

GLASTENBURY ZONING BYLAWS

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and
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by
Bennington County Regional Commission

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GLASTENBURY ZONING BYLAWS

PURPOSE AND AUTHORITY:

The purpose of these bylaws is to encourage appropriate development in the town that will serve the public health, environment, economy, general welfare, and to provide methods for preventing land development problems. Glastenbury is an unorganized town with limited governmental services, and therefore any direct or indirect impacts on services from adjoining municipalities should be minimized. These bylaws shall be in effect from the date of adoption as provided in 24 V.S.A. Chapter 117, Section 4410. The bylaws shall be administered and enforced in accordance with the provisions of the above referenced title.

SECTION 1 - DEFINITIONS

For the purpose of these bylaws, certain terms or words shall be as defined in Appendix 1 of the bylaws.

SECTION 2 - DISTRICTS

2.1 Zoning Districts: For the purpose of these bylaws, the town is divided into zoning districts designated by the abbreviations set forth below.

Forest #1	-	F1 Districts
Forest #2	-	F2 Districts

2.2 Zoning Map: The map and boundaries of these districts are hereby established, as shown on the Zoning Map, and are hereby declared to be part of these bylaws.

2.3 Zoning of Roads: Zoning Districts shall include the beds of roads lying within them. Where opposite sides of a road lie in different districts, the boundary shall be deemed to be the center of the right-of-way.

2.4 Land Under Water: Zoning Districts shall include any land under rivers, streams, lakes, or ponds lying within them. Where opposite sides of a river or stream lie in different districts, the boundary shall be the thread of the river or stream. Where opposite sides of a lake, pond, swamp, or water body lie in different districts, the boundary shall be deemed to be the center thereof.

2.5 Interpretation of Zoning Map: Any question as to the location of a district boundary line on the Zoning Map shall be resolved by the Administrative Officer with appeals of any decision made to the Board of Adjustment.

SECTION 3 - GENERAL REGULATIONS

3.1 Compliance With Bylaws:

1. No land, building, structure or premises, or part thereof, shall hereafter be used, and no building or part thereof, or other structure, shall be constructed, reconstructed, extended, enlarged, moved, or altered except in conformity with these bylaws.
2. Nothing contained in these bylaws shall require any change in the structure or use of a building complying with local laws in force prior to these bylaws.

3.2 Dimensional Requirements: Development may be permitted only on lots which have a minimum of 300 feet frontage on a public road or, with the approval of the Zoning Board of Adjustment (the "Board"), have access to such a road by a permanent easement or right-of-way not less than 50 feet wide.

3.3 Use Regulations: No building, structure, or portion thereof, shall be erected, altered, or moved, and no land or buildings, or part thereof, shall be used for any use other than one listed as a permitted use in the district in which it is located. Except as otherwise provided herein, any use not specifically permitted shall be allowed at the discretion of the Board.

3.4 Administrative Requirements:

1. A zoning permit is required for any activity described in these Bylaws. A permit application is available from the Zoning Administrator. Applications must be submitted in triplicate and accompanied by a \$50.00 application fee.
2. Any lot in existence on the effective date of these bylaws may be developed for the purposes permitted in the district in which it is located, even though not conforming to the minimum lot size requirements.
3. If more than one dwelling is to be placed on any one lot, such dwellings shall be located so that each dwelling, with any buildings accessory to it, could be set off as a separate lot conforming to all of the applicable provisions of these bylaws, and no building shall be sold into separate ownership except in compliance with the above.
4. Where a pre-existing lot meeting the requirements of Section 3.4.2 lies in more than one district, the dimensional requirements of the district that contains the greater portion of the lot shall apply. Any residential structure must be located in the Forest 1 district.

3.5 Required Notification to the Vermont Department of Water Resources: No zoning permit for the development of land located within a designated flood hazard area or wetland may be granted prior to the expiration of a period of thirty (30) days following the submission of a report to the Vermont Department of Water Resources describing the proposed use and the location requested for such use.

- 3.6 Approval of Conditional Use: A conditional use may be approved by the Board only after a public hearing and upon a finding by the Board that such use shall not adversely affect:
1. the capacity of existing or planned community facilities and services;
 2. the environment and character of the area affected, as defined by the purpose of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan;
 3. traffic on roads and highways in the vicinity;
 4. other provisions of ordinances, regulations, town plan, and bylaws of the Town of Glastenbury applicable thereto; or

Each use so approved shall meet any standards applicable to the specific uses as to lot and building dimensional requirements, landscaping, design, and locations of service areas, and other standards that may be imposed by the Board. Approval shall be based on a site development plan, prepared in conformance with the requirements of Section 7.6, and failure of the development to conform to such site plan shall constitute a violation of these bylaws.

The Board shall act to approve or disapprove any such requested conditional use within forty-five (45) days after the date of the final public hearing, and failure to so act within such period shall be deemed approval.

SECTION 4 - FOREST #1 DISTRICTS

- 4.1 Purpose: To guide the growth of the area in an orderly manner by concentrating residential and other development where it will be served most efficiently by public facilities, utilities, and roads; to preserve tracts suitable for perpetuating the forest resources and forest-related industries which have been an important part of the State's economy; to protect the vital sources of pure water for public supplies; to maintain a high quality environment for forest or mountain based recreation; and to assure the preservation of the natural rural and scenic qualities.
- 4.2 Permitted Uses in F1 Districts: The following uses, subject to the limitations and requirements of Sections 4.3, 3.6 and 7.6:
1. Public and semipublic uses, as enumerated in Section 4.3;
 2. Agricultural uses, including: maple sugaring, pasturage of livestock, crop raising, and buildings accessory to and necessary for such agricultural uses;
 3. Commercial forestry;
 4. A private recreational, hunting, or fishing camp, on a minimum lot of 25 acres, consisting of a building or tent not suitable for use as a dwelling, but used occasionally or seasonally for temporary shelter in connection with a recreational

activity, but not operated as a business, and provided that the sewage disposal systems shall meet the requirements of the Protection Division of the Vermont Department of Environmental Conservation.

5. An accessory dwelling unit on a lot occupied by a principal dwelling (See Section 7.6). There may be no more than one such accessory dwelling unit on a lot.

4.3 Conditional Uses in F1 Districts: The following uses, subject to the limitations and requirements of Sections 3.6, and 7.6:

1. **Public Services:** In accordance with Section 4409 of the Vermont Planning and Development Act, the following uses are provided for as conditional uses in the F1 District. Such uses shall conform to applicable provisions of these bylaws regulating size, height, bulk, yards, setbacks, density of buildings, off-road parking, loading facilities, and landscaping or screening requirements.
 - a. Public utility power generating plants and transmission lines;
 - b. State or municipally owned and operated institutions and facilities;
 - c. Public and private schools and other institutions certified by the Vermont Department of Education;
 - d. Churches, convents, and parish houses;
 - e. Public and private hospitals;
 - f. Regional solid waste facilities certified under 10 V.S.A. Chapter 159;
 - g. Hazardous waste management facilities for which notice of the intent to construct has been received under Section 66062 of Title 10;
 - h. A state licensed or registered family care facility, serving not more than eight persons who are developmentally disabled or physically handicapped, except that no other such home shall be located within 1,000 feet of another such home;
 - i. A state licensed or registered family child care facility as provide in Section 7.7;
2. **Single family dwelling and multiple-family dwellings** as defined in this Bylaw, on a minimum lot of twenty- five (25) acres, and subject to the following:
 - a. Topography shall be mapped at ten (10) foot intervals, and construction should be avoided on slopes greater than 15%;
 - b. Natural drainage shall be maintained;
 - c. Soil types based on the USDA soils classification, soil percolation, and depth to bedrock shall be identified;
 - d. Sewage disposal systems shall meet the requirements of the Protection Division of the Vermont Department of Environmental Conservation;
 - e. A narrative shall be prepared by the applicant and submitted to the Board 21 days prior to the public hearing documenting the following:
 - i. Impact on surface water flow and quality;

- ii. Impact on ground water flow and quality;
 - iii. Effects on important wildlife habitats; historical, botanical or geologic features or scenic resources;
 - iv. Capability of soils, natural characteristics of the site, vegetation cover, and proposed erosion control efforts to support the proposed development without danger of erosion, silting or other instability;
 - v. The protection or loss of timber resources;
 - vi. The impacts on the Town of providing services and any potential impacts on surrounding municipalities or governmental services;
 - vii. The nature of existing or proposed roads and access to the development.
- 3. Home occupations, provided that a conditional use permit has been granted for such residential dwelling, carried on in a dwelling or in a building accessory thereto by a resident of the premises, provided that such use does not change the residential character thereof.
 - 4. Cluster Subdivision as provided for in Section 6.
 - 5. Telecommunication facilities.
 - 6. The uses identified in Section 7.4.

4.4 Accessory Uses and Buildings Permitted in F1 Districts:

Accessory uses and buildings customary to a permitted or conditional use on the same lot including buildings used for permitted home occupations are subject to approval of the Board. Accessory buildings shall not be used for dwelling purposes, except for accessory dwelling units.

4.5 Dimensional Requirements - F1 Districts:

	<u>Principal Building</u>	<u>Accessory Building</u>
Minimum lot area	25 acres	Not applicable
Minimum lot area per family unit	25 acres	Not applicable
Minimum lot width	300 feet	Not applicable
Minimum front yard (setback)	50 feet	50 feet
Minimum side yard (setback)	50 feet	50 feet
Minimum rear yard (setback)	50 feet	50 feet
Maximum building height	Two stories plus roof	Two stories plus roof

SECTION 5 - FOREST #2 DISTRICTS

5.1 Purpose: To preserve tracts suitable for perpetuating the forest resources and forest-related industries which have been an important part of the State's economy; to maintain a high quality environment for forest or mountain based recreation; to avoid land development because of:

1. Topography, soil depth, drainage, slope, or other natural conditions presenting environmental limitations to development in the area;
2. The inefficient development of roads, utilities, and public services; and
3. Watershed areas that require protection.

5.2 Permitted Uses in F2 Districts: The following uses, subject to the requirements of Section 3.6:

1. Agricultural uses, including: maple sugaring, pasturage of livestock, crop raising, and buildings (except dwellings) accessory to and necessary for such agricultural uses;
2. Commercial forestry and forestry carried on for research, demonstration, education;
3. A private recreational, hunting, or fishing camp, consisting of a building or tent not suitable for use as a permanent primary dwelling, but used only occasionally or seasonally for temporary shelter in connection with a recreational activity, but not operated as a business, and subject to the following:

- a. Only chemical, incinerator, composting, or privy-type toilet facilities that meet requirements of the Protection Division of the Vermont Department of Environmental Conservation will be permitted. The camp may not be served by a sewage disposal system consisting of a tank and/or leaching field.
- b. No privy-type toilet facilities, or any discharge of wastewater from sinks, showers, washing machines, or other sources shall be located within 200 feet of any spring, well, stream, brook, river, pond, or wetland on the subject lot or any other lot.

5.3 Conditional Uses in F2 Districts:

1. Recreational use, but not including amusement facilities such as water slides or theme park.
2. Cluster subdivision of private recreational, hunting, or fishing camps.
3. Telecommunication facilities.
4. A wind energy public utility power-generating plant, consisting of wind turbine generators, transmission lines, and accessory buildings and structures, provided that, in addition to Section 3.7, the following criteria are satisfied:
 - a. Dimensional Requirements:

Minimum lot size = 50 acres
Minimum front, side, rear yard = 100 feet
 - b. The maximum sound level radiated by the facility, measured at the property line, shall not exceed 65 dBA.
 - c. The site and any access roadways and transmission lines shall be developed and maintained in a manner that will minimize soil erosion, contamination of surface and ground water sources, and damage to important wildlife habitats or natural areas.
 - d. The facility shall be sited for minimal visibility from existing state highways or from the Long/Appalachian foot trail.
5. The uses identified in Section 7.4.

5.4 Accessory Uses Permitted in F2 Districts:

Accessory uses customary to a permitted or conditional use on the same lot are subject to the approval of the Board.

5.5 Dimensional Requirements - F2 Districts:

	<u>Principal Structure</u>	<u>Accessory Structure</u>
Minimum lot area	25 acres	Not applicable
Minimum lot area per family unit	25 acres	Not applicable
Minimum lot width	300 feet	Not applicable
Minimum front yard (setback)	50 feet	50 feet
Minimum side yard (setback)	50 feet	50 feet
Minimum rear yard (setback)	50 feet	50 feet

SECTION 6 - CLUSTER SUBDIVISION

6.0 Purpose: The purpose of cluster subdivision is to enable and encourage flexibility of design and development of tracts of land for single family detached dwellings or camps in groups, so as to promote the most appropriate use of land, to facilitate the economical provision of roads and utilities, and to enhance the environmental quality of the area through maximum preservation of open space.

6.1 Where Permitted: Cluster subdivision may be permitted as a conditional use in the Forest 1 District in accordance with the provisions of Sections 3.7 and 4.3. In the Forest 2 District, a cluster subdivision containing private camps, as defined in Section 5.2.4, may be permitted as a conditional use in accordance with Sections 3.7, 5.2, and 5.3.

6.2 Permitted Uses in Cluster Subdivision:

- (1) Single family detached dwellings located in the Forest 1 District.
- (2) Private camps, as defined in Section 5.2.4, located within the Forest 2 District.
- (3) In the Forest 1 District, home occupations as permitted in that district.
- (4) In the Forest 1 District, any other permitted or conditional use in the F1 District. The area occupied by such use shall be separately shown on the site plan, and the area thereof shall be included as any part of the area to be developed for purposes of determining the permitted density.
- (5) Accessory uses incidental to a permitted or conditional use on the same lot.

6.3 Density of Occupied Units: In cluster subdivisions, the total number of occupied units shall not exceed the number which could be permitted if the tract were subdivided into lots conforming to the provisions of the district in which the subdivision is located.

6.4 Site Development Plan Approval, Public Hearing: All permit applications for cluster subdivisions shall be accompanied by a site development plan conforming to the guidelines of Section 7.6. No permit shall be issued for the cluster subdivision until the Board has approved the site development plan. The Board shall hold a public hearing on the application and site development plan prior to approval. The Board shall act to approve or disapprove the application and site development plan within 60 days of the close of the final public hearing. Failure to act within the 60-day period shall be deemed approval.

6.5 Dimensional Requirements: Given the 25-acre minimum lot per occupied unit for determining the overall density of a cluster subdivision, individual lots may be reduced in required area, width, and yard dimensions to not less than the following:

Forest 1 District:

Minimum area per occupied unit	2 acres
Minimum lot width	150 feet
Minimum front yard	50 feet
Minimum side yard	50 feet
Minimum rear yard	50 feet
Maximum building height	2 stories + roof

Forest 2 District:

Minimum area per occupied unit	5 acres
Minimum lot width	300 feet
Minimum front yard	50 feet
Minimum rear yard	50 feet
Minimum side yard	50 feet

6.6 Sewage Disposal: For dwellings in the F1 District, the method and installation of facilities for individual or communal sewage disposal shall be subject to all the applicable regulations of the Protection Division of the Vermont Department of Environmental Conservation.

6.7 Utilities: All utilities outside of a public or private right-of-way, including but not limited to electric and telephone lines, shall be buried underground.

6.8 Open Space Requirements: The land area not included for occupied units or in roads, rights-of-way, or easements for utilities, shall be permanently reserved as open space for recreation, conservation, agriculture, or forestry. Such open space shall be of a character, size, extent, and shape suitable for the above purposes, and located in an appropriate location in relation to the occupied units. Such open space shall contain not less than 50 percent of the gross area of the cluster subdivision.

Further subdivision of open land or its use for other than recreation, conservation, agriculture, or forestry, except for easements for underground utilities and septic systems, shall be prohibited. Structures or buildings accessory to recreation, conservation, agricultural, or forestry uses may be erected but shall not exceed 5% coverage of such open land.

The design of the road and lot layout, and location of open space, shall implement the stated objectives of the Town Plan and shall be subject to the approval of the Board.

- 6.9 Community Association: A non-profit community association shall be organized in accordance with the laws of the State of Vermont, requiring membership of all present and future lot owners in the cluster subdivision. Each occupied unit shall be entitled to one vote, to be cast by the owners thereof. The community association shall be responsible for the permanent maintenance of all communal water and septic systems, common open space, recreational and thoroughfare facilities. A community association agreement or covenant shall be submitted with the conditional use permit guaranteeing continuing maintenance of such common utilities, land, and facilities, and assessing each lot a share of maintenance expenses. Such agreement shall be subject to the review and approval of the Board.
- 6.10 Open Space Ownership: All open land shall be conserved in one of several ways:
- (1) conveyed to a community association owned or to be owned by the owners of the subdivision. If such a community association is utilized, ownership thereof shall pass with conveyances of the lots in perpetuity;
 - (2) conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space;
 - (3) conveyed to the Town, at no cost, and be accepted by it for a park or open space use. Such conveyance shall be at the option of the Town.

In any case where such land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded to ensure that such land shall continue to meet open space requirements, and not built for residential use. Such restrictions shall further provide for maintenance of the open land in a manner which will ensure its suitability for its function, appearances, cleanliness, and proper drainage, utilities, and the like.

SECTION 7 - SPECIAL REGULATIONS

7.1 Nonconforming Uses and Noncomplying Structures:

1. Nonconforming Uses: Any nonconforming use of a building or premises which was lawfully existing at the time of adoption of these bylaws, or any pertinent amendment thereto, may be continued, and any building so existing which was designed, arranged, intended for, or devoted to a nonconforming use, may be reconstructed and structurally altered, and the nonconforming use therein changed, subject to the following regulations:
 - a. A nonconforming use may not be changed, except to a conforming use, or with the approval of the Board, to another nonconforming use not more objectionable in character.

- b. If a nonconforming use is changed into a conforming use, it shall not be changed back into a nonconforming use.
 - c. No nonconforming use shall be extended or expanded, except with the approval of the Board, provided that said Board shall have found that such extension or expansion will have no adverse effect upon the environment, public health, safety, convenience, and upon property values in the vicinity, and where, in the opinion of the Board, strict enforcement of these bylaws would result in exceptional and unnecessary hardship on the owner of an established nonconforming use.
 - d. No nonconforming use, which has been discontinued for a period of one year, shall be resumed thereafter.
2. Noncomplying Structures: Any building which does not conform to the dimensional requirements of these bylaws regarding building height limit, area and width of lot, and required setbacks shall not be enlarged or substantially altered (extension of building footprint or construction of additional usable floor area on an upper floor) unless such enlarged or altered portion conforms to the regulations, including dimensional, use, and health regulations, applying to the district in which it is located. If such enlarged or altered portion fails to conform to dimensional requirements, construction may only occur if the Board approves a variance.
 3. Restoration and Reconstruction: The Zoning Administrator may grant a building permit for restoration or construction within 18 months of a buildings being damaged or destroyed by fire, explosion, accident, or vandalism. Any other reconstruction on the site after 18 months will be subject to all requirements of these bylaws.

7.2 Protection of Streams, Drainageways, and Wetlands:

1. No structure or septic system shall be placed, and no land shall be excavated, filled, graded, or timbered within a distance of at least one hundred feet from the normal bank of any stream or watercourse, or within a distance of at least one hundred feet from the shore line of any natural or artificial pond, wetland, lake, or water body, except with the approval of the Board.
2. The applicant for any land development which requires a Stream Alteration Permit under 10 V.S.A. Chapter 41 or a permit for construction of a dam under 10 V.S.A. Chapter 43 must present evidence that all required State permits have been granted prior to review by the Board.
3. For all other land development described in No. 1 of this subsection, application for approval shall be submitted to the Board with such surveys, maps, and other data as the Board may require in order to reach its decision.
4. Prior to granting such approval, the Board shall have found that the proposed construction, earth excavation, filling, grading, or timbering will not contribute to any impeded drainage, flood hazard, erosion, silting, or other adverse effect on

natural conditions, or on fish or wildlife habitat, nor interfere with the present or planned storm water drainage system of the Town. The Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites and the Vermont Streambank Conservation Manual may be used as guides in meeting this requirement.

5. All timbering activities shall adhere to the accepted silvicultural practices as defined by the Commissioner of Forests, Parks, and Recreation under Section 4810 of Title 6.

7.3 Aquifer Protection Area (APA):

A substantial portion of the State-designated APAs for the North Bennington-Shaftsbury and the Bennington water supply lie in Glastenbury. No activity within these special designations shall have a negative impact on surface and ground water (see map).

7.4 Earth Products Removal:

1. **Removal Restricted:** Except as otherwise provided in this subsection, there shall be no removal from the premises in any district of earth, sand, gravel, clay, or stone, except as surplus material resulting from a bona fide construction, landscape, or agricultural operation being executed on the premises, and provided that no significant damage is done to the landscape.
2. **Permit for Removal of Earth Products:** The Board, after a public hearing, may grant a permit for the removal of earth, sand, gravel, clay, or stone, under the following conditions:
 - a. The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed, together with finished grades and vegetative cover at the conclusion of the operation.
 - b. The operator shall provide for proper drainage of the area of the operation during and after completion, and no bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance, except in ledge rock at the completion of the operation. No removal shall take place within 100 feet of a property line.
 - c. Permits for Removal of Earth Products will be issued on a maximum three-year basis and may be renewed by the Board at that time free of charge.
3. **Existing Sand and Gravel Operations:** Existing sand and gravel, or other extractive operations, must conform to these bylaws from the effective date.
4. **Surety Bond:** In accordance with the provisions of Section 4407 (8) of the Vermont Planning and Development Act, and before a permit is granted under this section, the applicant may be required to post a surety bond with the Supervisor of the Town in an amount and in form approved by the Board as sufficient to guarantee conformity with the permit issued hereunder. Those operations existing prior to the adoption of these bylaws shall be exempt from posting a surety bond.

7.5 Mobile Home and Travel Trailer Occupancy:

1. General Regulations:

- a. A trailer, trailer coach, mobile home, or travel trailer may be used for not over six months as a temporary residence or field office, accessory to a construction or logging operation on the premises.

2. Mobile Home as a Dwelling:

- a. A mobile home may be used as a one-family occupied unit providing that it is located on a lot meeting all of the requirements of these bylaws applicable to a one-family occupied unit in the district in which it is located, is suitably anchored to a permanent masonry foundation, and is enclosed by some form of permanent skirting.
- b. A non-paying guest of the owner of such lot may occupy a travel trailer on any lot for a period not exceeding thirty days in any twelve-month period.

7.6 Accessory Dwelling Units:

Pursuant to 24 V.S.A. Section 4412 (1) (E) and (F), an accessory dwelling unit, as defined in this bylaw, is permitted as a use subordinate to a one-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, wastewater, and parking requirements. The accessory dwelling unit may be located in the one-family dwelling structure or in an existing or new accessory structure. If creation of the accessory dwelling unit involves the construction of a new accessory structure or an increase in the height or floor area of an existing structure conditional use review shall be required pursuant to Section 84 of this bylaw.

7.7 Family Child Care Facility:

Pursuant to 24 V.S.A. Section 4413(5), a state licensed or registered family child care home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. A family child care home serving no more than six full-time and four part-time children, as defined in 33 V.S.A. Section 4902(3)(A), shall be considered to constitute a permitted single-family residential use of property, but shall be subject to site plan approval pursuant to Section 151 of this Bylaw.

7.8 Site Development Plan: Site development plans shall contain:

- a. Boundaries, dimensions, and area of the lot or proposed lots.
- b. Existing and proposed site conditions, including contours, water courses, floodplain areas, important natural features, and forest cover.

- c. Location and dimensions of all existing and proposed buildings and structures. Also, locations of buildings on adjacent lots within 200 feet of the subject lot or development.
- d. Existing and proposed pedestrian and vehicular circulation systems and rights-of-way, including internal roads and driveways, and points of access to public rights-of-way. Curb cuts and driveways within 200 feet of the property boundaries should also be included.
- e. Location and size of all land areas to be reserved as open space, open space linkages, etc.
- f. Landscaping details and proposed grading.
- g. The proposed treatment of the perimeter of the parcel, including materials and techniques used for buffers and landscaping, and integration with adjacent properties, as appropriate.
- h. Existing and proposed utility systems, including water supply and fire protection, sewage disposal, storm drainage, and natural drainage and water courses. Also, wells, springs, and wastewater disposal systems within 300 feet of any property boundary.

SECTION 8 - TELECOMMUNICATIONS

8.1 Purposes:

The purpose of this section is to protect the public health, safety and general welfare of the Town of Glastenbury while accommodating the communication needs of residents and the area. This section shall:

- A. Preserve the character and appearance of the Town of Glastenbury while allowing adequate wireless telecommunications services to be developed.
- B. Protect the scenic, historic, environmental, and natural resources of the Town of Glastenbury.
- C. Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modification, and removal of wireless telecommunications facilities.
- D. Minimize tower and antenna proliferation by requiring the sharing of existing telecommunication facilities where possible and appropriate.
- E. Minimize the adverse visual effects of towers and other facilities through careful design and siting standards.

- F. Encourage the location of towers and antennas in non-residential areas and away from other sensitive areas.

8.2 Authority:

Pursuant to 24 V.S.A. Section 4401 et seq. the Board is authorized to review, approve, conditionally approve, and deny applications for wireless telecommunication facilities, including sketch, preliminary and final plans and installation. Pursuant to 24 V.S.A. Section 4407, the Board is authorized to hire qualified persons to conduct an independent technical review of applications and subsequent operation and to require the applicant to pay for all reasonable cost thereof. In addition to other findings required by these bylaws, the Board shall find that its decision regarding the application is intended to be consistent with federal law, particularly the Telecommunication Act of 1996. These bylaws do not:

- A. Prohibit or have the effect of prohibiting the provision of wireless telecommunication services;
- B. Unreasonably discriminate among providers of functionally equivalent services; or
- C. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.

8.3 Administration:

1. Application

The Zoning Administrator shall grant no permit for the construction, modification or installation of any wireless telecommunication tower or facility without Conditional Use Approval from the Board. Prior to granting such approval, the Board shall make affirmative findings for each of the criteria listed in this Section in regard to any other applicable provisions set forth in these bylaws.

2. Permitted and Prohibited Locations

Wireless telecommunication towers or facilities may not be located in the Forest 1 and Forest 2 district in areas greater than 2000 feet in elevation and may not be located in any of the following locations:

- A. Within 200 feet of a State or Federally designated wetland.
- B. Within the habitat of any State-listed rare or endangered species.
- C. Within 1000 horizontal feet from any property eligible to be listed on the Federal Historic Register.

- D. Closer than 200 feet horizontally to the boundary of the property on which the tower is located.
- E. Closer than 500 feet horizontally to any dwelling existing at the time of application.
- F. Within 200 feet horizontally of any river or perennial stream.
- G. Within 200 feet horizontally of any known archaeological site.
- H. Within 200 feet horizontally of any road or highway.

8.4 Small Scale Facilities and Collocation:

The placement of wireless telecommunication antennas, repeaters or microcells on existing buildings, structures, roofs, or walls, and not extending 10 feet from the same, or the installation of ground facilities less than 20 feet in height, may be approved as conditional use, provided the antennas meet the applicable requirements of these bylaws, upon submission of:

- A. A final site and building plan.
- B. A report prepared by a qualified engineer indicating the structure's suitability for the telecommunication facility, and that the proposed method of affixing the antenna or other device to the structure complies with standard engineering practices. Complete details of all fixtures and couplings and the exact points of attachment shall be indicated.
- C. 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.

8.5 Application Requirements for Other Wireless Telecommunication Facilities:

An applicant for a permit must be a personal wireless service provider or FCC licensee, or must provide a copy of its executed contract to provide land or facilities to such an entity, to the Zoning Administrator at the time the application is submitted. A permit shall not be granted for a tower or facility to be built on speculation.

In addition to information otherwise required in these zoning bylaws, applicants for wireless telecommunications towers or facilities shall include the following supplemental information:

- A. The name and address of the individual or corporate applicant, the record landowners and any agents of the landowners or applicants.
- B. The name, address and telephone number of the person to be contacted as authorized to act in the event of an emergency regarding the structure or safety of the facility.

- C. The names and addresses of all abutting property owners.
- D. A report from a qualified structural and radio frequency engineer that:
 - 1. Describes the height, design and elevation of proposed antennas or towers.
 - 2. Documents the height above grade for all proposed positions for antennas to be collocated on a telecommunications tower or facility and the minimum separation between antennas.
 - 3. Describes the tower's proposed capacity, including the number, height and types of antennas that the applicant expects the tower to accommodate.
 - 4. In the case of new tower proposals, demonstrates that existing telecommunication sites and other existing structures, including other structures proposed by the applicant within 5 miles of the proposed site, cannot reasonably provide adequate coverage and adequate capacity to the service area. The documentation shall include, for each facility site or proposed site within such radius, the exact location, ground elevation, height of tower or structure, and sufficient additional data to allow the independent reviewer to verify that other locations will not be suitable.
 - 5. Demonstrates that the applicant has analyzed the feasibility of using "repeaters" or micro-cells in conjunction with all facility sites listed in compliance with Section 8.5.D.4 (above) to provide coverage to the intended service area.
 - 6. Describes the potential changes to those existing facilities or sites in their current state that would enable them to provide adequate coverage.
 - 7. Describes the output frequency, number of channels, sector orientation and power output per channel, as appropriate for each antenna.
 - 8. 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 area.
 - 9. 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.
 - 10. Includes other information requested by the Board that is necessary to evaluate the request.
 - 11. A letter of intent committing the facility owner and their successors to permit shared use of the facility if the additional user agrees to meet reasonable terms and conditions for shared use.

- E. 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 (to be provided to the Zoning Administrator at the time an application is submitted).
- F. To the extent required by the National Environmental Policy Act (NEPA) as administered by the FCC, a complete Environmental Assessment draft or final report describing the probable impacts of the proposed facility.
- G. A copy of the application or draft application for an act 250 permit, if applicable.

8.6 Site Plan Requirements (not covered under 8.4):

In addition to the site plan requirements found elsewhere in these bylaws, site plans for wireless telecommunication facilities shall include the following supplemental information:

- A. Location Map: a copy of a portion of the most recent 7.5 minute USGS quadrangle map showing the area within at least a two-mile radius of the proposed facility site.
- B. Vicinity 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 rare or 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. Proposed site plans of the entire development indicating all improvements including landscaping, utility lines, guy wires, screening, roads and buildings. Plans shall be drawn at a minimum scale of one-inch equals fifty feet.
- D. Elevations showing all facades and indicating all exterior materials and colors of towers, buildings and associated facilities.
- E. 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 site, elevation, and the date taken imprinted on the photograph. The photos must show the color of the facility and the method of screening.
- F. In the case of a proposed site that is forested, the approximate average height of the existing vegetation within 300 feet of the tower base.
- G. Construction sequence and time schedule for the completion of each phase of the entire project.
- H. The facility shall be entirely enclosed behind a chain linked security fence. The fence shall be set back from the property perimeter a minimum of 12 feet with a minimum height of six feet. The facility entrance will be gated with a gate, which is the same height as the fence. The gate will be locked at all times.

8.7 Collocation Accommodations:

An applicant for a new wireless telecommunication facility must co-locate on an existing or approved tower or structure unless one of the following conditions applies:

- 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 or facility 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, either 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 unreasonable to locate the planned telecommunications equipment upon an existing tower or structure.
- F. There is no existing or approved tower in the area in which coverage is sought.

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. 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.

8.8 Tower and Antenna Design Requirements:

Proposed facilities shall be sighted with every effort not to interfere with the view from any public park, natural area, scenic vista, historic building or district, or major view corridor. Height and mass of facilities shall not exceed that which is essential for the intended use and public safety.

- A. 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 where the Federal Aviation Authority, state or federal authorities have dictated color. The use of stealth design, including those that imitate natural features, may be required in visually sensitive locations.

- B. 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 115 feet or 30 feet above the average height of the tree line measured within 200 feet of the highest vertical element of the telecommunications facility. Notwithstanding the above, additional height may be approved upon finding by the Board that the additional height is necessary in order to provide adequate coverage in the service area or to accomplish collocation of facilities and that the additional height will not cause an undue visual impact on the scenic character or appearance of the area.
- C. Towers, antennas and any necessary support structures shall be designed to avoid having an adverse aesthetic impact on prominent ridge lines and hilltops. In determining whether a tower's aesthetic impact would be undue and adverse, the Board will consider:
1. the period of time during which the proposed tower would be viewed by the traveling public on a public highway;
 2. the frequency of the view experienced by the traveling public;
 3. the degree to which the tower would be screened by existing vegetation, the topography of the land, and existing structures;
 4. background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
 5. the distance of the proposed tower from the view point and the proportion of the facility that is visible above the skyline;
 6. the sensitivity or unique value of a particular view affected by the proposed tower;
 7. significant disruption of a viewshed that provides context to a historic or scenic resource.

The Board shall have the authority to impose conditions consistent with the purpose of this section in approving a proposed facility. Furthermore, the Board may propose an alternative location for the tower to be evaluated by the applicant if it is determined that the initial 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 technically feasible to meet the applicant's communication objectives.

- D. All buildings and structures accessory to a tower shall meet the minimum setback requirements of the underlying zoning district or the setback requirements specified in these bylaws.

- E. Ground mounted equipment or antennas as well as buildings and structures accessory to a tower shall be screened from view by suitable vegetation. A planted or vegetated screen shall be a minimum of ten feet in depth with a minimum height of six feet and shall have the potential to grow to a height of 15 feet at maturity. Existing onsite 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.

8.9 Amendments to Existing Wireless Telecommunication Facility Permit:

An alteration or addition to a previously approved wireless telecommunications facility shall require a permit amendment when any of the following are proposed:

- A. Change in the number of buildings or facilities permitted on the site;
- B. Addition or change of any equipment resulting in greater visibility or structural wind loading, or additional height of the tower, including profile of additional antennas, not specified in the original application.

8.10 Tower Lighting and Signage; Noise Generated by Facility:

Unless required by the Federal Aviation Administration, 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 the FAA regulations. The applicant shall submit copies of required FAA applications. Heights may be reduced to eliminate the need for lighting or another location selected.

No commercial signs or letters shall be placed on a tower or facility. Signage shall be limited to that required by the federal or state regulation.

The Board may impose conditions to minimize the effect of noise from the operation of machinery or equipment upon adjacent properties consistent with other provisions in these bylaws.

8.11 Temporary Wireless Telecommunications Facilities:

Any wireless telecommunications facility designed for temporary use is subject to the following:

- A. Use of a temporary facility is permitted only if the owner has received a permit from the Zoning Administrator.
- B. Temporary facilities are permitted for no longer than five days use during a special event.
- C. The maximum height of a temporary facility is 50 feet from grade.
- D. Temporary facilities must comply with all applicable portions of these regulations.

8.12 Continuing Obligations:

Upon receiving a permit, the recipient shall annually demonstrate 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.

8.13 Facility Removal:

Abandoned, unused, obsolete, or non-compliant towers or facilities governed under this bylaw shall be removed as follows:

- A. The owner of a facility/tower shall annually, on the anniversary following the date of installation file a declaration with the Zoning Administrator certifying the continuing safe operation of every facility/tower installed subject to these regulations. An owner who has failed to file an annual declaration with the Zoning Administrator will have a 30 day grace period to file a declaration of use or intended use and may request the ability to continue use of the facility/tower. Failure to file a declaration shall mean that the facility is no longer in use and considered abandoned.
- B. Abandoned or unused towers or facilities shall be removed within 180 days of cessation of operations at the site unless the Board approves a time extension. In the event the tower or facility is not removed within 180 days the town shall notify the owner and may remove the tower or facilities. Costs of removal shall be assessed against the property or tower owner.
- C. Towers and facilities that are constructed in violation of permit conditions or application representations shall be removed within 180 days of violation notification unless the Board approves a time extension or negotiated solution. In the event the tower or facility is not removed within 180 days of the notification of such violation, the municipality may remove the tower or facilities. Costs of removal shall be assessed against the property or tower owner.
- D. The applicant shall, as a condition of the conditional use permit, provide a financial surety bond payable to the Town of Glastenbury and acceptable to the Board to cover the cost of removal of the facility and remediation of the landscape, should the above clauses be invoked.

8.14 Performance Bond:

The Board will require from the telecommunications facility owner/operator a performance bond issued either by a bonding or surety company, approved by the Board, in an amount sufficient to cover the full cost of the said facility. Such bond or security shall provide for and secure to the public the completion of the installation within the period fixed for the facility completion and for the maintenance thereof for a period of 2 years after completion.

The performance bond required shall run for a term to be fixed by the Board but in no case for a longer term than 3 years. However, the term of such bond may, with the consent of the owner, be extended for an additional period not to exceed 3 years. If any improvements

have not been installed or maintained as provided within the term of such performance bond, such bond shall be forfeited to the Town of Glastenbury and upon receipt of the proceeds thereof, the Town shall install or maintain such improvements as covered by such performance bond.

8.15 Maintenance Requirements:

The applicant shall maintain all facilities. Such maintenance shall include, but not be limited to painting, structural integrity, and landscaping. In the event the applicant fails to maintain the facility, the Town may undertake such maintenance at the expense of the applicant or landowner.

8.16 Insurance Requirements:

The facility owner shall maintain adequate insurance on all facilities.

8.17 Fees:

Fees for filing an application to build or alter a wireless telecommunication facility shall be \$50.00 for a small-scale facility (see Section 8.4) and \$75.00 for all other facilities. Additional fees may include the reasonable costs of an independent technical assessment of the application that may be incurred during the review and permit process.

SECTION 9 - ADMINISTRATION AND ENFORCEMENT

The provisions of these bylaws shall be administered and enforced by the Administrative Officer, appointed by the Board with the approval of the Town Supervisor, as provided by law. As provided in 24 V.S.A. Chapter 117, the Supervisor of Glastenbury acts as the legislative body, and has designated the Bennington County Regional Commission as the Municipal Planning Commission. The Board. The Administrative Officer shall enforce the provisions of these regulations, inspect land developments, maintain records of all actions, and perform all other necessary and required tasks to carry out the provisions of these regulations and the duties of the office.

9.1 Permits:

1. Zoning Permit Applications may be obtained from the Administrative Officer. Prior to the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure -- whether said building or other structure is intended for permanent or temporary occupancy or use -- a zoning permit shall be obtained from the Administrative Officer. A zoning permit shall also be obtained prior to the division of a parcel into two or more parcels, any mining, excavation, or landfill, and any change or extension in the use of any building or other structure, or land. Application for such permit shall be made on a prescribed form accompanied by a fee as set by the Town Supervisor. Before issuing any such permit, the Administrative Officer shall certify that the proposed building or use complies with all of the provisions of these bylaws. The Administrative Officer shall maintain a full and accurate record of all applications, permits, and violations acted

upon by him, which records shall be filed with the Listers and Supervisor of the Town, and the County Clerk. Permits shall be voided in the event of misrepresentation or failure to undertake construction within 120 days of the date of approval. If the Administrative Officer or the Board fails to act within thirty days, a permit shall be deemed issued on the 31st day.

2. Each zoning permit issued shall contain a statement of the period of time within which an appeal may be taken. No permit shall take effect until the time for appeal has passed, as provided for in 24 V.S.A. Section 4465. If an appeal is taken, the permit shall not take effect until final adjudication of the appeal by the appropriate municipal panel or environmental court, as provided for in 24 V.S.A. Section 4449. Within 3 days of the issuance of a zoning permit, the Administrative Officer shall post the permit at the Town Offices of Arlington, Bennington, Shaftsbury, and Sunderland, the Bennington County Regional Commission, and the County Clerk's office, and file a copy with the Listers. Permits shall remain posted for at least 15 days from the date of issuance. A notice of permit also shall be posted at a location within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal has passed.

9.2 Interpretation of Bylaws: In their interpretation and application, the provisions of these bylaws shall be held to be the minimum requirements adopted for the promotion of the public health, environment, safety, comfort, convenience, and general welfare. It is not intended by these bylaws to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of the law or ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; nor is it intended by these bylaws to interfere with or abrogate or annul any easements, covenants, or other agreement between parties, provided, however, that where these bylaws impose a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by existing provisions of law or ordinance, or by such rules, regulations, or permits, or by such easements, covenants, or agreement, the provisions of these bylaws shall control.

9.3 Variances: On an appeal of the decision of the Administrative Officer, where a variance from the strict requirements of these bylaws is requested, the Board of Adjustment must adhere to and act strictly within the limitations of 24 V.S. A. Section 4469. The Board may render a decision in favor of the appellant only if it makes a positive finding on all of the following facts:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of these bylaws in the district or neighborhood in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning

regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

3. That the unnecessary hardship has not been created by the appellant;
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare or the environment; and
 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning bylaws and the town plan.
- 9.4 Appeals: An interested person, as defined in 24 V.S.A 4465, may appeal any decision or act taken by the Administrative Officer or the Board by filing a notice of appeal with the Town Supervisor. Such notice of appeal of a decision or act of the Administrative Officer must be filed within 15 days of the decision or act, and a copy of the notice of appeal shall be filed with the Administrative Officer. Appeals denied by the Town Supervisor may be appealed to the Vermont Superior Court.
- 9.5 Penalties and Remedies: Any person who violates the provisions of these bylaws shall be subject to the penalties and remedies prescribed in 24 V.S.A. 4451 and 4452.
- 9.6 Validity: If any section or provision of these bylaws is adjudged to be unconstitutional or otherwise invalid, such decision shall not affect the validity of these bylaws as a whole, or of any part thereof other than the part so adjudicated.
- 9.7 Public Notice: Any public notice required for public hearing under these bylaws shall be given as required by law.
- 9.8 Amendments: These bylaws, or the boundaries of zone districts established herein, may be amended from time to time after a public hearing, as provided by Sections 4441, 4442, and 4444 of the Vermont Planning and Development Act.

APPENDIX 1- DEFINITIONS

Unless otherwise expressly stated, the following words shall, for the purpose of these bylaws, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word “person” includes a partnership, corporation or other entity. The word “building” includes the word “structure”. The word “shall” is mandatory, not directory.

Accessory Use or Building: A use or building customarily incidental and subordinate to a principal use on the same lot, or on an adjoining lot under the same ownership. A detached accessory building shall be one that is not attached to the principal by any covered porch, breezeway, or other structure.

Alteration: Any change to or replacement of exterior doors, windows, porches, decks, siding, architectural details, lighting or location

Building: Any structure having a roof and intended for the shelter, housing, or enclosure of persons, animals or materials.

Building Area: The ground area enclosed by walls of a building, together with the area of all covered porches, other roofed and unroofed portions and patios.

Building Coverage: The ground area covered by any portion of a structure.

Building Front Line: A line parallel to the front lot line transecting that point of the building face that is closest to the front lot line. This face included decks, steps, and porches whether enclosed or unenclosed.

Building Height: The vertical distance from the average finished grade within ten feet of the walls of the building to the highest point of the ridge line or roofed surface (not including the chimney). In the case of structures without a roof, the building height is the highest point on the structure

Camp: Land on which is located a cabin, shelter or other accommodation suitable for and restricted to seasonal or temporary living purposes, excluding mobile homes.

Change of Use: Within any zoning district, a change from one numbered category to another numbered category of use.

Conditional Use: A use permitted in each district only by approval of the Board, if the Board determines, after a public notice and public hearing, that the proposed use will conform to general and specific standards, as provided in the Zoning Bylaws.

Deck: An elevated outdoor living structure, with or without a covering or roof, attached to or abutting another structure on the lot.

District: A specific portion of the town as established by the provisions of Section 2 of these bylaws.

Development: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, 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.

Driveway: An access way serving no more than two dwelling units.

Dwelling, Multiple: A building containing separate dwelling units for two or more families, having separate entrances, services, or facilities.

Dwelling, One Unit: A building or part of a building occupied or intended to be occupied by one family for residential purposes, containing accommodations for living, eating and sleeping.

Dwelling Unit, Accessory: An efficiency, one or two bedroom dwelling unit located within or appurtenant to an owner-occupied one-unit dwelling that is clearly subordinate to the one-unit dwelling, which has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided that the property has sufficient wastewater capacity and that the unit does not exceed 30 percent of the total habitable floor area of the one-unit dwelling, but is at least 400 square feet in floor area. An accessory dwelling unit does not require any additional lot area beyond that which is required for the one-unit dwelling.

Family: A person or persons living together in the same building and sharing the same kitchen and other facilities.

Forestry: The growing and harvesting of trees or timber using accepted Management Practices as defined by the Commissioner of Forests, Parks, and Recreation.

Frontage: A lot line that is adjacent or parallel to a public road or permanent right-of-way.

Front Setback: The open, unoccupied space extending across the full width of the lot and lying between the road line of the lot and the nearest line of the building. The front setback shall be the minimum distance between the building and the front lot line, measured at right angles to the front line of the lot.

Grade, Finished: The complete surface grade of ground, lawns, walks, paved areas and roads brought to grades as shown on site plans relating thereto.

Lot: A parcel of land undivided by any road, and occupied or to be occupied by only one primary structure or principal use and the accessory buildings or uses customarily incidental to such structures or uses. A lot shall be of sufficient size to meet the minimum zoning requirements for use, coverage and area, and to provide such yard and other open spaces as are herein required. Such lot shall have frontage on an improved public road or right-of-way approved by the Board. In no case shall the division or combination of land result in the creation of a parcel that does not meet the requirement of these Bylaws.

Lot Area: The total area within the property lines excluding any part thereof lying within the boundaries of a public road or proposed road.

Lot, Corner: A lot at the intersection of and abutting on two or more roads where the angle of the intersection is not more than 135 degrees, or where the intersection is rounded by a curve having a radius of less than one hundred feet.

Lot Line: The established division line between lots or between a lot and a road.

Lot, Minimum Width of: The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch, but not be in front of the building line. In the case of a corner lot, the minimum width shall be similarly measured, but measured from the side lot line to the opposite road line.

Mobile Home: A prefabricated dwelling unit built for long term and continuous residential occupancy, which is designed to be moved on wheels, as a whole or in sections, and, on arrival at the site, is complete and ready for occupancy, except for incidental unpacking, assembly, placing on support or permanent foundation, and containing comparable water supply, waste disposal, and major housekeeping appliances as immobile housing.

Noncomplying Building: A building, the location, size, height, or construction of which does not conform to all the applicable provisions of these bylaws, but which was legally existing at the effective date hereof, or of any pertinent amendment hereto.

Nonconforming Use: A use of land or building which is not a use permitted by these bylaws for the district which such land or building are situated, but which was legally existing at the effective date hereof, or of any pertinent amendment hereto.

Occupied Unit: A camp or tent for seasonal recreational use where residences are not permitted.

Open Space-Green Space: The areas on any lot not occupied by structures, parking areas or driveways. Open space is intended to be synonymous with green space whether natural or landscaped.

Patio: A hard surfaced outside living structure, at ground level, with or without a covering or roof, and which abuts another structure.

Premises: A lot, as defined in this section, or a specific part of a lot or building referred to in the context of these bylaws.

Principal Building: The building on the lot containing the major permitted use or uses, as opposed to a building containing a minor use customarily incidental to the principal use.

Property Line: The line dividing adjacent lots.

Public Road: A road that has been constructed for public travel and is open and available for public use. "Road" shall mean the entire width of the right-of-way.

Recreational Facility, Private: A recreational facility catering exclusively to members and their guests and not to transients.

Recreational Facility, Public: A recreational facility catering to the public.

Setback: The distance from any lot line to a building or structure, excepting fences and stonewalls, measured to it's nearest wall, steps, porch or deck, but not normal roof overhangs.

Site Plan: The plan for development, including change of use, of one or more lots. Site plans shall be drawn in accordance with the requirements of these bylaws.

Stream: A body of running water flowing in a regular course throughout the year. Temporary interruptions of flow during times of drought shall not cause a stream to be considered seasonal.

Structure: An assembly of materials for occupancy or use which require a permit, including but not limited to a building, mobile home or trailer, sign, satellite antennae, walls or fences over five feet high, except a wall or fence for agricultural purposes.

Subdivision: The division of a lot, tract, or parcel of land into two or more lots, plat sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or right of use, or of building development. It includes subsequent subdivision, and the division of land held in common and subsequently divided into parts among several owners.

Trailer, Travel Coach or Travel Trailer: Any vehicle used for sleeping or camping or short term living quarters mounted on wheels or a camper body usually mounted on a truck. Any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or an office.

Yard: The space on a lot not occupied with a building or structure. Porches, decks and steps, whether enclosed or unenclosed, shall be considered as part of the building and shall not project into the required setbacks.