4 Campers & Temporary Shelters

- (A) It shall be unlawful for any person to park a camper (e.g., recreational vehicle, travel trailer, motor home) or erect other temporary shelters (e.g., tent, tepee, yurt) on any public or private property outside of an approved campground or sales establishment, except in accordance with these regulations:
- (1) A property owner may park up to two (2) campers on his or her property provided that the campers are not parked within the required district front setback area, and are no closer than six (6) feet to any side or rear lot line. If no buildings exist, campers must be parked at least 50 feet from the centerline of the road.
 - (2) A camper or other temporary shelter shall not be used as permanent living quarters, shall not be hooked up to an on-site wastewater system, and shall not be occupied as temporary living quarters for more than 120 days in any one-year period, by anyone other than family members or guests.
- (B) Any camper or temporary shelter that is used for dwelling purposes for more than 120 days in any one-year period, is sited so as not to be readily moveable, or is connected to an on-site wastewater system, shall be deemed an accessory or single family dwelling, and shall be subject to all applicable requirements of these regulations pertaining to an accessory or single family dwelling.
- (C) Recreational vehicles, as defined under Section 8.3 for purposes of flood hazard area regulation, that are within designated flood hazard areas (Floodplain Overlay District) must also meet requirements for recreational vehicles under Section 5.6.

Section 4.5 Campgrounds

- (A) **General Standards.** A new or expanded campground may be allowed in designated zoning districts subject to conditional use review under Section 5.5, applicable state agency referral requirements, and the following provisions:
- (1) The parcel of land for a campground shall be no less than five (5) acres in area, or the minimum lot size for the district in which it is located, whichever is greater.
 - (2) A minimum of 20% of the total area shall be set aside as open space, for outdoor recreation or conservation purposes.
 - (3) A campground shall meet minimum setback requirements for the district in which it is located. In addition, buffer areas at least 50 feet wide along property boundaries, and 100 feet wide along public

rights-of-way, surface waters and wetlands shall be maintained. No building, campsite, parking or service area shall be located within required buffer areas.

- (4) Landscaping and/or fencing may be required along property boundaries or within designated areas of the campground as necessary to provide security, privacy, and screening from adjoining properties or public rights-of-way.
- (5) Each campsite shall be at least 4,000 square feet in area, with a minimum width of 25 feet. Adequate on-site access and parking shall be provided.
- (6) Campground roads shall be designed in accordance with minimum standards set forth in Table 4.1:

Table 4.1 Campground Road Standards		
	One-Way Roads	Two-Way Roads
Right-of-Way	18 feet	33 feet
Gravel Width	10 feet	20 feet
Gravel Depth	12 inches	12 inches

- (7) Campgrounds shall provide lavatory and shower facilities sufficient to serve all campsites. Water and wastewater disposal systems shall be designed and installed in accordance with applicable state regulations. An enclosed area for the collection, storage and disposal of trash and recyclables shall be provided.
 - (8) The campground may include as accessory to the campground, subject to conditional use review, an office, communal dining, laundry, indoor recreation, and/or camp store facility, and outdoor recreation facilities for the use of campers.
 - (9) The campground shall operate for a period not to exceed six (6) months during any one (1) year period.
- (B) **Undeveloped "Primitive" Campgrounds.** For substantially undeveloped, primitive camping areas, consisting of designated tenting areas, tent and yurt platforms and/or lean-tos, the Development Review Board may waive or modify any or all of the requirements of Subsection (A) above if it is demonstrated to the Board's satisfaction that access, total lot area, campsite area, setback distances and buffers are adequate to:
- (1) support the intended level of use; and
 - (2) avoid any adverse impacts to water quality, critical wildlife habitat areas, or adjoining properties and uses.

Section 4.6 Day Care Facility

(A) **Home Child Care.** In accordance with the Act [§4412(5)], no zoning permit shall be necessary for the owner of a single family dwelling, licensed or registered by the state to operate a child care facility within their home as long as they are not caring for more than ten (10) children at a time. A home child care facility designed and operated for the care of more than ten (10) children shall not be established prior to the issuance of a zoning permit. Prior to the issuance of such permit, such facilities shall be subject to site plan review under Section 5.4 of these regulations.

(B) **Day Care Facility.** Other nonresident child or adult day care facilities may be allowed in designated zoning districts subject to conditional use review under Section 5.5, prior to the issuance of a zoning permit.

Section 4.7 Extraction & Quarrying

(A) **Applicability.** All new and expanded extraction and quarrying operations of one (1) acre or more are subject to condition use review under Section 5.5 and the requirements of this section, with the exception of the following:

- (1) The requirements of this section shall not apply to excavations that are incidental to:
 - (a) normal property maintenance, (e.g., landscaping and gardening activities),
 - (b) driveway or road construction and repair within rights-of-way (e.g., cut and fill, culvert installation);
 - (c) permitted construction or maintenance activities (e.g., for the installation of foundations or drainage);
 - (d) agriculture or forestry as defined by the state; and
 - (e) cemetery operations.
- (2) The excavation, extraction, storage or transport of material for personal use may be allowed as a permitted use, subject to only administrative review and the issuance of a zoning permit under Section 7.2 , if:
 - (a) The excavation area is confined to less than one acre, and is located at least 100 feet from all property lines and road rights-of-way, surface waters and wetlands, and meets applicable setback and buffer requirements under Section 3.12 (Surface Waters).
 - (b) No excavation equipment or trucks used primarily to haul sand and gravel are stored on the premises.
 - (c) No power-operated processing equipment is located or used on the premises.
- (B) For operations subject to review by the Development Review Board, in addition to application information required in Section 5.2, the applicant shall submit operation, stormwater management and erosion control, and site reclamation plans that describe and depict the following:
 - (1) existing grades, drainage patterns and depths to bedrock and seasonal high water tables;
 - (2) the extent and magnitude of the proposed operation, to include a description of the type, amounts and locations of materials to be extracted or quarried, areas to be excavated and allocated for on-site storage and processing, the types of processing equipment, and the proposed phasing and timing of development;
 - (3) the type, weight and frequency of trucks used to haul excavated materials, and proposed truck routes,
 - (4) stormwater management and erosion control practices to used and installed on and off-site, for all phases of the operation;
 - (5) safety, noise and dust control measures,
 - (6) finished grades at the conclusion of the operation; and
 - (7) a detailed plan for the restoration of the site, including final grading and revegetation.
- (C) In granting approval, the Development Review Board shall find that the proposed extraction will not cause any hazard to public health and safety, or adversely affect neighboring properties, property values or public facilities and services, surface water and groundwater supplies, critical wildlife habitat, or other natural, cultural, and historic features. New or expanded extraction and quarrying operations shall also meet the following minimum requirements:
 - (1) Minimum lot area of five (5) acres.
 - (2) No extraction, quarrying, excavation, dredging or filling activities shall occur within designated floodways or flood hazard areas (Floodplain Overlay District), or within riparian or wetland buffer areas in accordance with the requirements of Section 3.12.

- (3) Topsoil shall be stockpiled on-site for use in site reclamation.
- (4) All extraction and quarrying operations, including stockpiles and processing equipment, shall be set back at least 200 feet from all property lines and road rights-of-way. Set back areas shall be maintained as vegetated buffers. Processing equipment shall be set back at least 1,000 feet from adjoining residential properties. The Development Review Board may require increased setback distances, screening, limits on hours of operation, dust control or other measures as necessary to mitigate potential noise, dust and traffic impacts to adjoining properties.
- (5) Adequate on-site parking shall be provided for trucks and employee vehicles.
- (6) Trucks shall be required to use designated town roads. The Development Review Board, in consultation with the Highway Foreman, may set limits on truck weights or truck trips per day in relation to the capacity of town roads.
- (7) Extraction and quarrying operations shall not adversely affect off-site surface or groundwater supplies, including drinking water supplies, in the vicinity of the operation.
- (8) The maximum depth of excavation shall be at least five (5) feet above the seasonal water table, unless the reclamation plan includes provisions for a pond or lake.
- (9) Natural drainage patterns shall be retained to the extent feasible. All extraction and quarrying operations shall meet state standards to minimize surface runoff and soil erosion onto adjoining properties and rights-of-way, and to prevent siltation and sedimentation of adjoining waterways. Project phasing may be required to minimize the exposed area at any time to one (1) acre or less.
- (10) Landscaping and screening may be required to minimize views of extraction and quarrying operations from adjoining public and residential properties or public rights-of-way.
- (11) The reclamation plan shall allow for subsequent use of the site. Reclaimed slopes shall not exceed 2:1 (two feet horizontal for every one foot of vertical distance), and be revegetated with grass, shrubs and trees to prevent erosion and to integrate the site with surrounding properties and uses.
- (D) In accordance with the Act [§4464(2)], a performance bond, escrow account, or other surety acceptable to the Stannard Selectboard may be required to ensure reclamation of the land upon completion of the excavation, to include any re-grading, reseeding, reforestation or other reclamation activities that may be required.

Section 4.8 Group Homes

(A) In accordance with the Act [§4412(1)(G)], a state licensed or registered residential care home or group home serving not more than eight (8) persons who are developmentally disabled or physically handicapped shall be considered by right to constitute a single family residential use of property, except that no home shall be so considered if it locates within 1,000 feet of another such home. A zoning permit under Section 7.2 shall be required only for purposes of documenting and recording the use in the land records of the town.

(B) Other types of residential care facilities may be allowed in designated zoning districts as conditional uses subject to conditional use review under Section 5.5.

Section 4.9 Home Occupations & Businesses

(A) In accordance with the Act [§4412(4)], no provision of these regulations may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in a residential area and which does not have an undue adverse impact on the character of the residential area in which the dwelling is located. Accordingly:

(B) **Home Office.** No zoning permit is required for a home office or studio within a principal dwelling or attached garage which is carried on only by a resident of that dwelling, and which involves no signs, public access or outdoor storage or displays.

1 (C) **Home Occupation.** For home occupations that meet the following requirements, a zoning permit
2 issued under Section 7.2 shall be required to document and record the use in the land records of the town:
3

- 4 (1) The home occupation shall be conducted by residents of the dwelling and up to a maximum of three
5 (3) nonresident employees on-site at any time.
- 6
- 7 (2) The home occupation shall be carried on within the principal or accessory structures, and shall not
8 result in a change to the outward appearance of the dwelling or accessory structure.
- 9
- 10 (3) Exterior displays, exterior storage of equipment and materials other than those customary of a
11 residential use, and exterior indication of the home occupation other than one sign allowed in
12 accordance with Section 3.11 are prohibited.
- 13
- 14 (4) Off-street parking for residents of the dwelling, employees and customers shall be provided in
15 accordance with Section 3.10. No commercial vehicles other than passenger vehicles (e.g., cars,
16 vans, pick-up trucks) associated with the business shall be parked on the premises.
- 17
- 18 (5) No traffic shall be generated in substantially greater volumes than would normally be expected from
19 a residential use (a maximum of 10 vehicle trips per day).
- 20
- 21 (6) Adequate provisions shall be made for water, wastewater and the disposal of solid waste, in
22 accordance with applicable municipal and state regulations.
- 23
- 24 (7) Retail sales or services on-site must be by appointment only and are limited to the sale of goods or
25 services produced on the premises, and related products.
- 26

27 (D) **Home Business.** An expanded “home business,” as distinguished from a “home occupation” under
28 Subsection (C), may be allowed as an accessory to a single family dwelling in designated zoning districts
29 subject to conditional use review under Section 5.5, and the following provisions:
30

- 31 (1) The home business shall be conducted on-site by residents of the dwelling, and up to five (5) full-
32 time nonresident employees on site at any given time.
- 33
- 34 (2) Exterior storage of materials and equipment associated with a home business shall be limited to a
35 clearly designated yard or storage area approved by the Development Review Board, which meets all
36 applicable setbacks for the district in which the property is located. The Board may require greater
37 setbacks as deemed necessary to avoid adverse impacts to neighboring properties or public rights-of
38 way. The Board also may require that such areas be adequately screened year-round from public
39 view and neighboring properties, and secured to protect public safety.
- 40
- 41 (3) Exterior yard or storage areas shall also meet surface water and wetland setbacks and buffers as
42 required under Section 3.12.
- 43
- 44 (4) The storage of hazardous materials anywhere on the premises shall be limited to those materials
45 necessary for the operation of the home industry and shall be stored in accordance with all applicable
46 state and federal regulations.
- 47
- 48 (5) The home business shall not change the character of the neighborhood, nor result in a change in the
49 outward appearance of the dwelling or accessory structure.
- 50
- 51 (6) The home business shall not generate traffic, including delivery traffic, in excess of volumes
52 characteristic of other uses allowed in the district in which the home business is located.
- 53

- 1 (7) Off-street parking shall be provided for residents, employees, delivery vehicles and customers in
2 accordance with Section 3.10. Commercial vehicles or equipment associated with the home industry
3 shall be parked within designated yard or parking areas approved by the Board. The Board may also
4 require that yard or parking areas are adequately screened year-round from public view and
5 adjoining properties.
6
- 7 (8) Adequate provisions shall be made for water, wastewater and the disposal of solid waste, in
8 accordance with applicable municipal and state regulations.
9
- 10 (9) In addition to other conditions, the Board may limit the hours of operation as deemed necessary to
11 minimize adverse impacts to neighboring properties and protect the character of the area.
12
- 13 (10) One (1) sign may be allowed in accordance with Section 3.11.
14
- 15 (11) On-site retail sales or services are limited to the sale of goods or services produced on the premises,
16 and related products.
17

18 **Section 4.10 Mixed Uses**

19

20 (A) In designated zoning districts, more than one principal use may be allowed within a single building,
21 or on a single lot, subject to conditional use review by the Development Review Board under Section 5.5
22 and the following requirements:
23

- 24 (1) Each of the proposed uses must be allowed as a permitted or conditional use within the zoning
25 district in which the mixed use is located.
26
- 27 (2) The uses in combination meet all applicable standards for the district in which the mixed use is
28 proposed, including but not limited to minimum lot, frontage and setback, and height requirements.
29
- 30 (3) The mixed use must meet all applicable general regulations under Article III, including but not
31 limited to access, sign and parking requirements. Shared access and parking to serve all uses shall be
32 required unless it is determined by the Board that a safety hazard may result due to site, traffic or
33 road conditions.
34

35 **Section 4.11 Mobile Home Parks**

36

37 (A) **General Standards.** New or expanded mobile home parks are allowed in the Village District,
38 subject to conditional use review under Section 5.5 and the following general standards:
39

- 40 (1) A mobile home park shall have an area of not less than five (5) acres, and meet all district setback
41 requirements along the park perimeter.
42
- 43 (2) Mobile home parks shall provide home sites, pads, parking areas and access roads and driveways as
44 follows:
45
- 46 (a) Each mobile home site shall be at least 7,200 square feet in area. Each site shall be at least 60
47 feet wide and at least 120 feet deep, and shall front on an access road.
48
- 49 (b) All access roads within a mobile home park shall have rights-of-way that are at least 50 feet
50 wide, and have a treated, compacted gravel surface at least 24 feet wide and 12 inches deep.
51

- (c) Two (2) parking spaces shall be provided for each mobile home space. Each space shall be at least 10 feet wide by 22 feet long and have a compacted gravel surface that is 12 inches deep.
- (d) A suitable nonporous pad shall be provided for each mobile home.
- (3) Mobile home parks shall provide at least 20% of the total area for common recreation and green space.
- (4) Each mobile home site shall be served by adequate potable water supply and wastewater systems approved by the state under the Vermont Environmental Protection Rules.
- (5) A strip of land at least 25 feet wide shall be maintained as a landscaped area abutting all mobile home park property lines, except when the park boundary is adjacent to residential uses where the landscaped area shall be at least 50 feet wide.
- (6) Provisions for the disposal of household garbage, rubbish, and recyclables, and timely snow removal shall be made.
- (7) A mobile home, and any associated accessory structure, shall be located on the mobile home site so that they are set back at least 20 feet from the access road right-of-way and 10 feet from any other lot line of the mobile home site.
- (B) **Flood Hazard District.** Mobile (manufactured) homes and mobile (manufactured) home parks located within designated flood hazard areas (the Flood Hazard Overlay District) must also meet applicable requirements of Section 5.6.
- (C) **Modifications.** Changes or alterations to park area, design, layout or common facilities are subject to conditional use review in accordance with the above provisions. The owner of a mobile home within an approved mobile home park, however, may apply for a zoning permit under Section 7.2 for a replacement home, deck, accessory structure or addition which meets site setback requirements under Subsection (A), without additional review or approval from the Development Review Board.
- (D) **Nonconformities.** In accordance with the Act [§4412(7)(B)], if a mobile home park legally in existence as of the effective date of these or subsequently amended regulations is determined to be nonconforming, its nonconforming status shall apply only to the park as a whole, and not to individual mobile home sites within the park. Accordingly, the requirements of Section 3.7 shall not apply to an individual mobile home space for the purpose of replacing an existing mobile home on the site with a mobile home of the same or larger footprint, as long as a distance of at least 10 feet is maintained from adjoining mobile home sites. Sites within an existing park that are vacated shall not be considered discontinued or abandoned.
- (E) **Subdivision.** A mobile home park shall be considered the principal use of a parcel which shall be retained in common ownership and management. Individual mobile home spaces may be subdivided from the rest of the park for sale only in accordance with all applicable requirements of these regulations pertaining to subdivisions and single family dwellings.
- (F) **Accessory Uses & Structures.** A mobile home park may include, subject to conditional use review, an office, and common laundry, storage, parking or recreational facilities for the use of park residents. Mobile home sale and storage areas may be allowed in association with an established or proposed mobile home park only as a "mixed use" subject to conditional use review under Section 5.5.

Section 4.12 Public Facilities

(A) In accordance with the Act [§4413(a)], the following public facilities or uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that such regulations do not have the effect of excluding or interfering with the intended use or function:

- (1) State or community owned and operated institutions and facilities.
- (2) Public and private schools and other educational institutions certified by the Vermont Department of Education.
- (3) Churches and other places of worship, convents, monasteries, and parish houses.
- (4) Public and private hospitals.
- (5) Regional solid waste management facilities certified by the state (under 10 V.S.A. Chapter 159).
- (6) Hazardous waste management facilities for which a notice of intent to construct has been received by the state (under 10 V.S.A. §6606a).

(B) Reasonable provision has been made for allowing the above public facilities and uses within specified zoning districts under Article II. Such facilities or uses must meet applicable district requirements, and may be subject to site plan review under Section 5.4 or conditional use review under Section 5.5; however associated conditions of approval shall not exceed allowed regulation, as specified in the Act and Subsection (A).

(C) In accordance with the Act [§4413(b)], public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board (under 30 V.S.A. §248) are specifically exempted from municipal land use regulations. This includes wind generation and solar facilities that are “net metered” and connected to the electric grid.

Section 4.13 Telecommunications Facilities

(A) **Purpose.** In accordance with the Act [§§ 4412, 4414], the Town of Stannard is authorized to regulate wireless telecommunications facilities in manner consistent with state and federal law. The purpose of these regulations is to protect the public health, safety, and general welfare of Stannard residents while accommodating the communication needs of residents and businesses. These regulations are intended to:

- (1) Preserve the character and appearance of the Town of Stannard while providing for the availability of broadband and mobile telecommunications services throughout town.
- (2) Protect the town’s scenic, historic, environmental, and natural resources.
- (3) Provide standards and requirements for the siting, design, appearance, construction, monitoring, modification, and removal of wireless telecommunications facilities, including telecommunications towers.
- (4) Minimize tower and antenna proliferation by requiring the sharing of existing communications facilities, towers and sites where possible and appropriate.
- (5) Facilitate the provision of telecommunications services to the town’s residences and businesses.
- (6) Minimize the adverse visual effects of towers and other facilities through careful design and siting standards.
- (7) Encourage, through performance standards and incentives, the location of towers and antennas away from other sensitive areas such as schools, hospitals and childcare facilities.

(B) **Consistency with Federal & State Law.** In addition to other findings required by this bylaw, the Board shall find that its decision regarding an application is intended to be consistent with federal and state law, particularly the Federal Telecommunications Act of 1996, and Vermont telecommunications statutes.

- 1 (1) In accordance with federal law, these regulations shall not:
2
3 (a) Prohibit or have the effect of prohibiting the provision of personal wireless services;
4 (b) Unreasonably discriminate among providers of functionally equivalent services; or
5 (c) Regulate personal wireless services on the basis of the environmental effects of radio frequency
6 emissions to the extent that the regulated services and facilities comply with the Federal
7 Communications Commission (FCC) regulations concerning such emissions.
8
- 9 (2) In accordance with state law, these regulations shall not have the effect of limiting or prohibiting:
10
11 (a) the availability of universal telecommunications and broadband services throughout the state,
12 nor
13 (b) the ability of property owners to place small antennae on their property to transmit and/or
14 receive communications signals.
15
- 16 (C) **Applicability.** For purposes of these regulations, wireless telecommunications facilities, as defined
17 by the state and under Section 8.4, include:
18
- 19 (1) **Exempted Facilities & Equipment.** These include the following facilities and equipment that have
20 been determined to have little or no impact on community development patterns or the town, and are
21 allowed in all zoning districts without the issuance of a zoning permit:
22
23 (a) Antennae or dishes used to transmit and/or receive telecommunications signals that are attached
24 to a structure, where the aggregate area of the largest faces of the antennae or dishes is not more
25 than eight (8) square feet, and if the antennae or dishes and mast support do not extend more
26 than twelve (12) feet above the roof of that portion of the building to which they are attached.
27
28 (b) Wireless facilities used exclusively for municipal or emergency radio dispatch services that do
29 not exceed 50 feet in elevation above the ground.
30
31 (c) Small wireless equipment that, with permission of the utility, are attached to utility poles.
32
- 33 (2) **Small Facilities & Equipment.** These include small wireless telecommunications equipment (e.g.,
34 antennae, microcells or repeaters) that are to be installed on the ground or on existing structures,
35 which are allowed as permitted uses in all zoning districts with a zoning permit issued by the Zoning
36 Administrator under Section 7.2, subject to the following requirements:
37
38 (a) The equipment, as mounted and installed, will be less than 20 feet in height above the structure
39 on which it is mounted, and less than 50 feet in height above the ground.
40
41 (b) Documentation shall be provided, from a qualified engineer, that the structure and mounting
42 system will support the equipment. Complete details of all fixtures and couplings and the exact
43 points of attachment shall be indicated.
44
45 (c) Documentation, in the form of an executed contract with the property owner, shall be provided
46 for equipment mounted on an existing structure.
47
48 (d) The equipment shall be located at least 150 feet from existing residences.
49
- 50 (3) **Temporary Facilities.** Wireless telecommunications facilities designed for temporary use may be
51 allowed in any district if issued a temporary zoning permit by the Zoning Administrator, subject to
52 the following requirements:
53

- 1 (a) Temporary facilities shall be permitted for no more than five (5) days use during a special
2 event.
3
4 (b) The maximum height of a temporary facility shall not exceed 50 feet from grade.
5
6 (c) Temporary facilities must comply with all applicable portions of these regulations.
7

- 8 (4) **Telecommunications Facility.** These include
9 wireless telecommunications facilities as defined by
10 the state, to include new or modified
11 telecommunications towers and accompanying
12 structures, buildings, access roads, utility and service
13 equipment, which are allowed as conditional uses
14 within designated zoning districts, subject to
15 conditional use review under Section 5.5, and the
16 requirements of this section.
17

Telecommunications Facility: A support structure which is primarily for communication or broadcast purposes and extends vertically 20 feet or more above the highest point of an attached existing structure, or 50 feet or more above ground level in the case of a new supporting structure, in order to transmit or receive communications signals for commercial industrial, county or state purposes [10 VSA §6001(26)].

- 18 (a) These telecommunications facilities may be allowed in the Rural and Forest Districts, but are
19 prohibited in the Village District.
20
21 (b) No zoning permit shall be issued for the construction, alteration, modification or installation of
22 any telecommunications tower or facility without conditional use approval by the Development
23 Review Board under Section 5.5.
24
25 (5) **Permit Amendments.** An alteration or addition to a previously approved telecommunications
26 facility shall require a permit amendment if any of the following are proposed:
27
28 (a) A change in the number of buildings or facilities on the site.
29
30 (b) The addition of or change in any equipment that results in greater visibility or structural
31 windloading, including additional tower height or additional antenna profiles not specified in
32 the original application.
33

34 (D) **Application Requirements.** An applicant for a telecommunications facility under Subsection (C)(4)
35 above, must be a personal wireless service provider or FCC licensee, or must provide a copy of an
36 executed contract to provide land or facilities to such an entity to the Zoning Administrator at the time
37 that an application is submitted. In addition to application information required under Section 5.2,
38 applicants for conditional use approval of a wireless telecommunications facility shall provide the
39 following supplemental information:
40

- 41 (1) **Applicant Information.** Information regarding the applicant(s) shall include:
42
43 (a) The name and address of the applicant, the landowners of record and any agents of the
44 landowners or applicants as well as an applicant's registered agent and registered office. If the
45 applicant is not a natural person, the name and address of the business and the state in which it
46 is incorporated and has its principal office shall be provided.
47
48 (b) Contact information for the person(s) authorized to act in the event of an emergency regarding
49 the structure or safety of the facility.
50
51 (c) For a facility to be installed on an existing structure, a copy of the applicant's executed contract
52 with the owner of the existing structure.
53

(d) The permit application shall be signed by the applicant under the pains and penalties of perjury.

(2) **Engineering Report.** A report from qualified engineers, including engineer's stamps and registration numbers, that:

- (a) Describes the facility height, design, materials and elevation.
- (b) Documents the height above grade for all proposed mounting positions for antennas to be collocated on a telecommunications tower or facility and the minimum separation distances between antennas.
- (c) Describes the tower's proposed capacity, including the number, height and type(s) of antennae that the applicant expects the tower to accommodate.
- (d) Describes proposed safety features, including safety designs that prevent persons from climbing the tower.
- (e) In the case of new tower proposals, demonstrates that existing telecommunications sites and other existing structures, or other structures proposed by the applicant within five (5) miles of the proposed site cannot reasonably provide adequate coverage and capacity. The documentation shall include, for each existing and proposed facility site within such radius, the exact location, ground elevation, and height of the tower or other support structure, and sufficient additional data to allow an independent reviewer to verify that other locations will not be suitable.
- (f) Describes potential changes to those existing facilities or sites in their current and future state that would enable them to provide adequate coverage.
- (g) Describes the output frequency, number of channels, sector orientation and power output per channel, as appropriate for each proposed antenna.
- (h) Includes a written explanation for use of the proposed facility, including reasons for seeking capacity in excess of immediate needs if applicable, as well as plans for additional development and coverage within the town.
- (i) Provides assurance that at the proposed site the applicant will establish and maintain compliance with all FCC rules and regulations, particularly with respect to radio frequency exposure. The Development Review Board may require the filing of annual, independent certifications of facility compliance with FCC regulations, standards and requirements, prepared by a qualified engineer.
- (j) A letter of intent committing the facility owner and his or her successors to permit shared use of the facility if the additional user agrees to meet reasonable terms and conditions for shared use.

(3) **Maps & Plans.** In addition to application requirements under Section 5.2, applications for wireless telecommunications facilities shall include the following supplemental information:

- (a) **Location Map.** A copy of a portion of the most recent USGS Quadrangle map showing the area within at least a two-mile radius of the proposed facility site.
- (b) **Vicinity Map.** A map showing the entire vicinity within a 2500-foot radius of the facility site, including the facility or tower, topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, historic sites and habitats for

endangered species. It shall indicate the property lines of the proposed facility site parcel and all easements or rights of way needed for access from a public way to the facility.

(c) Site Plan. A proposed site plan of the entire development indicating required setbacks, and the locations of all improvements, including landscaping, utility lines, guy wires, screening and access roads. Site plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet.

(d) Elevations. Elevations showing all facades and indicating all exterior materials and color of towers, buildings and associated facilities. In the case of a proposed site that is forested, the approximate average height of the existing vegetation within 200 feet of the tower base also shall be shown on the elevations.

(e) Photographs. Computer generated photo simulations of the proposed facility showing the facility from all public rights-of-way and any adjacent property from which it may be visible. Each photo must be labeled with the line of sight, elevation and with the date taken imprinted on the photograph. The photos must also show the color of the facility and method of screening.

(4) **Other Information.** Other information determined to be necessary by the Development Review Board, which may include:

(a) Construction sequence and time schedule for completion of each phase of the entire project.

(b) To the extent required by the National Environmental Policy Act (NEPA) as administered by the FCC, a complete Environmental Assessment describing the probable impacts of the proposed facility.

(c) A copy of the application for an Act 250 permit, if applicable.

(d) Other information as required by the Development Review to determine whether the facility complies with the requirements of these regulations. In accordance with the Act [§4440] and Section 7.7(C), the Development Review Board may also require an independent technical review, conducted by a qualified engineer or professional, of one or more application materials under specified criteria of these regulations, to be paid for by the applicant.

(E) **Setback Requirements.**

(1) If the minimum setbacks of the underlying zoning district are less than the height of the tower, including antennas or other vertical appurtenances, the minimum distance from the tower to any property line shall be no less than the height of the tower, including antennas and other vertical appurtenances.

(2) Additionally, freestanding telecommunications towers or antennas over 50 feet in elevation may not be located within:

(a) 500 feet of any historic district or property listed or eligible to be listed on the national or state historic registers.

(b) 300 feet of any river, perennial or intermittent stream.

(c) 300 feet of a state or federally designated wetland.

(d) 300 feet of all property boundaries.

(e) 300 feet of any school or hospital property, or any structure existing at the time of the application that is used as a primary or secondary residence, or child care facility.

(f) 300 feet of any known archeological site or cemetery.

- (g) 300 feet of a designated scenic road or highway
- (h) the habitat of any endangered, rare or threatened species as listed by either the federal government or the state (10 VSA Chapter 23).

(F) **Collocation Requirements.** To the extent feasible, wireless telecommunications facilities and equipment shall be collocated on existing or proposed facilities.

(1) An application for a new wireless telecommunications facility shall be approved only if the Development Review Board finds that the facilities planned for the proposed structure cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

- (a) The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer licensed to practice in the State of Vermont. Additionally, the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
- (b) The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer and such interference cannot be mitigated at a reasonable cost.
- (c) The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create excessive radio frequency exposure.
- (d) Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified engineer.
- (e) Aesthetic reasons make it undesirable to locate the planned telecommunications equipment upon an existing or approved tower or building.
- (f) There is no existing or approved tower in the area in which coverage is sought.
- (g) Other unforeseen specific reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.

(2) New towers must be designed to allow for future placement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows.

- (a) Towers shall be designed structurally and in all other respects to accommodate both the applicant's antennas and additional antennas when overall permitted height allows.
- (b) For a facility to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure must be submitted to the Development Review Board.

(G) **Site Improvements.**

(1) Existing Site Features. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage points.

- (2) Accessory Structures. All buildings and structures accessory to a tower (except for electric power poles where specifically exempted by the Board) shall meet the minimum setback requirements of the underlying zoning district or setback requirements specified in these regulations. In addition:
- (a) Accessory buildings and structures to a tower and ground mounted equipment or antennas shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better complements the architectural character of the surrounding neighborhood.
 - (b) A planted or vegetative screen shall be a minimum of ten feet in depth with a minimum height of six (6) feet and shall have the potential to grow to a height of at least 15 feet at maturity.
- (3) Access Roads. Where the construction of new wireless telecommunications towers and facilities requires construction of or improvement to access roads, to the extent practicable, roads shall follow the contour of the land, and be constructed or improved within forest or forest fringe areas, and not in open fields.
- (a) The town may require closure of access roads to vehicles following facility construction where it is determined that site conditions warrant the same and where maintenance personnel can reasonably access the facility site on foot or by air.
- (4) Utilities. Utility or service lines shall similarly be designed and located so as to follow the contour of the land and minimize or prevent disruption to the scenic character or beauty of the area. To the extent practicable, these lines shall follow the contour of the land.
- (H) **Tower & Antenna Design.** Proposed facilities shall not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor. Accordingly:
- (1) The height and mass of facilities shall not exceed that which is essential for the intended use and public safety.
 - (2) Towers, antennas and any necessary support structures shall be designed to blend into the surrounding environment through the use of color camouflaging and architectural treatment, except in cases in which the Federal Aviation Authority (FAA), state or federal authorities have dictated color. Use of stealth design, including those which imitate natural features, may be required in visually sensitive locations.
 - (3) In order to protect public safety and to preserve the scenic character and appearance of the area, the height limit for towers, antennas and tower-related fixtures shall be not more than 20 feet above the average height of the tree line measured within 100 feet of the highest vertical element of the telecommunications facility.
 - (a) Notwithstanding the above, additional height may be approved upon a finding by the Development Review Board that the additional height is necessary to provide adequate coverage in the Town of Stannard, or to collocate facilities, and that the additional height will not cause an undue visual impact on the scenic character or appearance of the area.
 - (4) Towers, antennas and any necessary support structures shall be designed to avoid having an undue adverse aesthetic impact on prominent ridgelines and hilltops. In determining whether a tower's aesthetic impact would be undue and adverse, the Board may require balloon tests or other accepted type of visual impact assessment, and will consider:
 - (a) the period of time during which the proposed tower would be viewed by the traveling public on a public highway;

- (b) the frequency of the view experienced by the traveling public;
- (c) the degree to which the tower would be screened by existing vegetation, the topography of the land, and existing structures;
- (d) background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
- (e) the distance of the proposed tower from the view point and the proportion of the facility that is visible above the skyline;
- (f) the sensitivity or unique value of a particular view affected by the proposed tower; and
- (g) significant disruption of a viewshed that provides context to a historic or scenic resource.

(5) The Board shall have the authority to impose conditions consistent with the purpose of this subsection in approving a proposed facility. Furthermore, the Board may designate an alternative location for the tower to be evaluated by the applicant if it is determined that the proposed location would result in undue adverse aesthetic impacts. In consideration of this, the applicant may revise its application to include such a site, assuming it is available to the applicant and reasonably and technically feasible to meet the applicant's communication objectives.

(I) Lighting, Signs & Noise.

- (1) Unless required by the Federal Aviation Administration (FAA), no lighting of towers is permitted. In any case where a tower is determined to need obstruction marking or lighting, the applicant must demonstrate that it has or will request the least visually obtrusive marking and/or lighting scheme in FAA applications. Copies of required FAA applications shall be submitted by the applicant. The Board may require the selection of another suitable location or a reduction in tower height in order to eliminate the need for lighting.
- (2) No commercial signs or lettering shall be placed on a tower or facility. Signage shall be limited to that required by federal or state regulation.
- (3) The Board may impose conditions to minimize the affect of noise from the operation of machinery or equipment upon adjacent properties.

(J) Continuing Obligations. Following the issuance of a permit, the facility owner shall be required to meet the following continuing obligations:

- (1) Insurance. The facility owner shall maintain adequate insurance on all facilities.
- (2) Maintenance. The facility owner shall maintain all facilities. Such maintenance shall include, but not be limited to painting, structural integrity and landscaping. Failure to maintain the facility shall be construed as a violation of permit conditions.
- (3) Structural Inspections. The tower owner(s) shall pay for an independent licensed professional structural engineer to conduct inspection of the tower's structural integrity and safety. Pre-existing guyed towers shall be inspected every three (3) years. Monopoles and non-guyed lattice towers shall be inspected every five (5) years. A report of the inspection results shall be prepared by the structural engineer and submitted to the Zoning Administrator and Development Review Board. Any modification of an existing facility that increases tower dimension or antenna numbers or type shall require a new structural inspection.
 - (a) Unsafe Structures. Should the inspection of any tower reveal any structural defect(s) that, in the opinion of the independent structural engineer, render(s) the tower unsafe, the following actions shall be taken: Within ten (10) business days of written notification of unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defect(s). This plan shall be

initiated within ten (10) business days of the submission of the remediation plan and completed as soon as reasonably possible.

- (4) Emissions. The facility owner shall annually demonstrate to the Development Review Board that he or she is in compliance with all FCC standards and requirements regarding radio frequency exposure, and provide the basis for his or her representations. Pre- and post-testing (including monitoring) shall be conducted in accordance with the following:

- (a) Pre-testing. Prior to beginning operation of the wireless telecommunication facility, the applicant shall pay for an independent licensed radio frequency engineer to monitor the background levels of non-ionizing radio frequency radiation around the proposed facility site and/or any repeater locations to be used for the applicant's wireless telecommunication facility. The radio frequency engineer shall use the Cobbs monitoring protocol. A report of monitoring results shall be prepared by the radio frequency engineer and submitted to the Zoning Administrator and Development Review Board.
- (b) Annual Post-testing. Within thirty (30) days of the first transmission (and annually thereafter) from any new or modified telecommunications facility, or upon activation of any additional permitted channels, the owner(s) of any wireless telecommunication facility(s) shall submit reports prepared by an independent qualified telecommunications or radio frequency engineer(s) regarding any non-ionizing radio frequency radiation exposure at the facility site as well as from repeaters (if any). These annual reports shall be submitted to the Zoning Administrator and Development Review Board and abutting property owners, within thirty (30) days of the anniversary of the first transmission.
- (c) Excessive Exposure. Should the monitoring of a facility site reveal that the site exceeds the current FCC standard and guidelines, the owner(s) of all facilities utilizing that site shall be so notified. In accordance with FCC requirements, the owner(s) must immediately reduce power or cease operation as necessary to protect persons having access to the sites, tower or antennas. Additionally, the owner(s) shall submit to Zoning Administrator and Development Review Board a plan for the correction of the situation that resulted in excessive exposure.

(K) **Facility Removal.** Abandoned, unused, obsolete, or noncompliant towers or facilities governed under these regulations shall be removed as follows:

- (1) The owner of a facility/tower shall annually, by January 15th, file a declaration with the Zoning Administrator and Development Review Board certifying the continuing safe operation of every tower facility installed subject to these regulations. Failure to file a declaration shall mean that the facility is no longer in use and considered abandoned.
- (2) Abandoned or unused towers or other facilities shall be removed within 180 days of cessation of operations at the site unless a time extension is approved by the Development Review Board. In the event the facility is not removed within 180 days of the cessation of operations at a site, the municipality shall notify the owner and may remove the tower or facilities. Costs of removal shall be assessed against the property or tower owner.
- (3) Towers and other facilities in violation of permit conditions or application representations shall be removed within 180 days unless a time extension or negotiated solution is approved by the Development Review Board. In the event the tower or facility is not removed within 180 days of notification of such a violation, the municipality may remove the tower or facilities. Costs of removal shall be assessed against the property or tower owner.

- (4) An owner who has failed to file an annual declaration with the Development Review Board by January 15th may, by February 15th, file a declaration of use or intended use and may request the ability to continue use of the facility.
- (5) The Applicant shall, as a condition of the conditional use permit, provide a financial surety bond payable to the Town of Stannard, acceptable to the Selectboard, to cover the cost of removal of the facility and remediation of the landscape, should the above clauses be invoked. Proof of the bond's existence and its appropriateness shall be presented to the Development Review Board annually at the time of owners filing of the annual declaration.

Section 4.14 Temporary Structures & Uses

(A) **Temporary Structure.** Structures used for temporary office or storage space, including trailers, mobile homes, or storage containers, or structures that are erected for special events that require a permit under Subsection (B), may be allowed in any zoning district, in accordance with the following:

- (1) Temporary structures must meet minimum district setback requirements.
- (2) Temporary structures shall not be erected on permanent foundations or footings.
- (3) Temporary structures shall not be used for dwelling purposes.
- (4) A temporary structure may be issued a zoning permit by the Zoning Administrator, for a specified period of time not to exceed one (1) year from the date of issuance, with the provision that the structure will be dismantled and/or removed upon expiration of the permit. The Zoning Administrator may renew a permit for a temporary structure for a period not to exceed one (1) additional year.

(B) **Temporary Use (Special Event).** Special events (e.g., concerts, festivals, fairs and other cultural events, trade and antique shows), may be allowed as a temporary accessory use to an existing use within any zoning district, provided that such use occurs for no more than seven (7) days within any 12 month period, and adequate off-street parking and circulation, sanitary and trash collection facilities are provided. Temporary uses may be issued a zoning permit by the Zoning Administrator, for a specified period of time not to exceed one (1) year from the date of issuance, with the provision that the use will be discontinued upon the expiration of the permit. In addition:

- (1) The following uses or activities are specifically exempted from the requirements of this section, and shall not require the issuance of a zoning permit:
 - (a) Family or household events associated with a residential use (e.g., weddings, reunions). Such events may also include temporary shelters on-site, such as campers or tents, to house guests.
 - (b) Auctions, yard and garage and sales, in accordance with Section 1.3 (Table 1.1).
- (2) No zoning permit shall be issued for any event or use which also requires the approval of the Stannard Selectboard until such approval is issued.

ARTICLE V. DEVELOPMENT REVIEW

Section 5.1 Applicability

(C) **Review Processes.** Development review procedures and standards under this article apply only to the development of a lot that requires approval by the Stannard Development Review Board prior to the issuance of a zoning permit under one or more for the following review proceedings:

- (1) **Site Plan Review.** Site plan review under Section 5.4, in accordance with the Act [§4416], applies to all “permitted uses” listed in Article II, except for single and two family dwellings, agriculture, forestry, and associated accessory uses and structures, unless specified elsewhere in these regulations. Separate site plan review is not required for “conditional uses” listed in Article II, however site plan review standards are incorporated by reference under Section 5.5 for consideration under conditional use review.
- (2) **Conditional Use Review.** Conditional use review under Section 5.5, in accordance with the Act [§4414(3)], applies to all conditional uses listed in Article II, and other development as specified in these regulations.
- (3) **Flood Hazard Area Review.** Conditional use review under Section 5.5, including the application of floodplain development standards under Section 5.6, is also required for all development listed as a conditional use within the Floodplain Overlay District. If a conditional use in the Floodplain Overlay District is a permitted use in an underlying district, only the standards of Section 5.6 (flood hazard area standards), and not the standards of Section 5.5 (conditional use standards), shall apply.
- (D) **Coordination of Review.** Applications that require more than one type of review by the Board shall be reviewed as follows: For projects that include the subdivision of land, subdivision review under Article VI (Subdivision Review) shall precede site plan, conditional use or flood hazard area review for individual, subdivided lots under this article. Site, plan, conditional use or flood hazard area review, however, may be conducted concurrently with final subdivision review, at the request of the applicant or at the discretion of the Board, as long as the application, notice and procedural requirements for each type of review are met. All conditions of subdivision approval shall be incorporated by the Zoning Administrator and Development Review Board in the subsequent review of development on individual lots.

Section 5.2 Application Requirements

(C) In addition to the application for a zoning permit under Section 7.2 and required fees, an applicant for site plan, conditional use, or flood hazard area review must also submit two (2) originals and six (6) copies of a development review application that includes application forms, fees, a site plan and supporting materials as specified in application checklists provided by the town for each type of review. The applicant may request, in writing, that the Board waive application requirements that are not considered relevant to review of a particular application.

(D) The Board may waive application materials that it determines are not necessary for a comprehensive review of the application under these regulations. The Board may also request additional information as needed to determine conformance with these regulations, including an independent technical review of an application as provided for under Section 7.7(C), and legal documentation and assurances that required rights-of-way, easements, infrastructure and site improvements are obtained, installed and adequately maintained, in accordance with Section 7.7(F).

Section 5.3 Development Review Process

(D) **Referrals.** The Zoning Administrator shall refer complete applications for development review, including waiver requests, to the Development Review Board within 30 days of receipt, in accordance with the Act [§4448] and Section 7.1. The Zoning Administrator shall also refer applications for review to the Stannard Road Foreman, for review under the Stannard Driveway Ordinance. No zoning permit shall be issued for development requiring approval from the Stannard Development Review Board until an application has been reviewed and approved by the Board

(E) **Hearings.** The Development Review Board shall schedule a public hearing, to be held during a regular or special meeting of the Board, within 30 days of receipt of an application from the Zoning Administrator. The hearing shall be warned in accordance with the Act [§4464(a)] and Section 7.7(E).

(F) **Decisions.** The Board shall act to approve, approve with conditions, or deny an application within 45 days of the date that the hearing is adjourned, and issue a written decision that includes findings, conclusions, any conditions of approval, and provisions for appealing the decision to Environmental Court, in accordance with the Act [§4464(b)] and Section 7.7(F). Failure by the Board to act on an application within this 45-day period, as determined on appeal to court, shall be deemed approved effective on the 46th day.

Section 5.4 Site Plan Review

(B) **Purpose.** Site plan review is intended to preserve sensitive or significant features on a site proposed for development, to avoid or minimize impacts to adjoining properties from incompatible development, and to ensure that site layout and design allow for safe and functional use of the site, and integration with connecting infrastructure and uses. The following standards apply specifically to the physical layout of and design of a site in relation to existing site features, bordering properties, and infrastructure.

(C) **Site Standards.** The Development Review Board may consider and impose modifications, safeguards, or other conditions necessary to ensure that the proposed development conforms to the following standards.

(1) **Site Features.** Site layout and design, to the extent feasible, shall incorporate and protect from unnecessary disturbance, existing vegetation, and significant natural and cultural features located on the site as identified from the Stannard Town Plan or through site investigation. Significant features may include but not be limited to: surface waters, wetlands and required buffer areas (see Section 3.12), designated water supply source protection areas, steep slopes (20% or more), primary agricultural soils, open meadowland, visibly prominent and exposed ridgelines and hilltops, critical wildlife habitat areas, and cultural features, including historic buildings, stone walls and cellar holes. The Board may require the following to ensure the protection of natural and cultural features found on the site:

- (a) Increased setbacks from and/or undisturbed buffers around identified features.
- (b) The submission of a management plan for the conservation and sustainable management of identified features.

(2) **Site Access & Circulation.** Site layout and design shall provide for safe and adequate vehicular and pedestrian circulation on site, between the site and adjacent roads, paths and rights-of-way, and for access by maintenance and emergency vehicles in all weather conditions. Driveways and road intersections shall meet applicable town standards, including the Stannard Driveway Ordinance currently in effect and the requirements of Section 3.3 (Access). Accordingly, the Board may:

- (a) Limit the number and width of accesses (curb cuts) to the property, or require the relocation, consolidation or elimination of existing accesses.

- (b) Limit access to a secondary (less traveled) road for parcels having frontage on or direct access to more than one road.
- (c) Require site distance improvements.
- (d) Require the redesign of accesses and driveways as needed to safely accommodate emergency and maintenance vehicles, and to avoid significant natural or cultural features located on the site.
- (e) Require clearly marked paths or walkways from buildings to parking areas, to adjoining parcels, or to existing or planned public paths or recreation trails that cross or border the property.

(3) **On-site Parking & Loading Areas.** On-site parking and loading areas must be provided as required under Section 3.10 (Parking). In addition, in order to accommodate on-site parking and loading areas while limiting associated physical and visual impacts, the Board may:

- (a) Require that parking and loading areas be located to the side or rear of main buildings, or otherwise screened to minimize their visibility from public roads and rights-of-way, and neighboring properties.
- (b) Require one or more shared parking area for all buildings, uses and activities located on the site.
- (c) Require the designation of unpaved temporary or overflow parking areas.
- (d) Reduce minimum on-site parking requirements if it is established that they are excessive for the intended use of the property, or it is determined to the Board's satisfaction, from the submission of easements or other legal documentation, that long-term off-site parking will be available within walking distance (500 feet) of the site.

(4) **Landscaping & Screening.** Landscaping and screening shall be used to enhance the overall appearance of the site, to integrate new buildings and uses into their natural surroundings, and to minimize the physical or visual impacts of development. Accordingly, the Board may require a landscaping plan or the use of landscaping or screening that consists largely of native, noninvasive plant species and natural materials, as necessary to:

- (a) Establish physical buffers between potentially incompatible uses, or to minimize physical impacts to significant natural or cultural features or adjoining properties.
- (b) Screen parking, loading and outdoor equipment storage areas from public roads and rights-of-way and neighboring properties.
- (c) Reduce the visual scale and mass of large buildings.
- (d) Enhance the appearance of the site as viewed from public roads and rights-of-way and neighboring properties.
- (e) Retain or establish a tree canopy along town roads.
- (f) Promote energy efficiency through the planting of windbreaks and deciduous shade trees in suitable locations on the site

(5) **Outdoor Lighting.** In order to minimize light pollution, nuisances and glare, outdoor lighting shall be kept to the minimum required for safety, security and intended use of the property, in accordance with Section 3.8. Permanent outdoor lighting fixtures shall not cast light upward or outward onto adjacent properties, roads or surface waters, nor result in glare that impairs vision or excessive lighting levels that are uncharacteristic of the area. Accordingly, the Board may require:

- (a) The use of recessed, shielded or cutoff fixtures that direct light downward.
- (b) The use of low wattage or luminance lamps.
- (c) Reduced mounting heights to limit illuminated areas.
- (d) The burial of electrical lines to outdoor lighting fixtures.
- (e) The use of dimmers, timers or sensors to reduce energy consumption and unnecessary lighting.
- (f) That all outdoor lighting, except for approved security lights, be turned off after business hours.

(g) The submission, for Board approval, of an outdoor lighting plan that provides information about fixture types, light color, mounting locations and heights, and illumination levels.

(6) **Stormwater Management & Erosion Control.** Temporary and permanent stormwater management and erosion control shall be provided as needed to minimize stormwater runoff and erosion from the site, and to protect adjoining surface waters, properties and infrastructure. Accordingly:

(a) All stormwater management measures shall be designed, to the extent feasible, to incorporate natural drainage patterns, to accommodate existing and anticipated runoff from storm events, to maximize stormwater retention and infiltration on the site, and to avoid flooding, sedimentation or damage to adjoining properties, rights-of-way and downstream drainage areas.

(b) The Board may require that an applicant demonstrate that adjoining properties and downstream drainage facilities can accommodate any additional runoff from the site, install or improve off-site drainage facilities, or obtain drainage easements on neighboring properties as needed to manage stormwater runoff from the site.

Section 5.5 Conditional Use Review

(C) **Purpose.** Conditional use review addresses the potential adverse impacts of development on adjoining properties, the neighborhood or zoning district in which the development is located, and the community at large. Typically, conditional use review is required only for development of a type or scale, or in a location that may result in significant off-site impacts. The standards below are intended to identify and avoid or mitigate potential impacts. In order to expedite the local review process, conditional uses are not subject to site plan review under Section 5.4; however, site plan review criteria are incorporated here by reference for consideration under conditional use review.

(D) **General Standards.** Conditional use approval shall be granted by the Development Review Board upon finding that the proposed development shall not result in an undue adverse effect on any of the following:

(1) **The capacity of existing or planned community services or facilities.** The Board shall consider the demand for community services and facilities created by the proposed development in relation to the available capacity of existing and planned services and facilities, as determined from the Stannard Town Plan, an adopted capital budget and program, or through consultation with other local or state officials having jurisdiction over affected facilities and services. Conditions may be imposed as appropriate to ensure that the demand for community facilities or services does not exceed existing or anticipated available capacity.

(2) **The character of the area affected.** The Board shall consider the location, type, scale and density of proposed development in relation to the character of the area likely to be affected, as determined from the purposes of the zoning district(s) in which the project is located, and any specifically related policies and standards of the Stannard Town Plan. Conditions may be imposed as appropriate to ensure that the project is compatible with the character of the area, including neighboring properties and uses. These may include, but not be limited to:

- (a) increased setbacks, buffers, landscaping or screening,
- (b) limits on noise levels or other nuisances as measured at the property line, or
- (c) reasonable limits on hours of operation.

(3) **Traffic on roads and highways in the vicinity.** The Board, in consultation with the Stannard Road Foreman, shall consider potential impacts from the type and amount of traffic generated by the

1 proposed development on the condition, safety, and use of town roads in the vicinity. The Board
2 will rely on accepted transportation standards to evaluate traffic impacts, and shall not approve a
3 project that would result in the creation of unsafe conditions on town roads. Conditions may be
4 imposed as needed to ensure that traffic generated by the project will not result in traffic hazards or
5 excessive wear or damage to public roads. These may include, but not be limited to the following, to
6 be paid for by the applicant:
7

- 8 (a) Physical improvements to roads, driveways, intersections, accesses, culverts or other highway
9 infrastructure, located on or off-site, as needed to accommodate traffic generated by the
10 development.
- 11 (b) Traffic control measures (e.g., clearly marked entrances and exits, directional signs, designated
12 overflow parking areas, traffic control for special events).

- 13
- 14 (4) **Bylaws in effect.** The Board shall consider whether the proposed development complies with all
15 municipal bylaws and ordinances in effect at the time of application, including zoning district
16 standards and other applicable provisions of these regulations. No development shall be approved in
17 violation of existing municipal bylaws and ordinances. Conditions may be imposed or incorporated
18 as appropriate to ensure compliance with municipal bylaws and ordinances; or to ensure that other
19 necessary municipal or state permits are obtained prior to the issuance of a zoning permit or a
20 certificate of occupancy.
- 21
- 22 (5) **The utilization of renewable energy resources.** The Board shall consider whether the proposed
23 development will interfere with the sustainable use of renewable energy resources, including access
24 to, direct use or future availability of such resources on the site or on adjoining properties.
25 Conditions may be imposed as needed to ensure long-term access to, use and availability of
26 identified renewable energy resources.
- 27
- 28 (6) **Site Plan Review Standards.** In addition to the above standards, the Development Review Board
29 shall also apply all applicable site plan review standards under Section 5.4(B). Compliance with
30 these standards shall be a requirement of conditional use approval.
- 31

32 **Section 5.6 Flood Hazard Area Review**

33

34 (A) **Purpose.** The purposes of the Floodplain Overlay District, and associated requirements under this
35 section, in accordance with state law (10 V.S.A. Chapter 32) and the Act [§4424] are to:

- 36
- 37 (1) Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of
38 the tax base, and the extraordinary public expenditures and demands on public services that result
39 from flooding and other flood-related hazards; and
- 40
- 41 (2) Ensure that the design and construction of development in flood and other hazard areas are
42 accomplished in a manner that minimize or eliminates the potential for flood and loss of life or
43 damage to life and property; and
- 44
- 45 (3) Manage all areas of special flood hazard as designated by the state (10 V.S.A. §753); and
- 46
- 47 (4) Ensure that the Town of Stannard can participate in the National Flood Insurance Program, and that
48 town residents and property owners are eligible for federal flood insurance and other federal disaster
49 recovery and hazard mitigation funds that may be available.
- 50

51 (B) **Applicability.** The requirements of this section apply to all development within the Floodplain
52 Overlay District (Table 2.4), including new structures, the substantial improvement of existing structures,
53 the placement of manufactured homes and any development within floodways in designated areas of

1 special flood hazard, as identified from flood insurance studies and maps published by the National Flood
2 Insurance Program (NFIP) and provided by the state (under 10 VSA §753), which are hereby adopted by
3 reference and declared to be part of these regulations.

- 4
- 5 (1) Prior to issuance of a zoning permit, all development and subdivisions allowed under these
6 regulations within the Floodplain Overlay District shall be reviewed to ensure that they are designed
7 to minimize potential flood damage, that public facilities and utilities, including electrical, water and
8 wastewater systems, are constructed to minimize flood damage, and that adequate drainage is
9 provided to reduce exposure to flood hazards.
- 10
- 11 (2) No new structures, except for minor accessory structures that are 80 square feet or less in area, or
12 flood control structures, are allowed within the Floodplain Overlay District. Minor accessory
13 structures that are determined to meet the requirements of Subsection (F)(6), subject to state agency
14 referral under Subsection (D), are not subject to review by the Development Review Board and may
15 be issued a zoning permit by the Zoning Administrator following review by the state.
- 16
- 17 (3) The replacement, expansion or substantial improvement of existing structures within this district are
18 to be reviewed as conditional uses by the Development Review Board under Section 5.5, and the
19 following flood hazard area development standards. Permitted uses within the underlying district that
20 would otherwise not be subject to conditional use review are not required to meet conditional use
21 standards under 5.4(B). Conditional uses within the underlying district are subject to both conditional
22 use requirements under 5.4(B) and flood hazard area requirements.
- 23
- 24 (4) Definitions under Section 8.3 that are specific to the review of development within the Floodplain
25 Overlay District, shall apply under this section.
- 26

27 (C) **Warning & Disclaimer of Liability.** These regulations do not imply that land outside of areas of
28 special Floodplain or land uses permitted within the Floodplain Overlay District will be free from
29 flooding or flood damages. These regulations shall not create liability on the part of the Town of
30 Stannard or any town official or employee for any flood damages that result from reliance on these
31 regulations, or for any administrative decisions lawfully made under these regulations.

32

33 (D) **Application Requirements.** In addition to the application requirements under Section 5.2 above,
34 applications for development within the Floodplain Overlay District also shall include the following:

35

- 36 (1) The location on the site plan, and elevations of all structures, roads, water supply and wastewater
37 facilities in relation to channel, floodway, and base flood elevations.
- 38
- 39 (2) For existing structures, a completed FEMA "Elevation Certificate" prepared by a registered
40 surveyor, engineer, architect or other state official who is authorized by the state to certify building
41 elevation information.
- 42
- 43 (3) Where floodproofing is proposed (as allowed for nonresidential buildings), a completed FEMA
44 "Floodproofing Certificate" prepared by a registered professional engineer or architect who is
45 authorized by the state to certify floodproofing design and construction.
- 46
- 47 (4) A hydrologic and hydraulic analysis for any development located within a floodway.
- 48
- 49 (5) A description of the extent to which any watercourse will be altered or relocated as a result of the
50 proposed development.

51 (E) **Additional Notice & Referral Requirements.** In addition to application referral and notice
52 requirements under Section 5.3 above, a notice and copy of an application for development within the

Floodplain Overlay District shall also be referred by the Zoning Administrator, within 30 days of receipt, to:

- (1) The State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section, in accordance with the Act [§4424]. An approval or permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date of referral, whichever is sooner.
- (2) Adjacent municipalities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section, for any proposed alteration or relocation of a watercourse. A copy of the notification shall be mailed to the Administrator of the National Flood Insurance Program. No approval or permit shall be issued until it is determined that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.

(F) Development Standards: Floodway Areas.

- (1) Development within the regulatory floodway is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.
- (2) In areas where no regulatory floodway has been designated by the National Flood Insurance Program, development shall not be permitted in the floodway, unless a technical evaluation is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- (3) Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

(G) Development Standards: Floodway Fringe Areas (floodplain areas outside the floodway).

(1) All Development. All development shall be:

- (a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
- (b) constructed with materials resistant to flood damage,
- (c) constructed by methods and practices that minimize flood damage, and
- (d) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(2) Subdivisions.

- (a) New subdivision proposals and other proposed development (including proposed manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is lesser, shall include base flood elevation data.
- (b) Subdivisions (including manufactured home parks) shall be designed to ensure that:

- (i) Such proposals minimize flood damage within flood prone areas,
- (ii) Public utilities and facilities, such as sewer, electrical and water systems, are located and constructed to minimize flood damage, and
- (iii) Adequate drainage is provided to reduce exposure to flood hazards.

(3) Residential Development.

- (a) New construction and existing buildings to be substantially improved that are located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- (b) New manufactured (mobile) homes and existing manufactured (mobile) homes to be substantially improved that are:
 - (i) located in a new manufactured (mobile) home park or subdivision, outside of a manufactured (mobile) home park or subdivision, in an expansion to an existing manufactured (mobile) home park or subdivision, or in a manufactured (mobile) home park or subdivision which has incurred substantial damage from a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood.
 - (ii) located in an existing manufactured (mobile) home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement.

(4) Nonresidential Development.

- (a) New construction located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- (b) Existing buildings to be substantially improved located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (c) A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

(5) Enclosed Areas Below the Lowest Floor.

- (a) Enclosed areas below the lowest floor which are subject to flooding shall be used solely for the parking of vehicles, building access or storage.
- (b) New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize

hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (ii) The bottom of all openings shall be no higher than one foot above grade.
- (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) **Recreational Vehicles.** Recreational Vehicles placed on sites with special flood hazard areas shall either:

- (a) be on the site for fewer than 180 consecutive days,
- (b) be fully licensed and ready for highway use, or
- (c) be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in Subsection (2)(b) above.

(7) **Accessory Structures.** A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the building:

- (a) shall not be used for human habitation,
- (b) shall be designed to have low flood damage potential,
- (c) shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
- (d) shall be firmly anchored to prevent flotation, and
- (e) shall have service facilities such as electrical and heating equipment elevated or floodproofed.

(8) **Water Supply Systems.** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(9) **On-Site Wastewater Disposal Systems.** On-site wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding. The lowest elevation of the wastewater distribution field shall be located at least one (1) foot above the base flood elevations.

(10) **Watercourse Carrying Capacity.** The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

(H) **Variances.** In addition to the standards for granting variances under Section 7.5(A) (Variances), requests for variances from these standards within the Floodplain Overlay District shall also meet the requirements of Section 7.5(C) in accordance with the Act [§4424] and criteria for granting variances under National Flood Insurance Program regulations (44 CFR, Section 60.6).

(I) **Other Permits & Approvals.** Proposed development within the Flood Plain Overlay District will be reviewed by the Board and Zoning Administrator to ensure that all necessary federal, state and municipal permits have been received.

(J) **Additional Duties & Responsibilities of the Zoning Administrator.**

(1) In addition to the enforcement requirements under Section 7.6, in the event that the Zoning Administrator determines that a violation exists under this section of the regulations, he or she shall submit a declaration to the Administrator of the National Flood Insurance Program requesting denial of flood insurance. The declaration shall consist of:

- (a) The name of the property owner and address or legal description of the property sufficient to confirm its identity or location.
- (b) A clear and unequivocal declaration that the property is in violation of the flood hazard area regulations under the Town of Stannard's Zoning and Subdivision Bylaw.
- (c) A clear statement that the Zoning Administrator or Development Review Board making the declaration has the authority to do so under these regulations.
- (d) Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance.
- (e) A clear statement that the declaration is being submitted pursuant to Section 1316 of the 1968 National Flood Insurance Act, as amended.
- (2) In addition to other permit recording requirements under Section 7.7(G), the Zoning Administrator shall also maintain a record of:
- (a) All permits issued for development in areas of special flood hazard (the Floodplain Overlay District);
- (b) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
- (c) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;
- (d) All floodproofing certifications required under these regulations; and
- (e) All variance actions, including justification for their issuance

Subdivision of Land: The division of any parcel of land into two or more parcels for the purpose of offer, transfer, sale, conveyance, lease or development. The term also includes the re-subdivision of a previously subdivided parcel, amended subdivisions, and the division of land held in common among several owners.

ARTICLE VI. SUBDIVISION REVIEW

Section 6.1 Applicability

- (E) **Purpose.** Subdivision review and approval by the Stannard Development Review Board ensures that lots created after the effective date of these regulations meet applicable zoning district standards and regulations, including district dimensional requirements, and that the subdivision of land for development does not result in unnecessary or undue adverse impacts to neighboring properties and uses, to the town's natural and cultural resources and infrastructure, or the community's ability to provide supporting services.
- (F) **Applicability.** In accordance with the Act [§4418], approval by the Development Review Board under these regulations is required for any subdivision of land, prior to:
- (1) Sale or lease of any portion of an existing lot.
 - (2) The construction or installation of infrastructure or other site improvements that are intended to serve more than one lot or principal use.
 - (3) Applying for a zoning permit for the development of subdivided lot.
 - (4) Filing a subdivision plat, or a deed for a newly created lot, in the land records of the town.
- (G) **Exemptions.** Subdivision review and approval by the Board is not required for the following:

- (1) Land leased for agricultural or forestry purposes that do not include the establishment of permanent roads or structures.
- (2) Rights-of-way or easements that do not result in the subdivision of land.
- (3) A boundary (lot line) adjustment between parcels legally in existence as of the effective date of these regulations that are not part of an approved subdivision, if the boundary adjustment does not result in the creation of a new or nonconforming lot under these regulations, and the adjustment is surveyed by a licensed surveyor, issued a zoning permit in accordance with Section 7.2, and recorded in the town land records under Section 6.2(E).

(H) **Coordination of Review.** Subdivision review under this article generally shall precede the issuance of a zoning permit, or review by the Development Review Board under Article 5 for the subsequent development of a subdivided lot. Site, plan, conditional use or flood hazard area review, however, may be conducted concurrently with subdivision review, at the request of the applicant or at the discretion of the Board, as long as the application, notice and procedural requirements for each type of review are met. All conditions of subdivision approval shall be incorporated by the Zoning Administrator and Development Review Board in the subsequent review of development on individual lots.

Section 6.2 Subdivision Review Process

(A) **Applications.** An applicant for subdivision review must submit to the Zoning Administrator, at least 30 days prior to the next regular meeting of the Board, two (2) originals and six (6) copies of a subdivision application, including application forms, fees, a subdivision plat, and supporting materials as specified in application checklists provided by the town. The applicant may request, in writing, that the Board waive application requirements that are not considered relevant to review of a particular subdivision.

- (1) The Board, in accordance with the Act [§4418], may waive application requirements that it determines are not necessary for a comprehensive review of the proposed subdivision under these regulations. This may include, for example, waiving survey requirements for that portion of a subdivided parcel to be retained by the owner.
- (2) New subdivision proposals and other proposed development (including proposed manufactured home parks and subdivisions) within the Floodplain Overlay District that are greater than 50 lots or five (5) acres, which ever is lesser, shall also include base flood elevation data, in accordance with Section 5.6(G)(2).
- (3) The Board may also request additional information as needed to determine conformance with these regulations, including an independent technical review of application materials as provided for under Section 7.7(C), and legal documentation and assurances that required rights-of-way or easements are obtained, and infrastructure and site improvements are installed and maintained, in accordance with Section 6.4.
- (4) **Referrals.** The Zoning Administrator shall refer complete applications for subdivision review, including any waiver requests, to the Development Review Board within 30 days of receipt, in accordance with the Act [§4448] and Section 7.1. In addition, the Zoning Administrator shall also refer applications to:
 - (a) The Stannard Road Foreman, for review under the Stannard Driveway Ordinance, and
 - (b) For subdivisions within the Floodplain Overlay District that involve more than 50 lots or five (5) acres, whichever is the lesser, a copy of the application information shall be sent to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section, in

1 accordance with Section 5.6(E). A subdivision approval may be issued only following receipt
2 of comments from the Agency or the expiration of 30 days from the date of referral, whichever
3 is sooner.
4

5 (B) **Public Hearing.** The Development Review Board shall schedule a public hearing, to be held during
6 a regular or special meeting of the Board, within 30 days of receipt of an application from the Zoning
7 Administrator. The hearing shall be warned in accordance with the Act [§4464(a)] and Section 7.7(E).
8

9 (1) For subdivisions located within 500 feet of a town boundary, a copy of the hearing notice and
10 application information shall be sent to the clerk of the adjoining municipality.
11

12 (C) **Decisions.** The Board shall act to approve, approve with conditions, or deny a subdivision
13 application within 45 days of the date that the hearing is adjourned, and issue a written decision that
14 includes findings, conclusions, any conditions of approval, and provisions for appealing the decision to
15 Environmental Court, in accordance with the Act [§4464(b)] and Section 7.7(F). Failure by the Board to
16 act on an application within this 45-day period, as determined on appeal to court, shall be deemed
17 approved effective on the 46th day.
18

19 (D) **Effect of Subdivision Approval.**
20

21 (1) Approval of a subdivision plat by the Development Review Board shall not be construed to
22 constitute acceptance by the town of any road, easement, utility, park, recreation or other open space
23 area shown on the subdivision plat. Acceptance of any dedications by the subdivider requires a
24 formal resolution from the Stannard Selectboard. Roads shown on an approved plat shall be deemed
25 to be private roads until they have been formally accepted by the Selectboard.
26

27 (2) No changes, modifications or other revisions that alter an approved plat or the conditions of
28 subdivision approval shall be made until an application for a subdivision amendment is submitted
29 and approved by the Board under this section of the regulations. In the event that revisions are made
30 to an approved subdivision or recorded plat without Board approval, the revisions shall be
31 considered null and void, and subject to municipal enforcement under Section 7.6.
32

33 (E) **Plat Recording Requirements.** Within 180 days of the date that subdivision approval is issued the
34 subdivider shall file a Mylar subdivision plat, signed by the Chair of the Development Review Board, in
35 the land records of the town in accordance with the Act [§4463(b)] and related state requirements for
36 filing plats (27 V.S.A., Chapter 17). The subdivider shall also provide the Zoning Administrator with
37 two (2) paper copies and one (1) digital copy of the recorded plat.
38

39 (1) If a plat is not recorded within the 180-day period, subdivision approval shall expire and
40 reapplication shall be required. The Zoning Administrator may extend the date for filing a plat an
41 additional 90 days if final local or state approvals are still pending. Once an approved plat is
42 recorded, it shall not expire.
43

44 (2) The town shall also meet other recording requirements for subdivision approvals as specified for all
45 municipal land use permits under Section 7.7(G).
46

47 **Section 6.3 Subdivision Standards** 48

49 (A) **Application.** The Development Review Board shall evaluate all subdivision applications under the
50 standards of this section, as they apply to a particular subdivision. To assist in its evaluation, the Board
51 may require:
52

- (1) The applicant to identify the intended use of the land to be subdivided, including a general indication of any subsequent development plans for land retained by the owner or applicant.
- (2) An independent technical review of the proposed subdivision under one or more standards, prepared by a qualified professional retained by the Board and paid for by the applicant, in accordance with Section 7.7(C).
- (3) The modification of subdivision design, the phasing of development, or other measures necessary to avoid or mitigate any adverse impacts likely to result from the proposed subdivision.

(B) **Waivers.** One or more standards under this section may be modified or waived by the Board, in accordance with the Act [§§ 4414(8), 4418] if, in its judgment the standards or improvements are not necessary to meet the objectives of these regulations or to protect public health, safety or welfare, or are inappropriate because of the lack of connecting infrastructure adjacent to or in proximity to the proposed subdivision. In granting a waiver, the Board may include conditions of approval that will effectively meet the intent or mitigate the effects of the waived requirement.

(C) **General Standards.** All subdivision shall meet the following general standards:

- (1) **Development Suitability.** All land to be subdivided shall be suitable for the intended use and proposed density of development, and will not result in undue adverse impacts to public health and safety, the natural environment, neighboring properties and uses, or the character of the area in which it is located. Subdivisions shall set aside as open space, and/or exclude from subsequent development, land that is characterized by periodic flooding, poor drainage, steep slopes, or other hazardous conditions, or that is inadequate to support structures or infrastructure.
- (2) **Stannard Town Plan & Regulations.** Subdivisions shall conform to goals and policies specified in the Stannard Town Plan as most recently amended, other provisions of these regulations, any adopted capital budget and program, and all other municipal bylaws, ordinances and regulations in effect at the time of application.
- (3) **Survey Monuments.** The locations of all proposed permanent surveying monuments and corner markers, as required under the Rules of the Board of Land Surveyors, shall be identified on the subdivision plat.

(D) **Lots.** The layout and configuration of subdivided lots shall:

- (1) Reflect site topography and the suitability of the land for development, as specified under Subsection (C) above.
- (2) Avoid irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.), unless warranted due to topographic constraints, or to minimize the subdivision and fragmentation of natural features under Subsection (E) below.
- (3) Meet minimum zoning district lot size and dimensional requirements under Article II, and related lot and yard requirements under Section 3.6, unless modified or reduced by the Board to:
 - (a) Allow for the transfer or conveyance of a portion of a lot that would not otherwise meet district lot size requirements for conservation or resource protection purposes, and the lot is to remain as undeveloped open space, as shown on the subdivision plat, or
 - (b) Avoid the need to subdivide and fragment significant natural or cultural features.

- (E) **Resource Protection.** All applications for subdivision review shall identify significant natural and cultural resources and environmentally sensitive areas for protection on the subdivision plat. Significant features include but not be limited to: surface waters, wetlands and required buffer areas (see Section 3.12), designated water supply source protection areas, steep slopes (20% or more), primary agricultural soils, open meadowland, visibly prominent and exposed ridgelines and hilltops, critical wildlife habitat areas, and cultural features, including historic buildings, stone walls and cellar holes. Subdivisions shall be designed to avoid, to the extent feasible, any adverse impacts to these resources. Accordingly:
- (1) **Consultation.** The Board may consult with state officials or other qualified professionals as needed to identify and address potential adverse impacts of a proposed subdivision on one or more of these resources.
 - (2) **Boundaries & Lot Lines.** Subdivision boundaries and lot lines, to the extent feasible, shall be drawn to avoid the fragmentation of any of the above features located on, or contiguous to, the parcel to be subdivided. These areas are to be designated on the plat and maintained and managed as unsubdivided, undeveloped open space, to be held in single or common ownership.
 - (3) **Existing Vegetation.** The Board may limit the clearing of existing vegetation, including tree stands or other cover that:
 - (a) provides critical wildlife habitat,
 - (b) maintains a physical buffer between lots to be developed and resources identified for protection,
 - (c) stabilizes steep slopes and stream banks,
 - (d) provides screening for privacy and to reduce noise and glare, or
 - (e) establishes a visual or physical buffer between potentially incompatible land uses within or adjacent to the subdivision.
 - (4) **Surface Waters & Wetlands.** Surface waters, wetlands and associated setbacks and buffers, as required under Section 3.12, shall be incorporated in subdivision layout and design.
 - (5) **Floodplains (Floodplain Overlay District).** In accordance with Section 5.6, subdivisions (including manufactured home parks) shall be designed to ensure that:
 - (a) Such proposals minimize flood damage within flood prone areas,
 - (b) Public utilities and facilities, such as sewer, electrical and water systems, are located and constructed to minimize flood damage, and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards.
 - (6) **Management Plans.** The Board may require the submission, for approval, of a buffer, wildlife, forest or open space management plan as necessary to ensure long-term, sustainable management of resource areas identified on the plat.
- (F) **Transportation Infrastructure.** Driveways, roads, and paths, and corresponding rights-of-way or easements, shall be shown on the subdivision plat, and be designed to meet the following requirements.
- (1) **Layout.** Driveways and roads, to the extent feasible, shall be laid out to:
 - (a) Avoid steep slopes (20% or more) and minimize the amount of cut and fill required.
 - (b) Maintain reasonable finished grades that do not exceed 8% over any 50-foot section.
 - (c) Follow existing linear features (e.g., existing roads, field edges, utility corridors, tree and fence lines).
 - (d) Minimize the number of stream crossings.
 - (e) Avoid the fragmentation of resource areas identified under Subsection (E).

(f) Allow for access by emergency vehicles, including “Y” or “T” turnarounds that are large enough to accommodate fire trucks.

(2) **Access (curb cuts).** Access to the subdivision and to subdivided lots shall meet the requirements of Section 3.3 and the Stannard Driveway Ordinance. Access onto town roads is also subject to review and approval by the Road Foreman. The Board, in consultation with the Road Foreman, may also require one or more of the following as needed to ensure the safety of motorists and pedestrians:

- (a) Limit the number of access points (curb cuts) on town roads.
- (b) Require shared access, driveways, and/or roads to serve multiple lots.
- (c) Require access to a secondary (less traveled) road for subdivisions or lots fronting more than one road.
- (d) Require a secondary access for use by emergency vehicles.
- (e) Require rights-of way, as shown on the plat, for future road or driveway extensions to serve retained (unsubdivided) portions of the lot to be subdivided, or adjoining lots that lack frontage on or access to town roads.

(3) **Driveways.** Driveways serving three (3) or fewer lots shall meet the requirements of Section 3.3, and town driveway design and construction standards in effect at the time of application (see Driveway Ordinance). For the purposes of these regulations, driveways serving four (4) or more lots shall be considered roads and must meet the requirements of Subsection (F)(4).

(4) **Roads.** The following standards shall apply to all new roads, including public roads and all private rights-of-way serving four (4) or more lots.

- (a) All roads shall have a minimum right-of-way width of 50 feet, and meet town road design and construction standards in effect at the time of application.
- (b) A road shall be considered a private road unless it is dedicated to the town and formally accepted by the Stannard Selectboard as a public road in accordance with town road policies and state laws.
- (c) Road names shall be approved by the Stannard Selectboard, in accordance with the town’s road naming ordinance. Approved road names shall be clearly shown on the subdivision plat, and identified on signs approved by the Selectboard.

(5) **Parking Areas.** Common or shared parking areas shall be identified on the subdivision plat, and designed in accordance with Section 3.10. Parking areas for individual lots shall be included in designated building envelopes, where envelopes are required, or otherwise shown on the plat.

(6) **Pedestrian & Recreation Paths.** The Board may require the installation of pedestrian or recreation paths to serve the subdivision, to be shown on the subdivision plat, as needed to:

- (a) Provide safe pedestrian access to lots within the subdivision and adjoining public properties.
- (b) Connect to existing public pedestrian or recreation paths adjacent to the subdivision.

(G) **Facilities, Utilities & Services.** The Development Review Board shall find that the proposed subdivision does not create an undue burden on existing and planned community facilities, utilities and services. The Board may refer to the adopted Stannard Town Plan or capital budget and program, and consult with municipal and school officials and emergency service providers as needed to determine whether adequate services, facilities and equipment exist to serve the proposed subdivision. Applicants are encouraged to contact local officials directly regarding available capacity in preparing their applications. The following standards also shall be met:

- (1) **Fire Protection.** The Board, in consultation with local fire departments serving the town, may require the subdivider to install water storage and distribution facilities for fire protection, such as fire ponds or dry hydrants, as well as access improvements for emergency vehicles, as recommended by the fire department.
- (2) **Water & Wastewater Systems.** Potable water and wastewater systems shall be provided to serve all lots intended for development. Accordingly:
- (a) The locations of all water and wastewater systems serving the subdivision shall be identified on the subdivision plat.
 - (b) Systems may include shared or individual on-site systems.
 - (c) All water and wastewater systems shall meet state standards, as well as applicable requirements for such systems under these regulations.
 - (d) Water and wastewater systems within the Floodplain Overlay District shall meet the requirements of Section 5.6(G).
 - (e) Septic systems, including tanks and leach fields, shall not be located within required surface water setbacks and buffers.
 - (f) Prior to the issuance of subdivision approval, the applicant shall provide evidence that the water and wastewater systems have been designed by a professional certified by the state, and that a state permit has been obtained for system design.
 - (g) Where applicable, designated source protection areas for existing and new public and private water supplies shall also be shown on the plat, and managed in accordance with a state approved source protection plan.
- (3) **Utilities.** All existing and proposed utilities, including transmission corridors and utility lines, shall be shown on the subdivision plat. In addition:
- (a) Utilities lines shall share road rights-of-way or other utility corridors where feasible, and be located to minimize site disturbance and undue adverse impacts to significant resources identified under Subsection (E) above.
 - (b) The Board may require that all utilities within the subdivision be buried

Section 6.4 Legal Requirements

- (A) Land reserved as open space for the protection of resources identified under Subsection (E) may be held in individual or shared ownership. Such land also may be dedicated, in fee or through a conservation easement approved by the Board, to the municipality with the approval of the Selectboard, to an owners' association comprised of present and future owners of all subdivided lots, and/or to a qualified nonprofit land trust or conservation organization. At minimum, land designated for resource protection shall be identified as such on the subdivision plat.
- (B) The subdivider shall provide documentation and assurances that all required rights-of-way, easements, improvements, and shared or commonly held lands and facilities will be properly maintained by the subdivider, an owners' association, or through other legal means acceptable to the Development Review Board. This documentation, as approved by the Development Review Board, shall be filed in the Stannard land records.
- (C) All required improvements shall be constructed to specifications and a construction schedule approved by the Development Review Board. In accordance with the Act [§4464(b)] and Section 7.7(F), for any subdivision that requires the construction of roads or other infrastructure improvements, the Board also may require that the subdivider post a performance bond or comparable surety acceptable to the Stannard Selectboard, to ensure that improvements are constructed and installed in accordance with the conditions of approval, and are adequately maintained for up to two years following their installation.

ARTICLE VII. ADMINISTRATION & ENFORCEMENT

Section 7.1 Municipal Permits & Approvals

(I) **Permit Requirements.** No land development as defined in Section 8.2, including the subdivision of land, may be undertaken in the Town of Stannard until all applicable municipal land use permits and approvals have been obtained in accordance with the Act [§4446] and these regulations, except for development that is exempted from these regulations (see Table 1.1). Municipal permits and approvals issued under these regulations are listed in Table 7.1.

Municipal Land Use Permit: (1) a zoning, subdivision, site plan or building permit or approval, any of which relate to land development as defined in statute, which has received final approval from the applicable board, commission or officer of the municipality; (2) certificates of occupancy and compliance, and (3) any amendments to the above [24 V.S.A. 4303(11)].

Table 7.1 Municipal Land Use Permits			
Permit/Approval	Issued By	Issued For	See
Zoning Permit	Zoning Administrator	All land development except for subdivisions of land that require subdivision approval	Section 7.2
Certificate of Occupancy	Zoning Administrator	All structures for which a zoning permit has been issued, to be obtained prior to occupancy or use.	Section 7.3
Access Approval	Development Review Board	Access to pre-existing lots that do not have required frontage on a public road.	Section 3.3
Site Plan Approval	Development Review Board	All development except for agriculture, forestry, single and two family dwellings and associated accessory uses and structures	Section 5.4
Conditional Use Approval	Development Review Board	All listed conditional uses, allowed structures within the Floodplain Overlay District, and as otherwise specified in these regulations.	Sections 5.5, 5.6
Subdivision Approval	Development Review Board	The subdivision or resubdivision of land into two or more lots for purposes of sale, lease or development, and boundary (lot line) adjustments	Section 6.1
Variance	Development Review Board	Requests, on appeal, to vary the requirements of these regulations	Section 7.5

(J) The Zoning Administrator will coordinate the development review process on behalf of the Town of Stannard, provide information and assistance to applicants, refer applicants to the state's regional permit specialist for state permit information, and refers applications for development review to the Development Review Board.

Section 7.2 Zoning Permits

~~(B)~~ **Applicability.** No land or building development, including site preparation work, may commence unless a zoning permit has been issued by the Zoning Administrator as provided for in the Act [§§4448, 4449] and these regulations.

(C) Application Requirements. The application for a zoning permit must be submitted to the Zoning Administrator on forms provided by the town, along with a plot plan, drawn to scale, and application fees established by the Stannard Selectboard. In addition:

- (1) For development that requires review by the Development Review Board, relevant application forms and fees shall be submitted concurrently with the application for a zoning permit. The Zoning Administrator shall refer application materials to the appropriate board or commission for review under Section 7.1.
- (2) The Zoning Administrator may request additional copies of application materials for referral to state agencies for review, including applications for development within the Floodplain Overlay District.

(D) Issuance. A zoning permit shall be issued by the Zoning Administrator only in accordance with the Act [§4449] and the following:

- (1) No zoning permit shall be issued for any use or structure that requires prior approval from the Development Review Board until the approval has been issued.
- (2) No zoning permit shall be issued for the development of a lot for which subdivision approval is required until subdivision approval has been obtained.
- (3) For applications requiring state agency referral, no zoning permit shall be issued until a response has been received from the state, or 30 days have expired since the date of referral, whichever is sooner.
- (4) If public notice has been issued by the Selectboard for their first public hearing on a proposed amendment to these regulations, the Zoning Administrator shall issue a permit for development affected by the proposed amendment only in accordance with the Act [§4449(d)].
- (5) Within 30 days of receipt of a complete application, including all application materials and fees, the Zoning Administrator shall act to either issue or deny a zoning permit in writing, or refer to the application to the Development Review Board and/or the state for consideration. If it is determined on appeal that Zoning Administrator failed to act within the 30-day period, a permit shall be deemed issued on the 31st day.
- (6) All zoning permits shall include a statement of the time within which an appeal may be filed (see Section 7.4), and shall require posting of the permit notice, on a form issued by the town, on the property within view of the nearest public right-of-way until the time for appeal has expired.
- (7) The Zoning Administrator shall deliver a copy of the permit to the Listers, and post a copy in three (3) public places, including the town office within three (3) days of the date of issuance. The permit must remain posted for 15 days from the date it is issued.

(E) Effective Dates.

- (1) No zoning permit shall take effect until the time for appeal under Section 7.4 has passed or, if a notice of appeal has been filed, until the appeal has been decided.
- (2) Zoning permits shall remain in effect for two (2) years from the date issued. If the development as authorized has not substantially commenced within this two-year period, the permit shall expire and reapplication shall be required. For this purpose, “substantially commenced” shall mean that at minimum a foundation, water or wastewater system have been installed on the property.
- (3) All associated Development Review Board approvals shall expire with the expiration of a zoning permit.

Section 7.3 Certificates of Occupancy

(E) **Certificate of Occupancy.** A certificate of occupancy issued by the Zoning Administrator is required prior to the occupancy or use of land or a structure, in whole or in part, for which a zoning permit has been issued, in accordance with the Act [§4449].

- (1) The application for a certificate of occupancy shall be submitted on forms provided by the town, along with applicable fees, following the completion of required improvements, but prior to occupancy or use of the land or structure.
- (2) A **certificate of occupancy** shall not be issued until the applicant demonstrates that all necessary municipal permits and approvals have been obtained, and the Zoning Administrator certifies that the development conforms to approved plans and specifications and the requirements of these regulations. The Zoning Administrator may inspect the premises to document that completed work conforms to municipal permits and approvals. Where relevant, the applicant must also provide evidence of state water and wastewater system approval, including certification from a state licensed professional engineer or designer that the systems have been installed as approved by the state.
- (3) Any certificate of occupancy shall be issued or denied in writing by the Zoning Administrator within 15 days of receipt of a complete application. If the Zoning Administrator fails to issue a decision within the 15-day period, on appeal the certificate shall be deemed issued on the 16th day. Temporary and final certificates of occupancy must be recorded in the town’s land records within 30 days of the date of issuance, in accordance with Section 7.7(G).

Section 7.4 Appeals

(A) **Zoning Administrator Decisions.** The applicant, or any other “**interested person**” as defined under the Act [§4465] (see text box), may appeal any decision or act of the Zoning Administrator to the Development Review Board within 15 days of the date of issuance by filing a **notice of appeal** with the secretary of the board, or the Town Clerk if no secretary has been elected, and by filing a copy of the notice with the Zoning Administrator.

- (1) The notice of appeal must be in writing and include the following information:
 - (a) The name and address of the appellant.
 - (b) A brief description of the property with respect to which the appeal is being taken.
 - (c) A reference to applicable provisions of these regulations.
 - (d) The relief requested by the appellant, including any request for a variance from one or more provisions of these regulations (see Section 7.5).
 - (e) The alleged grounds why such relief is believed proper under the circumstances; and

Interested Person: The definition of an interested person under the Act [§4465(b)] includes the following:

- A person owning title to property, or a municipality or solid waste district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- The Town of Stannard or an adjoining municipality.
- A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or regulations of the town.
- Any ten (10) registered voters and/or property owners within the town who, by signed petition to the Zoning Board of Adjustment, allege that any relief requested by a person under this section, if granted, will not be in compliance with the plan or regulations of the town; and
- Any department or administrative subdivision of the state owning property or any interest therein within the town or an adjoining municipality, and the Vermont Agency of Commerce and Community Development.

(f) Proof of notice by registered or certified mail to all adjoining property owners, without regard to public rights-of-way.

(2) The Development Review Board shall hold a public hearing, warned under Section 7.7(E), within 60 days of the filing of a notice of appeal, in accordance with the Act [§4468]. A copy of the hearing notice must be mailed to the appellant not less than 15 days prior to the hearing date.

(a) The Board may reject an appeal or request for reconsideration without hearing, and render a written decision and findings of fact within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant [§4470].

(b) All appeal hearings shall be open to the public, and the rules of evidence applicable in contested cases before administrative agencies [3 V.S.A. §810] shall apply. Any interested person may appear and be heard in person, or be represented at the hearing by an agent or attorney. The hearing may be adjourned (recessed) by the Board from time to time, provided that the date and place of the next hearing is announced at the hearing prior to adjournment.

(c) Decisions on appeal must be rendered within 45 days of final hearing adjournment in accordance with the Act [§4464] and Section 7.7(F), and sent to the appellant by certified mail within this 45-day period. Copies of the decision must also be mailed to every person appearing and having been heard at the hearing, and filed with the Zoning Administrator and Town Clerk in accordance with Sections 7.7(F),(G).

(B) Appeals to Environmental Court. An applicant, appellant or other interested person who has participated in a hearing before the Development Review Board may appeal a decision of the Board within 30 days of the decision date, to the Vermont Environmental Court, in accordance with the Act [§4471] and the Vermont Rules for Environmental Court Proceedings.

(1) "Participation" in a hearing before the Board or Commission consists of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the hearing.

(2) The appellant is responsible for mailing a copy of the notice of appeal to the Stannard Town Clerk or, if designated, the Zoning Administrator, who shall supply a list of interested persons to the

1 appellant within five (5) days of receipt of the notice. The appellant must then send a copy of the
2 notice to every interested person by certified mail.

3 4 **Section 7.5 Variances**

5
6 (A) The Development Review Board shall hear and decide requests for variances in accordance with the
7 Act [§4469(a)] and appeal procedures under Section 7.4. The board may grant a variance, and render a
8 decision in favor of the appellant, only if **all** of the following facts are found, and the findings are
9 specified in the board's written decision:

- 10
11 (1) There are unique physical circumstances or conditions, including irregularity, narrowness, or
12 shallowness of lot size or shape, or exceptional topographical or other physical conditions
13 peculiar to the particular property, and that unnecessary hardship is due to these conditions
14 and not the circumstances or conditions generally created by the provisions of these
15 regulations in the neighborhood or district in which the property is located.
16
17 (2) Because of such physical circumstances and conditions, there is no possibility that the
18 property can be developed in strict conformity with the provisions of the zoning regulation
19 and that the authorization of a variance is necessary to enable the reasonable use of the
20 property.
21
22 (3) The unnecessary hardship has not been created by the appellant.
23
24 (4) The variance, if authorized, will not alter the essential character of the neighborhood or
25 district in which the property is located, substantially or permanently impair the appropriate
26 use or development of adjacent property, reduce access to renewable energy resources, or be
27 detrimental to the public welfare.
28
29 (5) The variance, if authorized, will represent the minimum that will afford relief and will
30 represent the least deviation possible from these regulations and from the plan.

31
32 (B) **Renewable Energy Structures.** Where a variance is requested for a structure that is primarily a
33 renewable energy resource structure, the Board may grant such variance only if **all** of the following facts
34 are found in the affirmative and specified in its written decision, in accordance with the Act [§4496(b)]:

- 35
36 (1) It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy
37 resource structure in conformance with these regulations
38
39 (2) The hardship was not created by the appellant.
40
41 (3) The variance, if authorized, will not alter the essential character of the neighborhood or district in
42 which the property is located, substantially or permanently impair the appropriate use or
43 development of adjacent property, reduce access to renewable energy resources, or be detrimental to
44 the public welfare.
45
46 (4) The variance, if authorized, will represent the minimum that will afford relief and will represent the
47 least deviation possible from these regulations and from the plan.

48
49 (C) **Variances within the Floodplain Overlay District.** In addition to requirements under Subsection
50 (A), variances for development within the Floodplain Overlay District shall be granted by the

Development Review Board only in accordance with the Act [§4424] and the criteria for granting variances found in CFR Section 60.6 of the National Flood Insurance Program, including the following:

- (1) The repair, relocation or enlargement of the nonconforming structure is required for the continued economically feasible operation of a nonresidential enterprise.
 - (2) The repair, relocation or enlargement of the nonconforming structure will not increase flood levels in the regulatory floodway, increase the risk of other hazard in the area, or threaten the health safety and welfare of the public or property owners.
 - (3) The variance, as granted, states that the repaired, relocated or enlarged nonconforming structure is located in a regulated flood or other hazard area, does not conform to the regulations pertaining to that area, and will be maintained at the risk of the owner.
- (D) In granting any variance, the board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the town plan currently in effect.

Section 7.6 Violations & Enforcement

- (A) **Violations.** Establishing or continuing any subdivision, land development, or use that is not in conformance with these regulations constitutes a violation. All violations will be pursued in accordance with the Act [§§4451, 4452]. Each day that a violation continues shall be considered a separate offense. The Zoning Administrator is authorized to institute or cause to be instituted, in the name of the Town of Stannard, any and all actions, legal or equitable, that are appropriate or necessary for the enforcement of these regulations. All fines imposed and collected for violations shall be paid over to the town.
- (B) **Notice of Violation.** No action may be brought under this section unless the alleged offender has had at least seven (7) days notice by certified mail that a violation exists, as required under the Act [§4451]. The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven (7) days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven (7)-day notice period and within the next succeeding 12 months.
- (C) **Limitations on Enforcement.** Enforcement actions regarding the failure to obtain or comply with a duly recorded municipal land use permit must be instituted against the alleged offender within 15 years of the date the alleged violation first occurred, in accordance with the Act [§4454]. The burden of proving the date the alleged violation first occurred is on the person against whom the enforcement action is being taken. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality in accordance with Section 7.7(G).

Section 7.7 Administrative Requirements & Procedures

- (A) **Municipal Appointments.** The following appointments shall be made in association with the administration and enforcement of these regulations, as provided for in the Act:
- (1) **Zoning Administrator (Administrative Officer).** The Selectboard shall appoint a Zoning Administrator, from nominations submitted by the Planning Commission, for a term of three (3) years in accordance with the Act [§4448]. In the absence of the Zoning Administrator, an acting Zoning Administrator may be appointed by the Selectboard who shall have the same duties and responsibilities of the Zoning Administrator in the Zoning Administrator's absence. The Zoning Administrator shall literally administer and enforce the provisions of these regulations, and in doing

1 so shall inspect developments, maintain records, and perform all other necessary tasks to carry out
2 the provisions of these regulations.
3

4 (2) **Development Review Board.** Development Review Board members [and alternates], which may
5 consist of members of the Planning Commission, shall be appointed by the Selectboard for specified
6 terms in accordance with the Act [§4460]. The Board shall adopt rules of procedure and rules of
7 ethics with regard to conflicts of interest to guide its official conduct. The Development Review
8 Board shall have all powers and duties as set forth in the Act to administer the provisions of these
9 regulations, including but not limited to the power to hear and act upon:
10

- 11 ▪ applications for rights-of-way or easements for development lacking frontage (Section 3.3);
- 12 ▪ applications for site plan approval (Section 5.4),
- 13 ▪ applications for conditional use approval (Section 5.5),
- 14 ▪ applications for subdivision approval (6.1), and
- 15 ▪ appeals from any decision, act or failure to act by the Zoning Administrator, including associated
16 variance requests (Sections 7.4 and 7.5).
17

18 (B) **Fee Schedule.** The Stannard Select Board shall establish and periodically update a schedule of fees
19 to be charged in administering these regulations, with the intent of covering the town's administrative
20 costs, in accordance with the Act [§4440].
21

22 (C) **Independent Technical Reviews.** Pursuant to the Act [§4440(d)], the Development Review Board,
23 may require an applicant to pay for the reasonable costs of an independent technical review of the
24 application, according to procedures and fees established by the Select Board. Technical reviews shall be
25 completed in a timely manner, as specified by the Board.
26

27 (D) **Meetings & Hearings.** In accordance with the Act [§§4461, 4464], all meetings and hearings of the
28 Development Review Board, except for deliberative and executive sessions, shall be open to the public.
29 In addition:
30

- 31 (1) For the conduct of any meeting and the taking of any action a quorum shall be not less than a
32 majority of the members of the Board.
33
- 34 (2) The Board shall keep minutes of their proceedings, showing the vote of each member upon each
35 question or, if absent or failing to vote, indicating this, and shall keep records of their examinations
36 and other official actions which shall be filed immediately in the Stannard Town Office as public
37 records.
38
- 39 (3) Public hearings shall be noticed and warned in accordance with Subsection (E). In any regulatory
40 hearing of the Development Review Board there shall be an opportunity for each person wishing to
41 achieve status as an interested person, for purposes of participation or appeal under Section 7.4 to
42 demonstrate that the criteria for achieving such status are met. The Board shall keep a written record
43 of the name, address, and participation of each of these persons.
44
- 45 (4) The Board may recess the proceedings on any application pending submission of additional
46 information, and should close evidence promptly after all parties have submitted requested
47 information.
48
- 49 (5) No member of the Board shall communicate on any issue in an application proceeding, directly or
50 indirectly, with any party, party's representative, party's counsel, or any interested person in the
51 outcome of the proceeding while the proceeding is pending without additional notice and opportunity
52 for all parties to participate. All ex parte communications received by Commission or Board

members, all written responses to such communications, and the identity of the person making the communication shall be entered into the record.

- (6) Members of the Board shall not participate in the decision on an application unless they have heard all the testimony and reviewed all the evidence submitted in the hearing. This may include listening to a recording, or reading the transcripts of testimony they have missed, and reviewing all exhibits and other evidence prior to deliberation.

(E) **Public Notice.** A warned public hearing is required for all quasi-judicial development review proceedings of the Development Review Board in accordance with the Act [§4464].

- (1) **Notice Requirements.** Public hearings must be warned in accordance with Table 7.2, and the following notice requirements:

Table 7.2 Hearing Notice Requirements			
Type of Development Review	Publication of the date, place and purpose of hearing in a newspaper of general circulation	Posting in three or more places in town, including posting on the property within view of the nearest public right-of-way	Written Notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way
Access Approval	Not required	7 days prior to the hearing date	7 days prior to the hearing date
Site Plan Review	Not required	7 days prior to the hearing date	7 days prior to the hearing date
Conditional Use Review	15 days prior to the hearing date	15 days prior to the hearing date	15 days prior to the hearing date
Appeals & Variances	15 days prior to the hearing date	15 days prior to the hearing date	15 days prior to the hearing date
Final Subdivision Review	15 days prior to the hearing date	15 days prior to the hearing date	15 days prior to the hearing date

- (a) The notice period referenced in Table 7.2 represents the minimum number of days of notice required, not counting the hearing date.
- (b) Written notification to the applicant and to owners of all properties adjoining the property must include a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
- (c) For hearings on subdivision plats located within 500 feet of a municipal boundary, written notification must also be sent to the clerk of the adjoining municipality.
- (d) No defect in the form or substance of any required public notice under this section shall invalidate the action of the Development Review Board where reasonable efforts have been made to provide adequate posting and notice, unless the defective posting or notice was materially misleading in content.

(F) **Decisions.** The Development Review Board shall issue a decision within 45 days after the final adjournment of a public hearing, in accordance with the Act [§4464(b)]. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day.

- (1) All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of

1 fact. The decision shall also include a statement of the time within which appeals may be taken
2 under Section 7.4.

- 3
- 4 (2) In rendering a decision in favor of the applicant, the Board may attach additional reasonable
5 conditions and safeguards as it deems necessary to implement the purposes of the Act, these
6 regulations, and the town plan currently in effect. This may include, as a condition of approval:
7
- 8 (a) The submission of a two (2)-year performance bond, escrow account, or other form or surety
9 acceptable to the Stannard Selectboard, which may be extended for an additional three (3)-year
10 period with the consent of the owner, to assure the completion of a project, adequate
11 stabilization, or protection of public facilities that may be affected by a project; and/or
12
- 13 (b) a requirement that no certificate of occupancy be issued for an approved development until
14 required improvements have been satisfactorily installed in accordance with the conditions of
15 approval.
16
- 17 (3) All decisions shall be sent by certified mail, within the required 45-day period, to the applicant or, on
18 matters of appeal, to the appellant. Copies of the decision also shall be mailed to every person or
19 body appearing and having been heard at the hearing, abutters of the affected property and filed with
20 the Zoning Administrator and Town Clerk as part of the public record of the municipality, in
21 accordance with Subsection 7.7(F).
22
- 23 (4) In accordance with the Act [§4464(c)], any decision issued by the Development Review Board may
24 authorize that subsequent changes or amendments to an approved project may be allowed subject to
25 administrative review by the Zoning Administrator, rather than Board review, in accordance with the
26 following, which shall be specified in the Board's decision:
27
- 28 (a) The decision shall clearly specify the thresholds and conditions under which administrative
29 review and approval shall be allowed.
30
- 31 (b) The thresholds and conditions shall be structured such that no new development shall be
32 approved that results in substantial impact under the requirements of these regulations, or any of
33 the thresholds or conditions set forth in the decision.
34
- 35 (c) No amendment issued as an administrative review shall have the effect of substantially altering
36 the findings of fact of any Board approval in effect.
37
- 38 (d) Any decision of the Zoning Administrator authorized in this manner may be appealed to the
39 Zoning Board of Adjustment in accordance with Section 7.4.
40

41 **(G) Recording Requirements.**
42

- 43 (1) Within 30 days of the issuance of a municipal land use permit or notice of violation, the Zoning
44 Administrator shall deliver either the original, a legible copy, or a notice of the municipal land use
45 permit or notice of violation to the Town Clerk for recording in the land records of the town
46 generally as provided in 24 V.S.A. §1154(c), and file a copy in the Town Office in a location where
47 all municipal land use permits shall be kept, as required under the Act [§4449(c)]. The applicant
48 may be charged for the cost of the recording fees.
49
- 50 (2) For development within the Flood Hazard Area Overlay District, the Zoning Administrator shall also
51 maintain a record of all permits, elevation certificates, elevations, floodproofing certifications and
52 variance actions issued for development within the district as required under Section 5.6(J).
53

(H) **Availability & Distribution of Documents.** In accordance with the Act [§4445], copies of these regulations, other related municipal regulations and ordinances, and the town plan shall be made available to the public during normal business hours in the Town Clerk's Office.

ARTICLE VIII. DEFINITIONS

Section 8.1 Terms & Usage

(A) Except where specifically defined here or in the Act, or as otherwise clearly required by the context, all words, phrases and terms in these regulations shall have their usual, customary meanings.

(B) In the interpretation of words and terms used, defined, or further described in these regulations, the following shall apply:

- (1) The word "shall" is mandatory, the words "may" or "should" are permissive.
- (2) The particular controls the general.
- (3) The present tense includes the future tense.
- (4) The singular includes the plural, and the plural includes the singular.
- (5) The word "person" includes a firm, association, organization, partnership trust, company or corporation as well as an individual.
- (6) The word structure includes building.
- (7) The word road includes street.
- (8) The word lot includes "plot" or parcel.
- (9) The words "use" or "occupy" include intent, design or arrangement to use or occupy.

(C) General definitions under Section 8.2 shall apply unless otherwise specified or required under these regulations:

- (1) For the purposes of flood hazard area regulation under Table 2.4 and Section 5.6, National Flood Insurance Program (NFIP) definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided under Section 8.3.
- (2) For the purposes of regulating telecommunications facilities under Section 4.13, common technical definitions are provided under Section 8.4.
- (3) In the event that more than one definition under Sections 8.2 – 8.4 may apply, the more specific, restrictive or required definition shall control.

(D) Any interpretation of words, phrases or terms by the Zoning Administrator may be appealed to the Development Review Board under Section 7.4. In such cases, the Board shall base its decision on the following definitions, state statutes, and the need for reasonable and effective implementation of these regulations. The Board shall maintain a written record of its interpretations, to ensure consistent and uniform application and administration of these regulations.

Section 8.2 General Definitions

Abandon: To give up with the intent of never again asserting or claiming an interest in a damaged or unfinished structure, as regulated under Section 3.2.

Abutting (Adjoining) Property Owner: Any person or persons, corporation or other entity that owns, leases, or in any other way uses or controls the real property abutting any portion of the property of another, without regard to a public right-of-way. See also Contiguous.

Accepted Agricultural Practices (AAPs): Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Secretary of the Vermont Agency of Agriculture, Food and Markets (see Table 1.1 Exemptions, Section 4.3). See also Agriculture, Farm Structure.

Accepted Management Practices (AMPs): Accepted practices for silviculture (forestry) as currently defined by the Commissioner of the Vermont Department of Forests, Parks and Recreation (see Table 1.1 Exemptions, Section 4.3). See also Forestry, Saw Mill.

Access: A defined area of ingress and/or egress between a property and an abutting road right-of-way (e.g., a curb cut) or surface water. See also Driveway, Road.

Accessory Use/Structure: Any use or structure which clearly meets the following: (1) is clearly incidental to and customarily found in association with the principal use, and (2) is subordinate in area, purpose and extent to the primary structure and use of the lot.

Act, the: The Vermont Municipal and Regional Planning and Development Act as most recently amended (24 V.S.A., Chapter 117).

Acre: 43,560 square feet.

Addition: Any increase in the footprint, area or height of a building or structure.

Administrative Officer: The Stannard Zoning Administrator.

Affiliated Ownership: Ownership of two or more contiguous lots by persons associated with each other for profit, consideration, or any other beneficial interest derived from real estate. This includes, but may not be limited to: (1) lots in common ownership; (2) lots owned by an applicant's parents or children, natural or adoptive, and spouse, unless the applicant demonstrates that he or she will derive no profit or consideration, or acquire any other beneficial interest from contiguous real estate; or (3) lots owned by a partnership, corporation, association, unincorporated organization, trust, or other legal entity in which the applicant has a controlling interest.

Affordable Housing: Housing that is either: (1) owned by its inhabitants, whose gross annual household income does not exceed 80% of the county median income 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% of the household's gross annual income; or is (2) rented by its inhabitants whose gross annual household income does not exceed 80% of the county median income 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% of the household's gross annual income. **"Perpetually affordable"** shall mean housing that meets the affordability requirements for a minimum period of 99 years from the date of first sale or lease.

Affordable Housing Development: A housing development in which at least twenty percent (20%) of the units, or a minimum of five (5) units, whichever is greater, are affordable housing units.

Agriculture: As defined by the Vermont Secretary of Agriculture, Food and Markets, to include (1) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; (2) the raising, feeding or management of livestock, poultry, equines, fish or bees; (3) the

operation of greenhouses; (4) the production of maple syrup; (5) the on-site storage, preparation and sale of agricultural products principally produced on the farm; or (6) the on-site production of fuel or power from agricultural products or wastes produced on the farm. See also Accepted Agricultural Practices, Farm Structure.

Alteration: Structural change, rearrangement, relocation, or addition to a structure excluding normal maintenance and repairs and interior modifications in building equipment or fixtures. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure, including its height, length, width, footprint, or gross floor area. It shall also include any increase in the number of bedrooms or bathrooms. See also Alteration, Conversion, Improvement.

Applicant: The person(s) applying for a permit or approval under these regulations, including the owner(s) of land or property to be subdivided or developed, or his or her duly authorized agent. See also Authorized Agent, Interested Party.

Authorized Agent: A person or group of persons who have been authorized in writing by an applicant to act on his or her behalf.

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

Bed & Breakfast (B&B): A single family dwelling occupied by the owner or operator, in which not more than five (5) guest rooms accommodating up to ten (10) guests within the dwelling or an accessory structure on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; breakfast shall be the only meal served and shall be limited to overnight guests. The bed and breakfast shall function as a private home with house guests.

Board: The Stannard Development Review Board, as established under the Act, unless otherwise specified in these regulations.

Boundary (Lot Line) Adjustment: A division of land for the purpose of adjusting boundaries between adjacent lots or parcels where no new lot is created. A boundary adjustment shall not create a nonconforming lot or use (see Section 6.1). See also Subdivision.

Buffer: Any space between adjoining land uses or between a land use and a natural feature, which is intended and designed to reduce the impact of development on the adjoining use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers. See also Section 3.12 Surface Waters & Wetlands.

Building: A structure having a roof supported by walls, columns or posts that encloses a space for shelter, occupancy, storage or use. See also Structure.

Building Coverage: That percentage of the lot area covered by buildings and other structures, to be calculated as the sum of all building or structure footprints divided by the total lot area: $\text{Total Building Footprint} / \text{Total Lot Area} \times 100 = \% \text{ Building Coverage}$.

Building Height: See Structure Height.

Camp: A detached, seasonal dwelling unit which is not the primary residence of the owner or occupant, is occupied only on a part-time or seasonal basis, and which is structurally not suited for year-round occupancy. This definition shall include (1) a dwelling which is occupied no more than six (6) consecutive months during any one-year period, including the summer months, and which lacks one or more of the basic amenities, services or utilities required for year-round or all weather occupancy, including but not limited to a winterized water system, insulated walls and roof, heating source, adequate

1 water or wastewater disposal systems, or utility line connection, or (2) a dwelling that has been
2 specifically issued a permit as a camp.

3
4 **Camper (Recreational Vehicle):** A vehicular type portable structure without permanent foundation,
5 which can be towed, hauled or driven and primarily designed as temporary living accommodation for
6 recreational, camping and travel use and including but not limited to recreational vehicles, travel trailers,
7 truck campers, camping trailers and self-propelled motor homes (see Section 4.4). This definition
8 specifically excludes camps and mobile homes. See also Camp, Mobile Home. See also Recreation
9 Vehicle has defined for purposes of flood regulation (Section 8.3).

10
11 **Campground:** Any parcel of land occupied by more than three (3), campers, recreational vehicles,
12 automobile trailers, cabins, tent, yurt or lean-to sites for vacation or recreational purposes (see Section
13 4.5). See also Camper.

14
15 **Cemetery:** Land used or dedicated to the burial of the dead, including cremains. A cemetery may
16 include as accessory structures mausoleums, columbariums, or maintenance facilities; crematoriums are
17 specifically prohibited. Individual and family burial plots on private land that meet district and surface
18 water setback requirements and are registered with the Stannard Town Clerk in accordance with state law
19 are exempted from this definition and these regulations.

20
21 **Change of Use:** See Conversion.

22
23 **Clearing:** The removal of existing vegetation, e.g., as part of site preparation for the installation of
24 driveways, septic systems, building sites and construction or yard areas.

25
26 **Common Land:** Land within a development or subdivision that is not individually owned, but which is
27 designed to be held in common for the use, enjoyment, management and maintenance by the residents of
28 a development or subdivision. Such land may include but not be limited to open space areas, parking lots,
29 community water and wastewater systems, pedestrian walkways, utility and road rights-of way.

30
31 **Conditional Use:** A use that may be allowed in a zoning district subject to conditional use review and
32 approval by the Development Review Board prior to the issuance of a zoning permit (see Section 5.5).

33
34 **Contiguous:** Next to, abutting, or touching and having a common boundary. This includes (1) a parcel of
35 land contained within a single, unbroken parcel boundary; or (2) two or more parcels which share a
36 common boundary or point. For purposes of these regulations, lots separated by road rights-of-way are
37 considered to be separate, noncontiguous lots, each with road frontage. Legal trails and trail easements do
38 not define or establish separate, noncontiguous lots or lot frontage.

39
40 **Contractor Yard:** A parcel of land, with or without buildings, used for the storage of heavy equipment,
41 materials, or vehicles used in the operation of construction and related trades.

42
43 **Conversion:** A change in the existing or previously permitted use of land or a structure to another
44 principal use, with or without structural alteration. This includes but may not be limited to the conversion
45 of a camp or accessory dwelling to a single family dwelling, or the conversion of a single family dwelling
46 to a two-family or multi-family dwelling.

47
48 **Cul-de-sac:** A dead-end road designed to provide sufficient vehicular turning radii at the end of the road.

49
50 **Cultural Facility:** A library, theater, museum, concert hall or other establishment offering programs,
51 performances or exhibits or cultural, educational, historical, or scientific interest.

1 **Day Care Facility:** Any establishment operated as a business or service on a regular or continual basis,
2 whether for compensation or not, which provides care, protection, supervision and/or education for
3 children or adults for periods of less than 24 hours. This definition shall include all facilities that are
4 required to be licensed by the State of Vermont as a private kindergarten, nursery school, and/or day care
5 facility except for home child care facilities (see Section 4.6). See also Group Home, Home Child Care,
6 Residential Care Facility.
7

8 **Degree of Nonconformance:** The degree to which a structure, or portion thereof, does not meet required
9 dimensional standards, including setback distances and height limits, as specified in these regulations. For
10 purposes of these regulations, any relocation, expansion, addition or other structural alteration which
11 extends the footprint of a structure within a required setback area, or increases the height of a structure
12 beyond the maximum height limit (i.e., increases the amount of encroachment), shall be considered to
13 increase the degree of nonconformance under Section 3.7. See also Nonconforming Structure.
14

15 **Development:** See Land Development.
16

17 **Driveway:** A private travel way, easement or right-of-way serving up to three (3) parcels, which provides
18 vehicular access to a parking area(s) associated with the principal structure or use (see Section 3.10). See
19 also Access, Road.
20

21 **Dwelling:** A building or structure designed and constructed for human occupation.
22

23 **Dwelling, Accessory:** An efficiency or one-bedroom apartment or accessory structure that is clearly
24 subordinate and appurtenant to a single-family dwelling, and has facilities and provisions for independent
25 living, including sleeping, food preparation, and sanitation (see Section 4.2). See also Dwelling, Single
26 Family Dwelling, Two Family.
27

28 **Dwelling, Multifamily:** A structure on a single lot containing three or more dwelling units. See also
29 Dwelling, Family.
30

31 **Dwelling, Seasonal:** See Camp.
32

33 **Dwelling, Single Family:** (1) A detached building containing one (1) principal dwelling unit, and up to
34 one (1) accessory dwelling as allowed under Section 4.2; (2) a group home as defined under the Act and
35 these regulations (see Section 4.8). See also Dwelling, Family, Group Home.
36

37 **Dwelling, Two Family:** A structure on a single lot containing two dwelling units, each of which is totally
38 separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling
39 and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both
40 dwelling units. See also Dwelling, Family.
41

42 **Dwelling Unit:** Any building or structure, or part thereof, designed or used as living quarters for
43 one (1) family and any domestic employees living on the premises, which includes facilities for food
44 preparation, sleeping and sanitation. See also Dwelling, Family.
45

46 **Easement:** A grant of one or more of the property rights by the property owner to and/or for the use by
47 the public, a corporation or another person or entity.
48

49 **Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal
50 or other governmental agencies of underground or overhead gas, electrical, steam or water transmission,
51 or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm
52 boxes, police call boxes, traffic signals, hydrants, road signs, and similar equipment and accessories in

connection therewith, and including buildings, public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Extraction & Quarrying: The removal of surface and subsurface materials, including soil, sand, gravel, stone, rock and minerals, by means of open excavation, drilling or mining. This includes sand and gravel pits and rock quarries, and related operations such as blasting, crushing, screening, and the temporary storage of materials on-site (see Section 4.7).

Family: One or more persons occupying a premise and living as a single housekeeping unit. Family may include a group of unrelated persons living together as a single housekeeping unit. Domestic servants and farm workers, along with their respective families, employed on the premises may be housed on the premises without being considered as a part of their employer's family.

Farm Structure: In accordance with the Act [§4413(d)(1)], a building, enclosure or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as defined by the state [10 V.S.A. §6001(2)] and the Secretary of Agriculture, Food and Markets. This definition specifically excludes a dwelling for human habitation. To be considered an agriculture use it has to meet one of the following: (1) be used in connection with the sale of \$1000 or more of agricultural products in a normal year; or (2) be used in connection with the 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 ratites (ostriches, rheas, and emus), thirty rabbits, one hundred ducks, or one thousand pounds of cultured trout, or (3) be 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 of Agriculture, Food and Markets (see Section 4.3). See also Accepted Agricultural Practices, Agriculture.

Forestry: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest management services, or as otherwise defined by the Vermont Commissioner of Forests, Parks and Recreation (see Section 4.3). See also Accepted Management Practices, Saw Mill.

Frontage: See Lot Frontage.

Garage Sale: The casual sale or offering at any one time of new, used, or second hand items of tangible personal property to the general public, which is generally advertised by such terms garage sale, yard sale, rummage sale, attic sale, lawn sale, porch sale barn sale or similar phrase (see Exemptions under Table 1.1).

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out of season plants for subsequent sale or for personal enjoyment. See also Agriculture, Farm Structure.

Group Home: In accordance with the Act [§4412(1)], a residential care home operating under state licensing or registration, which serves not more than eight (8) persons who have a handicap or disability as defined in state statutes (9 V.S.A. 4501), and meets the requirements of Section 4.8. See also Dwelling, Single Family, Residential Care Facility.

Health Clinic: A building or part of a building occupied by physicians, surgeons, dentists, chiropractors, therapists, or other licensed health care professionals for the examination and treatment of patients on an

out-patient basis. This definition does not include a public or private hospital, nor the professional office of a licensed health care provider located in his or her residence (see Home Occupation).

Home Business: An expanded home-based business conducted by one or more residents of a single family dwelling and up to five (5) nonresident employees, which is carried on within the principal dwelling and/or an accessory structure, and meets all applicable requirements of these regulations (see Section 4.9). See also Home Occupation.

Home Child Care: A home-based child day care business, the owner and operator of which is licensed or registered by the state, which is considered to constitute a permitted single family residential use of property in accordance with the Act [§4412(5)] and these regulations (see Section 4.6). See also Day Care Facility.

Home Occupation: The use of a minor portion of a dwelling unit by the occupants thereof for an occupation which is customary in residential areas and which does not have an undue adverse effect upon the character of the residential area in which the dwelling is located and which meets all other applicable requirements of these regulations (see Section 4.9). Examples include instruction, professional offices (e.g., of a physician, dentist, lawyer, engineer, architect or accountant). See also Home Business.

Inn: A commercial lodging facility consisting of a building or group of buildings that contains a maximum of 20 guest rooms for occupancy and use by transients on a short-term basis (less than one month on average), and may include common dining, meeting, event, recreation and service facilities for the use of guests. Dining, meeting, event, and recreation facilities open to the general public may be allowed as a mixed use, subject to review as a mixed use, in zoning districts in which all such uses are allowed. See also Bed & Breakfast.

Interested Person: In accordance with the Act [§4465(b)], an “interested person” includes the following: (1) A person owning title to a property, or a municipality or solid waste district empowered to condemn it or an interest in it, affected by these regulations, who alleges that the regulations impose on the property unreasonable or inappropriate restrictions off present or potential use under the particular circumstances of the case; (2) the Town of Stannard or an adjoining municipality; (3) a person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person’s interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or regulations of the town (4) Any ten registered voters and/ or real property owners within the Town who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in accord with the policies, purposes or terms of the plan or regulations of the town. The petition must designate one person to serve as the representative of the petitioners regarding all matters relating to the appeal; and (5) any department and administrative subdivision of the state owning property or any interest in property within the town or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

Junkyard: Any place of outdoor storage or deposit, which is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk, or as a scrap metal processing facility. "Junkyard" also means any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for storing or keeping more than four (4) or more junk motor vehicles, or junk in excess of 200 square feet in area, all of which are visible from any portion of a public road. However, the term does not include a private garbage dump or a sanitary landfill that is in compliance with 24 VSA §2202 and the regulation of the Secretary of Human Services.

Kennel: Any premises in which the care, boarding, breeding, grooming, or training of four (4) or more dogs, cats, or other domestic animals is done for primarily commercial or monetary purposes. See also Veterinary Clinic.

Land Development: 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. See also Subdivision.

Legislative Body: The Stannard Selectboard.

Lot: (1) A single, defineable parcel of land, which is occupied or which is to be occupied by a principal structure, use or mixed use, and associated accessory structures or uses, which has sufficient area to meet the dimensional requirements of these regulations; (2) that portion of land depicted on a subdivision plat as defined by property lines. See also Contiguous Land; Lot, Existing; Lot of Record.

Lot Area: The area within the property lines of a lot, calculated from dimensions of the boundary lines of the lot, exclusive of any portion of the lot contained within the boundaries of a public or private road or right-of-way.

Lot Depth: The distance between the front and rear lot lines, measured at right angles to the front lot lines.

Lot, Existing: An identifiable and separate parcel of land legally in existence as of the effective date of these regulations. The merger of any lot prior or subsequent to the effective date of these regulations shall terminate its separate existence for the purpose of these regulations. See also Nonconforming Lot.

Lot Frontage: The distance that a lot fronts on a road right-of-way, as measured along the front lot line.

Lot Line, Front: The property line which separates the lot from a public or private road right-of-way.

Lot Line, Rear: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: The property boundary which separates two adjoining properties into individual and separate parcels.

Lot of Record: A lot shown on a subdivision plat or described in a deed that has been recorded in the office of the Town Clerk.

Lot Width: The horizontal distance between the side lot lines of a lot measured at right angles to its depth at or along the front lot line or, in the absence of a "front" lot line, between any two lot lines.

Mobile (Manufactured) 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 "camper" or "recreational vehicle." See also Camper.

Mobile Home Park: A parcel (or contiguous parcels) of land which contains or is laid out or adapted to accommodate three (3) or more mobile homes. Subdivided lots with more than two mobile homes are also a mobile home park when the lots are owned by the same person, even if there is only one mobile home on each lot (see Section 4.11). For purposes of flood hazard regulation, see also Manufactured Home Park/Subdivision under Section 8.3.

Mixed Use: A building or parcel containing two (2) or more principal uses which are otherwise allowed as permitted or conditional uses in the district in which the building or parcel is located (see Section 4.10).

Municipal Land Use Permit: As defined in the Act [' 4303] to include, as issued by the municipality: (1) final zoning, subdivision, site plan or building permits or approvals relating to subdivision and land development; (2) final official minutes of meetings which relate to permits or approvals, which serve as the sole evidence of such permits or approvals; (3) certificates of occupancy, compliance or similar certificates; and (4) any amendments to the previously listed, permits, approvals and/or certificates.

Municipal Plan: The municipal plan for the Town of Stannard as most recently adopted in accordance with the Act.

Neighborhood Commercial Establishment: Any commercial establishment such as a grocery, general, newspaper or drug store intended principally to serve the area in which it is located.

Nonconforming Lot: A lot or parcel that does not conform to the dimensional requirements of these regulations but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of these regulations, including a lot or parcel improperly authorized as a result of error by the Administrative Officer (see Section 3.7).

Nonconforming Structure: A structure or part of a structure that does not conform to the requirements of these regulations, but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of these regulations, including a structure improperly authorized as a result of error by the Administrative Officer (see Section 3.7).

Nonconforming Use: A use of land that does not conform to these regulations, but did conform to all applicable laws, ordinances, and regulations prior to the enactment of these regulations, including a use improperly authorized as a result of error by the Administrative Officer (see Section 3.7).

Nursery: Land or greenhouses used to raise flowers, shrubs and plants for sale. See also Agriculture, Farm Structure.

Office: A room, suite of rooms or building principally used for conducting the affairs of a business, profession, or service industry. This definition specifically excludes office space which is associated with home occupations or which is clearly accessory to another allowed principal use. It also specifically excludes the on-premise sale of goods. See also Home Occupation, Home Business.

Off-site Improvements: Improvements to public infrastructure, or adjoining properties, required as a condition of approval for the particular development which created the need for the improvements.

On-Lot Water, Sewer: The providing of water from a source such as a spring or drilled well and the disposal of the sewage by such means as a septic system and drainage field, located on the same or adjacent lot as the building for which these utilities are located.

Open Space: Land not occupied by structures, buildings, roads, rights-of-way, septic systems and parking lots. Open space may or may not be held in common.

Outdoor Center: A scientific or educational facility open to the public that provides facilities, services, research, materials, educational programs, exhibits and/or displays promoting understanding, sound management and protection of the natural environment.

Parking Space: Any space located outside of any road right-of-way or easement specifically allocated and designed to accommodate the parking or storage of domestic vehicles.

Parking Facility: A separate off-street parking area, lot, garage or other parking structure that constitutes the principal use of a lot.

Permit: A written approval issued and recorded by the Town of Stannard, or other applicable authority, that authorizes and may limit land development undertaken by a property or facility owner within the town. See also Municipal Land Use Permit.

Permitted Use: A use allowed within a zoning district that is subject to administrative review and approval by the Zoning Administrator. Site plan approval from the Development Review Board also may be required (see Section 5.4).

Personal Service Establishment: Any establishment that primarily provides care to a person or a person's apparel which shall include barber, beauty shop, seamstress shop, shoe repair, coin-operated laundry, dry cleaner, optician shop, diet center, health club, spa, pet grooming shop and similar uses. Any sales of products must be clearly incidental to the services provided.

Place of Worship: A building used solely for purposes of assembly and worship by a legally established and recognized religious institution. This definition also includes such customary accessory structures such as parish houses (see Section 4.12). See also Public Facility.

Plat: A map or plan, drawn to scale, of one or more parcels, tracts or subdivisions of land showing, but not limited to, boundaries, corners, markers, monuments, easements and other rights. For a plat to be recorded in the land records of the town, it must meet the requirements of Section 6.2, and 24 V.S.A. Chapter 17 (Filing of Land Plats).

Principal Structure: A structure or building in which the main, primary or principal use of the property is conducted. Attached accessory dwellings, garages, porches or carports, or other structures which share a common wall and/or roof, or are connected by an enclosed breezeway, are considered to part of the principal structure.

Private Club: An establishment operated for social, recreational, educational or cultural purposes that is open only to members and their invited guests, and not the general public, and is not operated primarily for profit.

Professional Engineer: An engineer licensed to practice in the State of Vermont.

Public Improvement: Any improvement which shall be owned or maintained by the Town of Stannard or other government entity.

Public Facility: A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by a municipality, state or federal government, regulated utility or railroad. For purposes of these regulations, such facilities include, but may not be limited to municipal buildings and garages, educational and recreational facilities, waste management facilities, and places of worship (see Section 4.12). See also definitions of related, more specific terms.

Public Road: A town highway or other road or highway dedicated to and accepted by the Town of Stannard as a public highway. See also Road.

Reasonable Use: A use of real property which is allowed within the district in which the property is located, which provides some (but not necessarily all) potential benefit to the owner, and which does not lead to unreasonable interference with another's use of property, or with the natural flow of water. Reasonable use does not mean highest and best use; nor does it include accessory uses, structures, or

additions which may be customary, but are not necessary, to the existing or intended principal use (e.g., garages, swimming pools).

Recreation, Indoor: A building or structure designed, equipped and used for sports, leisure time, and other recreational activities, except for such facilities which are accessory to an approved educational (school) facility or a residential use.

Recreation, Outdoor: A facility for outdoor recreation, including but not limited to a stadium, tennis courts, athletic fields, swimming pools, and trails for hiking, horseback riding, bicycling, snowmobiling, and cross-country skiing; except for such facilities which are accessory to an approved educational facility (school) or a residential use, or are otherwise exempted from these regulations under Table 1.1.

Recreational Vehicle: See Camper. Also see “Recreational Vehicle” under Section 8.4.

Recycling Center: A facility certified by the state that functions as a collection point for recyclable materials that will subsequently be transported to a state-approved recycling. The facility may include, at minimum, a receiving hopper or bins and compacting equipment. See also Public Facility.

Residential Care Facility: A facility licensed by the state which provides residential care, including rooming, boarding, recreation and personal care services, to elderly or infirmed individuals, on a 24-hour a day basis (see Section 4.8). See also Group Home.

Residential Use: Includes accessory, single-family, two family and multifamily dwellings and group homes.

Restaurant: An establishment of which the primary function is to serve food and beverages to the public for consumption at tables or counters located on the premises. This definition includes cafes, bakeries with table or counter service, taverns and bars.

Retreat: A facility that is run by an organization for professional, educational or religious meetings, conclaves or seminars, which may include temporary housing and dining facilities for the exclusive use of program participants and facility caretakers.

Ridgeline: In Stannard, the highest path connecting the highest altitudes above 624 meters.

Road: A public (town) highway or a private right-of-way serving four (4) or more lots, which is designed and intended for use by motor vehicles. The word road shall mean the entire right-of-way. See also Driveway.

Saw Mill: A facility which stores and processes logs obtained off-site into lumber, firewood or other materials. This definition specifically excludes temporary, portable chippers, sawmills and other processing equipment used on-site in association with an active timber harvesting operation. See also Forestry.

Scenic View: A scenic view is a wide angle or panoramic field of sight and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or a nearby object.

School: Any building or part thereof that is designed, constructed or used for education or instruction in any branch of knowledge (see Section 4.12). See also Public Facility.

1 **Setback:** The distance, measured horizontally, from a road, lot line, property boundary or other
2 delineated feature (e.g., a stream bank or channel, shoreline, or wetland area), to the nearest point of a
3 building or structure on the lot. Minimum district setback requirements identify minimum side, front, and
4 rear setback distances and yard areas within which no building, structure or use may be located, except as
5 otherwise allowed under these regulations.
6

7 **Setback, Front:** The horizontal distance between the road right-of-way and the nearest point of the
8 building extended to the side lot lines of the lot. The front setback shall be measured from the road right-
9 of-way, or from a distance of 25 feet from the center of the road, whichever is greater, to the nearest point
10 of a principal or accessory building.
11

12 **Setback, Rear:** The horizontal distance between the rear lot line and the rear line of a building, extending
13 to the side lot lines of the lot. The rear setback shall be measured from the rear lot line to the nearest point
14 of a principal or accessory building.
15

16 **Setback, Side:** The horizontal distance between the principal building or accessory building and a side lot
17 line, extending through from the front yard to the rear yard. The side setback shall be measured from the
18 side lot line to the nearest point of the principal building or accessory building.
19

20 **Sign:** Any structure, display, device, material, object or representation which is designed or used to
21 advertise, direct or call attention to any property, establishment, business, enterprise, profession, product,
22 or service or other matter from any public right-of-way (see Section 3.11). This definition includes logos
23 and other outdoor advertising displayed on walls, canopies, and exterior windows.
24

25 **Silviculture:** See Forestry.
26

27 **Stream:** Any surface water course in the Town of Stannard as depicted on U.S. Geological Survey
28 topographic maps, Vermont Base Maps (orthophotos), municipal plan maps, the Stannard Zoning Map, or
29 as identified through site investigation. This definition specifically excludes artificially created irrigation
30 and drainage channels. See also Stream Channel, Stream Banks.
31

32 **Stream Channel:** A defined area that demonstrates clear evidence of the permanent or intermittent
33 passage of water and includes, but may not be limited to bedrock channels, gravel beds, sand and silt
34 beds, and swales. A stream bank may define the usual boundaries, but not the flood boundaries, of a
35 stream channel. Artificially created water courses such as agricultural irrigation and drainage ditches are
36 specifically excluded from this definition. See also Stream, Stream Banks.
37

38 **Stream Banks:** Physiographic features that normally contains streams within a channel. Stream banks
39 are distinct from the streambed, which is normally wetted and provides a substrate that supports aquatic
40 organisms. For purposes of these regulations (see Section 3.12) **“Top of Bank”** is defined as the point
41 along a stream bank where an abrupt change in slope is evident, and where the stream is generally able to
42 overflow the banks and enter the adjacent floodplain only during flows at or exceeding the average annual
43 high water stage. **“Top of Slope”** is defined as a break in the slope adjacent to steep-banked streams that
44 have little or no floodplain.
45

46 **Structure:** An assembly of materials for occupancy or use including, but not limited to a building,
47 mobile home, permanently parked camper or storage container, sign, wall or fence, except a wall or fence
48 on an operating farm and fences less than six feet (6') in height. See also Building and “Structure” as
49 defined for purposes of flood hazard area regulation (Section 8.3).
50

51 **Structure Height:** The vertical distance measured from the average finished grade at the base of the
52 structure to the highest point of the structure (see Section 3.5).
53

Subdivider: Any person(s) who shall lay out for the purpose of transfer of ownership or right to use any subdivision or part thereof. The term shall include an applicant for subdivision approval. See also Applicant.

Subdivision: The division of any parcel of land into two or more parcels, lots or other legal division of land for the purposes of offer, transfer, sale, long-term lease, conveyance or development (see Section 6.1). The term includes the re-subdivision of a previously subdivided parcel, amended subdivisions, and the division of land held in common among several owners. See Boundary (Lot Line) Adjustment.

Substantially Commenced: For purposes of these regulations, to include initial site preparation, the installation of an access, and the installation of a foundation, water and/or wastewater system on-site, in accordance with these regulations and all permits and approvals.

Substantially Complete: The completion of a permitted building or structure to the extent that it may be safely occupied for its intended use.

Substantially Destroyed: Fifty percent (50%) or more of the structure has been damaged and/or the damaged structure is no longer structurally sound, habitable or safe for its intended use. See also Substantial Damage.

Temporary Structure: A structure that is erected or installed without any permanent foundation or footings, for a specified period of time, and is removed when the designated time period, activity, or use for which was erected has ceased.

Temporary Use: A use established for a limited, specified time period and is discontinued when the time period has expired.

Trail: Public rights-of-way that are not highways. There are no statutory maintenance requirements.

Undue Adverse Effect (Impact): An adverse effect or impact that either (1) violates a clear, written community standard, including a provision of these regulations, or a specific policy of the Stannard Town Plan; or (2) that cannot be avoided through mitigation, design modifications, or conditions or approval.

Use: The specific purpose for which a parcel of land or structure is designated, designed or intended, or for which it may be used and maintained. See also Accessory Use, Structure.

Veterinary Clinic: A building or part thereof used for the care, diagnosis, treatment of animals, which may also include the temporary boarding of injured or infirm animals. See also Kennel.

View Corridor: A three dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, which would result in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view.

Violation: (1) The establishing or continuation of any subdivision of land, land development, or use that is not in conformance with these regulations (see Section 7.6). This includes not obtaining required permits and approvals under these regulations prior to subdivision or land development. See also "Violation" for purposes of flood regulation (Section 8.3)

Waste Management Facility: A public facility licensed or certified by the state of Vermont for the collection, storage, transfer, shipment or disposal of solid or hazardous waste materials (see Section 4.12),

to include transfer stations, landfills, and other types of waste management facilities. See also Public Facility, Junk Yard.

Wetland: As defined under the Vermont Wetland Rules, as most recently amended, to include 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, but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but exclude such areas where food and crops are grown in connection with farming activities. The location of wetlands on a particular parcel, as indicated on state wetland inventory maps, shall be confirmed through site investigation.

Yard. Space on a lot not occupied with a building or structure; an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard Sale: See Garage Sale.

Section 8.3 Flood Hazard Area Regulation Definitions

Administrator: the Federal Insurance Administrator, under the National Flood Insurance Program.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year (base flood). The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, or A99. For purposes of these regulations, the term “flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.” See Town Flood Plain map for area designations.

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): the height of the base flood, 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 average depth of the base flood, usually in feet, above the ground surface.

Flood: means (a) 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. (b) 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.

FIA: The Federal Flood Insurance Administration.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal

Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study: means 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 (also see 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: See Regulatory Floodway.

Historic Structure: Any structure that is: (1) listed individually in the National Register of Historic Places 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: (a) by an approved state program as determined by the Secretary of the Interior or (b) directly by the Secretary of the Interior in states without approved programs.

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.

Manufactured Home: See Mobile Home (Section 8.2 above).

Manufactured Home Park/Subdivision: For purposes of flood hazard area regulation, a parcel or contiguous parcels of land divided into two or more manufactured home sites or lots for rent or sale. See also Mobile Home Park under Section 8.2.

Mean Sea Level: The standard datum to which base flood elevations shown on the Flood Insurance Rate Map and typical contour elevations are referenced.

New Construction: (1) For purposes of determining flood 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 the town (5/23/1974) and includes any subsequent improvements to such structures.

New Manufactured Home Park/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 the town 5/11/2009. See also Mobile Home Park (Section 8.2)

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. See also Camper, as defined for general purposes under Section 8.2.

Regulatory 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.

Start of Construction: For purposes of flood hazard area regulation, the start of construction, which includes substantial improvements, means the date the zoning 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.

Substantial Damage: For purposes of flood hazard area regulation, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which 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."

Structure: (1) For floodplain management purposes, "structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. (2) For flood insurance purposes, "structure" means: (a) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) A manufactured home (also known as a mobile home), built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation; or (c) a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is subject to these regulations. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

Violation: For flood hazard management purposes, "violation" means the failure of a structure or other development to be fully compliant with the town'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.
See also "Violation" under General Definitions (Section 8.2)

Section 8.4 Telecommunications Facility Regulation Definitions

Adequate Capacity: Capacity for wireless telephony is considered to be "adequate" if the grade of service (GOS) is p.05 or better for median teletraffic levels offered during the typical busy hour, as assessed by direct measurement of the facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the land line or radio portions of a wireless network, adequate capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the personal wireless services facility in question, adequate capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the coverage area.

Adequate Coverage: Coverage for wireless telephony is "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that most of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be a signal strength of at least -90 dBm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

Affiliate: For the purposes of regulating telecommunications facilities: (1) when used in relation to an operator, another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator's principal partners, shareholders, or owners of some other ownership interest; or (2) when used in relation to the municipality, any agency, board, authority or political subdivision affiliated with the municipality or other person in which the municipality has legal or financial interest.

Alternative Design Tower Structure: Artificial trees, clock towers, bell steeples, light poles, silos and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. See also Stealth Facility.

Antenna: A device for transmitting and/or receiving electromagnetic waves, which is attached to a tower or other structure.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

Available Space: The space on a tower or structure to which antennas of a telecommunications provider are both structurally able and electromagnetically able to be attached.

Base Station: The primary sending and receiving site in a telecommunications facility network. More than one base station and/or more than one variety of telecommunications provider can be located on a single tower or structure.

Bulletin 65: Published by the Federal Communications Commission (FCC) Office of Engineering and Technology specifying radio frequency radiation levels and methods to determine compliance.

Cell Site: A tract or parcel of land that contains a cellular communication antenna, its support structure, accessory building(s), and parking, and may include others uses associated with and ancillary to cellular communications transmission.

Cellular Service: A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmission sites called cell sites, either to the public switched network or to other mobile cellular phones.

Cellular Telecommunications: A commercial Low Power Mobile Radio Service bandwidth licensed by the FCC to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

Cellular Telecommunications Facility: Consists of the equipment and structures at a particular site involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Channel: The segment of the radiation spectrum to or from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

Collocation: Locating wireless communications equipment from more than one provider on a single site.

Common Carrier: An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated rates.

Communication Equipment Shelter: A structure located at a base station designed principally to enclose equipment used in connection with telecommunications transmissions.

Communication Tower: A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. See also Telecommunications Facility.

Communications Facility: A land facility supporting antennas and/or microwave dishes that sends and/or receives radio frequency signals. Communications facilities may include structures, towers or accessory buildings.

dBm: Unit of measure of the power level of a signal expressed in decibels above one (1) milliwatt.

Directional Antenna: An antenna or array of antennas designed to concentrate a radio signal in a particular area.

Dish Antenna: A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

Facility Site: For purposes of telecommunications facility regulation, the property or portion of a property which is owned or leased by one or more telecommunications facility operators.

FCC: Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.

1 **Frequency:** The number of cycles completed each second by an electromagnetic wave measured in hertz
2 (Hz).

3
4 **GHz:** Gigahertz, or one billion hertz

5
6 **Hertz: (Hz):** One hertz is the frequency of an electric or magnetic field which reverses polarity once
7 each second, or one cycle per second.

8
9 **Measurements, Reports 86 and 119:** Standards to be used to monitor the emissions and determine
10 exposure risk from existing and new telecommunications facilities under these regulations.

11 **MHz:** Megahertz, or one million hertz.

12
13 **Micro-Cell:** A low power mobile radio service telecommunications facility used to provide increased
14 capacity in high call-demand areas or to improve coverage in areas of weak coverage.

15
16 **Microwave Antenna:** A dish-like antenna manufactured in many sizes and shapes used to link communi-
17 cation sites together by wireless transmission of voice or data.

18
19 **Monitoring:** The measurement, by the use of instruments in the field, of non-ionizing radiation exposure
20 at a facility site as a whole, or from individual personal wireless communication facilities, towers,
21 antennas or repeaters.

22
23 **Monitoring Protocol:** The testing protocol, such as the Cobbs Protocol, (or one substantially similar,
24 including compliance determined in accordance with the National Council on Radiation Protection and
25 Measurements.

26
27 **Monopole:** A single self-supporting vertical pole with no guy wire anchors, usually consisting of a
28 galvanized or other unpainted metal or a wooden pole with below grade foundations.

29
30 **Omni-directional Antenna:** An antenna that is equally effective in all directions and whose size varies
31 with the frequency and gain for which it is designed.

32
33 **Personal Communications Services (PCS):** Digital wireless telephone technology using higher
34 frequency spectrum than cellular.

35
36 **Personal Wireless Services:** Commercial mobile services, unlicensed wireless exchange access services.
37 These services include: cellular services, personal communications services, specialized mobile radio
38 services, and paging services.

39
40 **Personal Wireless Telecommunications Service Provider:** An entity licensed by the FCC to provide
41 telecommunications services to individuals or institutions.

42
43 **Preexisting Towers and Antennas:** Any tower or antenna for which a permit has been issued prior to the
44 effective date of these regulations.

45
46 **Radiated-Signal Propagation Studies or Coverage Plots:** Computer generated estimates of the signal
47 emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure.
48 The height above ground, power input and output, frequency output, type of antenna, antenna gain,
49 topography of the site and its surroundings are all taken into account to create these simulations. They
50 are the primary tools for determining a need and whether the telecommunications equipment will provide
51 adequate coverage for that site.

1 **Repeater:** A small receiver/relay transmitter and antenna of relatively low power output designed to
2 provide service to areas which are not able to receive adequate coverage directly from a base or primary
3 station.
4
5 **Roof and/or Building Mount Facility:** A facility in which antennas are mounted to an existing structure
6 on the roof (including rooftop appurtenances) or a building face.
7 **Self-Supporting Tower:** A communications tower that is constructed without guy wires.
8
9 **Spectrum:** Relating to any transmissions or reception of electromagnetic waves.
10
11 **Stealth Facility:** Any communications facility which is designed to blend into the surrounding environ-
12 ment. Examples of stealth facilities may include architecturally screened roof-mounted antennas,
13 building-mounted antennas painted to match the existing structure, antennas integrated into architectural
14 elements, antenna structures designed to look like light poles, and structures designed to resemble natural
15 features such as trees or rock outcroppings. See also Alternative Design Tower Structure.
16
17 **Structurally Able:** The determination that a tower or structure is capable of carrying the load imposed by
18 the proposed new antenna(s) under all reasonable predictable conditions as determined by professional
19 structural engineering analysis.
20
21 **System:** The communications transmission system operated by a telecommunications service provider in
22 the municipality or region.
23
24 **Telecommunications Facility:** (1) All equipment (including repeaters) and locations of equipment with
25 which a telecommunications provider transmits and receives the waves which carry their services. This
26 facility may be sited on one or more towers or structure(s) owned and permitted by the provider or
27 another owner or entity. (2) For purposes of regulating antennas under 24 V.S.A. §4412(6),
28 "Telecommunications Facility" is defined to include any support structure extending more than 50 feet
29 above the ground that is proposed for construction or installation which is primarily for communications
30 purposes and which supports facilities that transmit and receive communications signals for commercial,
31 industrial, municipal, county, or state purposes.
32
33 **Telecommunications Provider:** An entity licensed by the FCC to provide telecommunications services
34 to individuals or institutions.
35
36 **Telecommunications Location:** References to site location shall be the exact longitude and latitude, to
37 the nearest tenth of a second. Bearing or orientation should be referenced to true north.
38
39 **Temporary Wireless Communication Facility:** Any tower, pole, antenna, etc., designed for use while a
40 permanent wireless facility is under construction, or for a special event or conference.
41
42 **Tower:** A vertical structure for mounting antenna(s) that provide telecommunications services.
43
44 **Whip Antenna:** A vertical antenna that normally transmits signals in 360 degrees. Whip antennas are
45 typically cylindrical in shape, narrow (less than 6 inches in diameter) and long (18 inches or more in
46 height).
47
48
49
50
51
52