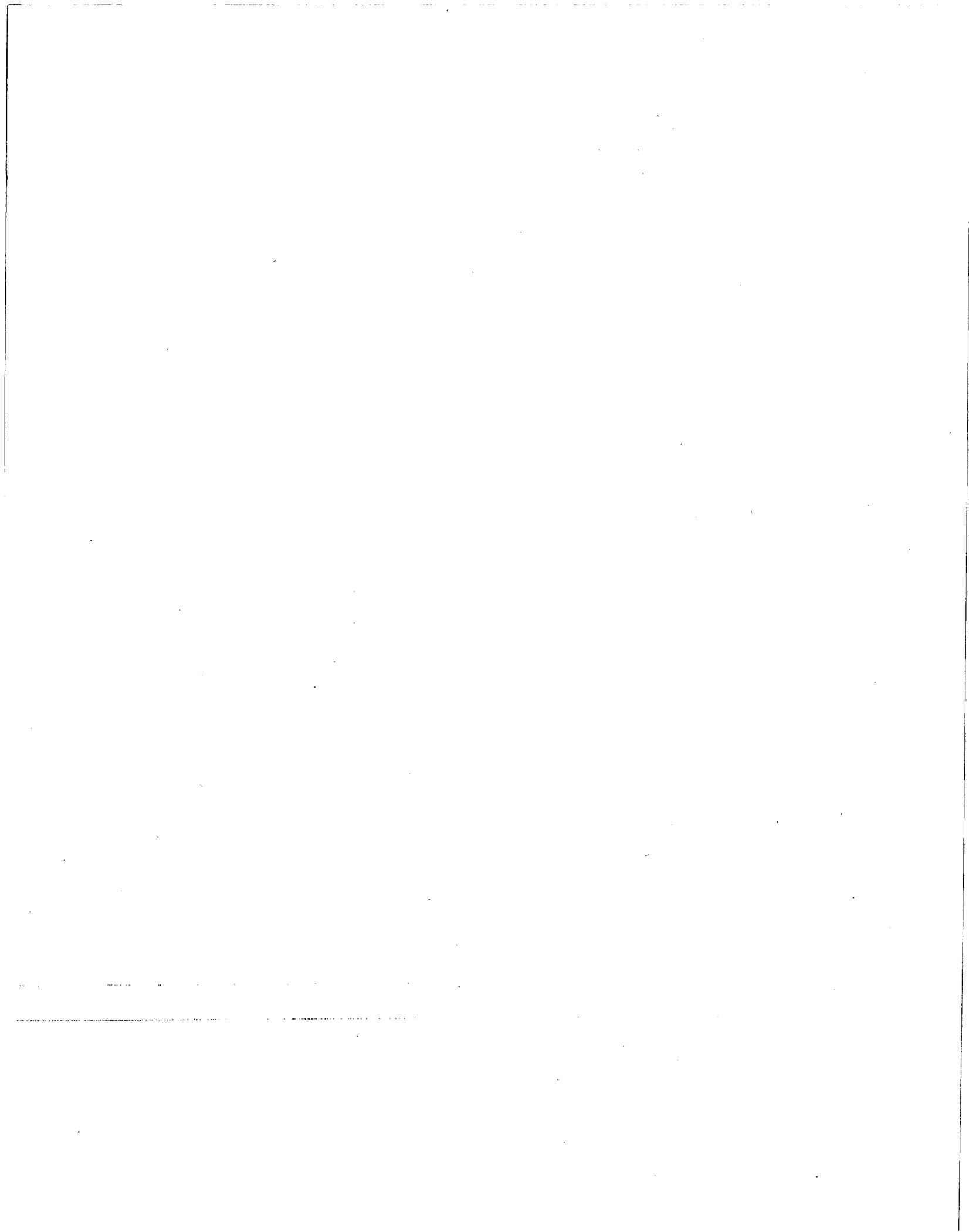


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## Article I. Enactment, Purpose, Amendments and Definitions

### Section 1.1 Enactment

In accordance with the Vermont Planning and Development Act, hereinafter referred to as the "Act", 24 VSA Chapter 117 Section 4401, there are hereby established Zoning Regulations for Cabot which are set forth in the text and map that constitute these Regulations. These Regulations shall be known as the "Town and Village of Cabot Zoning Regulations".

### Section 1.2 Purpose

It is the intent of these Regulations to provide for orderly community growth, to implement the Cabot Town and Village Plan and to further the purposes established in the Act, Section 4302.

### Section 1.3 Application of Regulations

The application of these Regulation is subject to Sections 4405, 4406, 4408, and 4409 of the Act.

Except as hereinafter provided, no excavation for a building or structure shall be commenced, nor shall a building or structure be erected, moved, altered or extended, and no land, building or structure, or part thereof, shall be occupied or used unless in conformity with the Regulations herein specified for the district in which it is located. Any use not permitted by these regulations shall be deemed prohibited.

### Section 1.4 Interpretation

Except for Section 4409(b) of the Act, and where these Regulations specifically provide to the contrary, it is not intended to repeal, annul or in any way to impair any regulations or permits previously adopted or issued, provided, however, that where these Regulations impose a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulations, permit, easement or agreement, the provisions of these Regulations shall control.

### Section 1.5 Amendments

These Regulations may be amended according to the requirements and procedures established in Sections 4403 and 4404 of the Act.

### Section 1.6 Separability

The invalidity of any provision of these Regulation shall not invalidate any other part.

### Section 1.7 Effective Date

These Regulations shall take effect in accordance with the voting and other procedures contained in Section 4404(c) of the Act.

## Section 1.8 Definitions

Except where specifically defined herein, all words used in these Regulations shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural: the word "lot" includes "plot"; the word "Building" includes "structure"; the words "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied"; "person" includes individual, partnership, association, corporation, company or organization.

Doubt as to the precise meaning of any word used in these Regulations shall be clarified by the Board of Adjustment.

### Accessory Use or Building:

A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.

### Agricultural Use:

Land containing at least two acres which is used for raising livestock, or agricultural or forest products, including farm structures and the storage of agricultural equipment: riding and boarding stables; and as an accessory use, the sale of agricultural products raised on the property.

### Building Front Line:

Line parallel to the front lot line intersecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed, but does not include steps.

### Club, Private:

Building or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit.

### Commercial Camps:

An organized commercial establishment offering programs of an educational, recreational, or religious nature for youth, families, or other groups on a temporary basis.

### Commercial Use:

Any area of land, including structures thereon that is used or designed to be used for the sale or storage of goods and merchandise, the transaction of business, or provision of services or entertainment.

### Community Center:

Includes public or private meeting hall, place of assembly, museum, art gallery, library, place of further education and church, not operated primarily for profit.

### Development:

The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

### Dormitory Use:

Includes fraternity, sorority, nurses' home, college dormitory.

**Dwelling Unit:**

Building or part thereof used as living quarters for one family. The terms dwelling, one family dwelling, two family dwelling, or dwelling group shall not include a motel, hotel, boarding house, tourist home, mobile home or similar structure.

**Dwelling, one family:**

Detached building used as living quarters by one family.

**Dwelling, Two Family:**

Building used as living quarters by two families living independently of each other.

**Garage:**

A building solely for storage of vehicles.

**Grade, Finished:**

Completed surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans relating thereto.

**Group Service:**

Church, school, community center and other public gathering places or sites for group service activities.

**Home Occupation:**

Accessory use of a service character conducted within a dwelling by the residents thereof, which is clearly secondary to the dwelling used for living purposes and does not change the character thereof.

**Hospital:**

Includes sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged, and any other place for the diagnosis or treatment of human ailment.

**Industrial Use:**

Any facility for the assembly, manufacture, compounding, processing, packing, treatment, research or testing of materials, goods or products.

**Junk Yard:**

Land or building used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material: or for the collecting, wrecking, dismantling, storage, salvaging and sale of machinery parts or vehicles not in running condition.

**Living Quarters:**

A building or part thereof containing a kitchen and/or bathroom.

**Loading Space:**

Off street space used for the temporary location of one licensed motor vehicle, which is at least twelve feet wide and forty feet long and fourteen feet high, not including access driveway, and having direct access to a street or alley.

**Lot:**

Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated, and having frontage on a street, or other means of access as may be determined by the Planning Commission to be adequate as a condition of the issuance of a building permit for a building on such land.

**Lot Depth:**

Mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the building front line.

**Lot Frontage:**

Distance measured across the width of the lot at the building front line, or the proposed building front line.

**Mobile Home:**

Movable living unit with or without wheels, used for living quarters. A sectional prefabricated house shall not be considered a mobile home.

**Motel:**

Building containing rooms which are rented as a series of sleeping units for automobile transients; each sleeping unit consisting of at least a bedroom and bathroom.

**Non-Conforming Use:**

Use of land or structure which does not comply with all zoning regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to enactment of these Regulations.

**Non-Complying Structure:**

Structure not complying with the Zoning Regulations for the district in which it is located, where such structure complied with all applicable laws, ordinances, and regulations prior to enactment of these Regulations.

**Outdoor Advertising:**

Means a sign which advertises, calls attention or directs a person to a business, association, profession, commodity, product, institution, service, entertainment, person, thing, or activity of any kind whatsoever, and is visible from a highway or other public right of way. Goods for sale displayed from inside the window of a retail establishment shall not be considered outdoor advertising.

**Parking Space:**

Off street space used for the temporary location of one licensed motor vehicle which is at least nine feet wide and twenty two feet long, not including access driveway and having direct access to a street or alley.

**Professional Residence-Office:**

Residence in which the occupant has a professional office of an architect, accountant, chiropractor, dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, planning consultant, podiatrist, engineer, or psychologist, which is clearly secondary to the dwelling use for the living purposes and does not change the residential character thereof, and where not more than one person outside the family is employed.

**Public Water, Public Sewer:**

Water supply and sewage disposal systems approved by the Selectmen for municipal operation.

**Recreation, Private Outdoor:**

Includes yacht club, golf course, trap, skeet and archery range, swimming pool, skating rink, riding stable, park, lake and beach, tennis court, recreation stadium and skiing facility.

**Recreation, Public Outdoor:**

Includes publicly owned and operated playground, playfield, park, open space, swimming pool.

**Residential Use:**

Includes one family dwelling, two family dwelling, multi-family dwelling, and professional residence-office.

**Retail Store:**

Includes enclosed restaurant, cafe, shop and store for the sale of retail goods, personal service shop and department store; and shall exclude any drive-up service, free standing retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

**School:**

Includes parochial, private, public and nursery school, college, university, and accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music and similar establishments.

**Sign:**

Any structure, display device of representation which is designed or used to advertise or call attention to any thing, person, business activity or place and is visible from the highway or other right of way. It does not include the flag, pennant or insignia of any nation, state or town.

**Street Line:**

Right of way of a street as dedicated by a deed or record. Where the width of the street is not established, the street line shall be considered to be twenty five feet from the center line of the street pavement.

**Structure:**

Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground, except a wall or fence on an operating farm.

**Temporary Housing:**

Any structure, including a tent, teepee, travel trailer, mobile home, shack or shed, intended to serve as a residence.

**Trailer:**

Includes any vehicle used as sleeping or camping or living quarters mounted on wheels or a camper body usually mounted on a truck; and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or as an office.

**Trailer Camp:**

Land on which two or more trailers are parked and occupied for living purposes.

**Yard:**

Space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

**Yard, Front:**

Yard between the front line and the front line of a building extended to the side lot lines of the lot. The depth of the front yard shall be measured from the street line to the front line of the building.

**Yard, Rear:**

Yard between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the building.

**Yard, Side:**

Yard between the principal building or accessory building and a side lot line, and extending through from the front yard to the rear yard.

**Article II. Establishment of Zoning Districts, Administration and Enforcement**

Section 2.1 Establishment of Zoning Districts

The Town and Village of Cabot are hereby divided into the following zoning districts as shown on the Town and Village Zoning Map:

- Medium Density Developed District (Town and Village)
- Undeveloped Village District (Village Only)
- Low Density Residential and Agricultural District (Town Only)
- Shoreland District

Section 2.2 Zoning map and Interpretation of Boundaries

The location and boundaries of zoning districts are established as shown on the attached zoning map and described as follows:

**Medium Density Developed District (Town and Village):**

1. That land in the incorporated Village of Cabot which is less than 300 feet back from the edge of the highway right of way;
2. That area in Lower Cabot bounded by a line running parallel to and 300 feet from each side of Town Highway No. 1 from northwest corner of Durant Cemetery to Cabot Village boundary, and a similarly described line proceeding along Town Highways No. 51 and 41 and Town Highway No. 3 to a distance of 500 feet from a point when said highways intersect with Town Highway No. 1.
3. That land in South Cabot bounded by a line running parallel to and 300 feet from each side of US Route 2, from intersection of said route and Town Highway No. 61 to intersection of said highway and Town Highway No. 49, and a similarly described line running on both side of Town Highway No. 48.

Undeveloped Village District (Village Only):

That land in the incorporated Village of Cabot which extends beyond 300 feet of the edge of the highway right of way.

Low Density Residential and Agricultural District (Town Only):

That land in the Town of Cabot outside of the Medium Density Developed District, the Undeveloped Village District and the Shoreland district.

Shoreland District:

That land in the town of Cabot between the normal mean watermark of a lake or pond exceeding 20 acres and a line not less than 800 feet from such mean watermark.

If uncertainty exists with respect to the boundary of any zoning district, the Planning Commission shall determine the location.

Section 2.3 Administrative Officer

The Administrative Officer is hereby appointed to administer the Zoning regulations, as provided for in Section 4442 of the Act.

Section 2.4 Zoning Permit

No land or building development may commence, nor shall any land or structure be used, extended in any way unless a zoning permit shall have been duly issued by the Administrative Officer, as provided for in Section 4443 of the Act. The fee for such Zoning Permit shall be established by the Selectmen.

The Administrative Officer shall not issue a zoning permit unless an application fee, plot plan, sewage disposal construction permit application and any other approvals required by these regulations have been properly submitted.

The Administrative Officer shall within 30 days of submission of application, data and approvals, either issue or deny a zoning permit. Such permits shall be made out in triplicate and one copy sent to the applicant by receipted certified mail. If denied, the Administrative Officer shall so notify the applicant in writing stating his/her reasons therefore.

A zoning permit shall become void if the work described therein has not been commenced within one year from the date of issuance.

Section 2.5 Penalties

Violations of this Zoning Ordinance shall subject the violator to a fine not to exceed \$50.00 per day or to other procedures in accordance with sections 4444 and 4445 of the Act.

## Section 2.6 Board of Adjustment

There is hereby established a Board of Adjustment whose members may consist of the members of the Planning Commission. Rules of procedure, nature of appeals, public notice, conditions for variance relief and all other matters shall be as provided in Subchapter 8 of the Act.

## Section 2.7 Conditional Uses

No zoning permit shall be issued by the Administrative Officer for any use or structure which requires a conditional use permit in this Regulation until the Board of Adjustment grants such approval. In considering its action, the Board of Adjustment shall make findings on general and specific standards, hold hearings and attach conditions as provided for in Section 4407 (2) of the Act.

The general standards include assurance that the proposed use will not adversely affect:

1. The capacity of existing or planned community facilities;
2. the character of the area affected;
3. Traffic on roads and highways in the vicinity;
4. Bylaws then in effect;
5. Intrinsic capability of the land to support the use.

Specific standards include the following:

1. The Board of Adjustment may require the installation, operation, and maintenance of such devices and/or such methods of operating as may be in the opinion of the Board of reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, noise, vibration or similar nuisance. Performance standards shall be as specified by the appropriate State regulatory agencies.
2. The Board may impose such conditions regarding the extend of open spaces between the proposed use and surrounding properties as will tend to prevent injury which might otherwise result from the proposed use to surrounding properties and neighborhoods. The Board shall not require more than double setback or double yards for the particular zoning district.
3. Landscaping and fencing may be required to maintain district character, and to screen the use from view from a public way.

## Section 2.8 Site Plan Approval

No zoning permit shall be issued by the Administrative Officer for any use of structure except for one family, two family dwellings, agricultural use or enclosed accessory building use pertaining thereto until the Planning Commission grants site plan approval. The Commission shall conform to requirements of Section 4407(5) of the Act before acting upon any application, and may impose appropriate conditions or safeguards.

The owner may be required to submit two sets of maps and supporting data to the Commission which shall include the following:

Site plan drawn to scale showing: existing features, contours, structures, easements; proposed structure locations and land use areas; streets, driveways circulation, parking and loading spaces and pedestrian walks;

landscaping, including site grading and screening.

### Section 2.9 Referral to State Agencies

In accordance with Section 4409(c) of the Act, no zoning permit for the development of land in certain locations shall be issued by the Administrative Officer without first submitting a report to the appropriate State agency.

### Section 2.10 Non-Conforming Uses

The following provisions shall apply to all buildings and uses existing on the effective date of these Regulations which do not conform to the requirements of these Regulations:

1. Any non-conforming use of buildings or land or any non-complying building may be continued indefinitely, but:
  - a) Shall not be changed to another non-conforming use without approval of the Board of Adjustment and then only to a use which, in the opinion of the Commission, is of the same or of a more restricted nature.
  - b) Shall not be re-established if such use has been discontinued for a period of one year, or has been changed to, or replaced by a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
  - c) May be repaired or rebuilt if damaged by fire or accident provided that reconstruction is started within one year.
2. Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
3. A non-conforming use shall not be extended, but the extension of a lawful use to any portion of a non-complying building which existed on the effective date of these Regulations shall not be deemed the extension of a non-conforming use.
4. A non-complying building may be enlarged only to the extent that the degree of non-compliance is not increased.
5. Land may not be subdivided so as to create a non-conforming use.

## Article III General Regulations

### Section 3.1 Miscellaneous Requirements

The provisions of these Regulations shall be subject to such additions, modifications or exceptions as herein provided by the following general regulations.

In accordance with Sections 4406 and 4409 of the Act, the following shall apply:

### Section 3.2 Existing Small Lots

Any lot in individual and separate and non-affiliated ownership from surrounding properties 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 though not conforming to minimum lot size requirements, if such lot is no less than one-eighth acre in area with a minimum depth dimension of forty feet.

### Section 3.3 Required Frontage on or Access to Public Roads or Waters

No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way at least 20 feet in width. Any road to be eligible for consideration for adoption as a Town Road must meet State Highway planning Standard A-76.

### Section 3.4 Protection of Home Occupations

No Regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof.

### Section 3.5 Special Public Use Exceptions

Unless specific locational provision is made under Article IV of these Regulations, the following uses may only be regulated with respect to size, height, bulk, yard, courts, setbacks, density of buildings, off street parking and loading facilities, and landscaping or screening requirements:

1. Public utility power generating plants and transmission lines;
2. State or community owned and operated institutions and facilities;
3. Public and private schools and other educational institutions certified by the Vermont Department of Education;
4. Churches, convents and parish houses; and
5. Public and private hospitals.

### Section 3.6 Off street Parking Loading Space Requirements

Off street parking spaces shall be provided at least as set forth below. A required driveway shall be at least 20 feet clear in width, except for one and two family dwelling uses. A parking space shall be at least nine feet by twenty-two feet.

1. Residential: one family dwelling units and mobile homes: one parking space for every unit.  
Multiple Family dwelling units: Four parking spaces for every three units.  
Professional residence-office: One parking space, plus one additional parking space for every three hundred square feet of office space.
2. Hotel, Motel, Tourist Home, Boarding House: one space for every guest room.
3. Dormitory, Fraternity, Nurses' Home, Hospital: one space for every two beds.

4. Places of Public Assembly: one parking space for every five seats. Where there are no seats, one parking space shall be provided for every two hundred square feet of floor area.
5. Business, Professional and Medical Offices: one space for every two hundred square feet of office space.
6. Commercial, Business and Unspecified Uses: one parking space for every two hundred square feet of floor space.
7. Restaurant, Eating and Drinking Establishments: one parking space for every one hundred and fifty square feet of floor area.
8. Other uses: as required by the Planning Commission.
9. The Planning Commission may require additional off street parking and loading spaces for any use if it finds that minimum spaces are not sufficient.

### Section 3.7 Outdoor Advertising

For the purpose of this Regulation, outdoor advertising shall be permitted in the Town of Cabot, subject to the following regulations:

- a) Outdoor advertising signs shall be permitted provided the purpose is to advertise a product or goods made or manufactured in the Town of Cabot or to advertise a service or commercial establishment located in the Town of Cabot.
- b) Each face of an outdoor advertising sign shall not be larger than 16 square feet in area.
- c) Outdoor advertising signs shall be deemed separate commercial structures and shall require a zoning permit before being erected, constructed or replaced.
- d) Off-premise advertising shall not be permitted.
- e) Excepting official business directional sign, an outdoor advertising sign shall not be placed within the right of way or within 150 feet of any intersection of streets unless part of the main structure of a building.
- f) An outdoor advertising sign shall be illuminated only by a non-colored and non-flashing light.
- g) Whenever dimensions or areas of signs are specified, they shall include panels, frames and supporting structures excluding the building to which a sign may be attached. In computing the area of a sign not including the supporting structure, the area shall be the area of the smallest rectangle with a level base line which can contain the sign including panel and frame, if any.
- h) No lot may contain more than one sign, unless the Board of Adjustment finds that more than one sign is necessary in the conduct of business. Up to two faces of a multi-faced sign constitute a single sign. In no case may the Board authorize in excess of 32 square feet of signing per lot, and when two sides of a sign are used, the area of both shall be summed and included in the total allowed for the lot.

- i) No sign may be erected or maintained which constitutes a traffic hazard.
- j) No free standing sign or sign which is not part of the main structure of a building may be more than 15 feet above the natural ground level under it. No sign which is part of the main structure of a building may be higher than the eaves of that part and side of the building.
- k) The following signs are exempt from requirements of this Regulation:
  - 1. Publicly provided traffic control signs as defined by 10 VSA Section 481(8);
  - 2. Small signs without advertising displayed for the direction, instruction or convenience of the public, including signs which identify restrooms, freight entrances, posted areas or the like with an area not exceeding two (2) square feet in area, provided such signs are on the premises of the activity served by the sign.
  - 3. Signs to be maintained for not more than 10 days, erected by fairs or expositions, or signs announcing an auction or a campaign, drive or event of a civic, philanthropic, service, or religious organization.
  - 4. Signs in or on the rolling stock of a common carrier while in use as such and signs painted on or attached to registered and inspected vehicles so as not to change the exterior dimensions of such vehicle provided that any such vehicle is in use as a vehicle.
  - 5. Signs identifying stops or fare zone limits of common carriers provided they do not exceed two hundred sixty (260) square inches in area.
  - 6. Directional signs with a total surface not to exceed 4 square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place. Sign placement requires landowner's permission. Signs may remain only while product is available.

### Section 3.8 Storage of Waste Materials

Commercial or public use dumping or storage of trash, waste, garbage, junk or automobile junk shall be permitted only as part of the normal operation of a sanitary landfill or junkyard, established or approved by the Board of Selectmen and approved by the appropriate State regulatory agency.

### Section 3.9 Temporary Housing

On approval by the Planning Commission, temporary housing may be located on the construction site of a new residence for a period not to exceed one year, if in the opinion of the Planning Commission not to do so would cause a hardship.

### Section 3.10 Prohibited Uses in Floodplain Areas

Notwithstanding the Zoning District Regulations, the following uses shall be prohibited in floodplain areas as designated on the flood insurance rate map for Cabot dated September 18, 1985:

1. All residential, commercial, industrial and other buildings intended for human occupancy or employment, excluding recreational, agricultural (except dwelling units), and temporary uses.
2. All dumps, junkyards and storage of flammable liquids.
3. Private sewage and water facilities, except those approved by the State Agency of Natural Resources.

Permitted structures must have the lowest floor (including basement) elevated so as to be at or above the base flood level.

### Section 3.11 Historic Sites

Notwithstanding any other provision for district uses specified in these Regulations, application for the proposed use of any parcel of land which contains an historic site or building listed in the Cabot Town and Village Plan will be required to have a site plan approval by the Planning Commission prior to issuance of a permit. Prior to granting site plan approval, the Planning Commission shall find:

1. That the historic building and/or site is included in the site plan and will be restored, renovated or otherwise preserved;
2. That the Town, State or other public body has granted first option to purchase said historic site or building and has refused to exercise said option within a six month period.

### Section 3.12 Travel Trailers

Travel trailers weighing less than 1,500 pounds are exempt from regulation. Owner of travel trailers weighing more than 1,500 pounds shall be required to apply for a regular zoning permit if trailers are placed on one site for thirty days or more.

### Section 3.13 Trailer Camp Permits

No person or persons shall construct or operate a trailer camp without first obtaining site plan approval from the Planning Commission and a permit from the Administrative Officer. Before issuing a trailer camp permit, a performance bond shall be obtained from the operator to assure that the camp is maintained in a satisfactory manner.

Application for a trailer camp site plan approval shall be made to the Planning Commission. The application shall be accompanied with a site plan and drawings showing property lines, area, contours, roads, walkways, lots, parking, water lines, sanitary sewage drainage facilities, garbage collection and electrical distribution.

### Section 3.14 Trailer Camp Standards

The following regulations shall apply in respect to all trailer camps:

1. A trailer camp shall have an area of not less than 3 acres.
2. Trailer camps shall provide for individual trailers, access driveways and parking.
3. Each trailer lot shall be at least 4500 square feet in area, and at least fifty feet in width and have a well drained surface.
4. All access driveways within a trailer camp must be at least 15 feet in width and have a well drained surface.
5. The water supply must be approved by the State Agency of Natural Resources.
6. The method of sewage disposal must be in compliance with the State Agency of Natural Resources regulations.
7. No trailer lot or service building shall be closer to a public street, right of way line than eighty feet, nor closer to a property line than fifty feet.
8. A strip of land at least twenty-five feet in width shall be maintained as a landscaped area abutting all trailer camp property lines.
9. No trailer shall be parked on a lot closer than ten feet to a lot line

### Section 3.15 Standards

In all districts, uses are not permitted which more than occasionally exceed any of the following standards measured at the individual property line, as determined by the Board of Adjustment:

1. Emit dust or dirt which is considered offensive;
2. Emit any smoke, in excess of Ringlemann Chart No. 2;
3. Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business or vegetation;
4. Cause, as a result of normal operations, a vibration which creates displacement of 0.002 of an inch;
5. Lighting or signs which create glare, which could impair the vision of a driver of any motor vehicle;
- ~~6. Cause a fire, explosion or safety hazard;~~
7. Cause harmful wastes to be discharged into the sewer system, streams, or other bodies of water. Effluent disposal shall comply with the local and State sewer health standards.

### Section 3.16 Sand and Gravel Operations

Sand and gravel operations may be permitted only upon approval of the Board of Adjustment which shall find that:

1. All pertinent and applicable State regulations are abided by.
2. A landscaping plan has been submitted indicating enough plant materials of suitable size and character so that effective screening of the sand and gravel pit will occur.
3. A bond has been posted with the Board of Selectmen by the applicant in an amount approved by the Board of Adjustment as sufficient to cover the cost of landscaping as described in #2 above and to guarantee that when such sand and gravel operations are terminated, the finished grades will be covered with a suitable topsoil and cover crop, except where rock ledge is exposed.

### Section 3.17 Prohibition on Large Developments

Notwithstanding any other provisions of these regulations, no person shall be permitted to increase the number of housing units in the Town and Village of Cabot by more than 2 % in any one year. Within 30 days after enactment of this regulation, and every 12 months thereafter, the Planning Commission shall certify the binding limits on the number of housing units which may be constructed by any person during that year.

## Article IV Zoning District Regulations

### Section 4.1 Medium Density Developed District (Village and Town)

In the Medium Density Developed district, the following uses are permitted:

1. Forest uses
2. One family dwelling
3. Two family dwelling
4. Professional Residence-office
5. Religious Institution
6. School
7. Public outdoor recreation
8. Enclosed accessory building use
9. Community center
10. Private outdoor recreation
11. Wildlife refuge
12. Cemetery
13. Bank, financial institution
14. Office building
15. Planned residential development

The following uses are permitted after issuance of a conditional use permit by the Board of Adjustment:

1. Agricultural use
2. Public utility substation
3. Automotive service station and garage
4. Drive-in stand
5. Accessory use
6. Tourist home, and/or boarding house, motel, hotel, lodge
7. Dormitory use
8. Private club
9. Retail Store
10. Restaurant
11. Any other commercial or industrial use not specifically excluded
12. Temporary residence for the purpose of cutting or handling timber
13. State licensed institution

Arca, Yard, Coverage, Height and General Regulation:

	Residential Uses	Commercial Uses	Group Services
Lot Area Minimum	25,000 sq. ft. per dwelling unit	20,000 sq. ft.	40,000 sq. ft.
Lot Frontage Minimum	125 feet	125 feet	200 feet
Front Yard Minimum	40 feet	50 feet	40 feet
Rear Yard Minimum	25 feet	25 feet	50 feet
Side Yard Minimum	25 feet	25 feet	50 feet
Coverage Maximum	10%	25%	10%
Building Height Maximum	Three stories or 35 feet, which ever is less. No limit for Agricultural uses.	Three stories or 35 feet, which ever is less. No limit for Agricultural uses.	Three stories or 35 feet, which ever is less.

General Regulations for Residential Commercial and Group Services:

- A. As set forth in Article III of these Regulations.
- B. Site plan approval by the Planning Commission is required for non-residential uses.
- C. Units combining any of the above uses shall comply with "commercial" regulations.

## Section 4.2 Undeveloped Village District

In the Undeveloped Village District, the following uses are permitted:

1. Agricultural uses
2. Forest uses
3. One family dwelling
4. Two family dwelling
5. Religious institution
6. School
7. Enclosed accessory building use
8. Community center
9. Private outdoor recreation
10. Wildlife refuge
11. Cemetery
12. Planned residential development

The following uses are permitted after issuance of a conditional use permit by the Board of Adjustment:

1. Professional residence-office
2. Public outdoor recreation
3. Tourist home, and/or boarding house, motel, hotel, lodge
4. Private club
5. Retail Store
6. Restaurant
7. Public utility substation
8. Trailer Camp
9. Accessory use
10. Any other commercial or industrial use not specifically excluded.

Area, Yard, Coverage, Height and General Regulation:

	Residential Uses	Commercial Uses	Group Services
Lot Area Minimum	1 acre	2 acres	2 acres
Lot Frontage Minimum	150 feet	150 feet	250 feet
Front Yard Minimum	40 feet	50 feet	50 feet
Rear Yard Minimum	40 feet	40 feet	50 feet
Side Yard Minimum	40 feet	40 feet	50 feet
Coverage Maximum	10%	25%	25%
Building Height Maximum	Three stories or 35 feet, which ever is less. No limit for Agricultural uses.	Three stories or 35 feet, which ever is less. No limit for Agricultural uses.	Three stories or 35 feet, which ever is less.

General Regulations for Residential Commercial and Group Services:

- A. As set forth in Article III of these Regulations.
- B. Site plan approval by the Planning Commission is required for non-residential uses.
- C. Units combining any of the above uses shall comply with "commercial" regulations.

Section 4.3 Low Density Residential and Agricultural District

In the Low Density Residential and Agricultural District, the following uses are permitted:

1. Agricultural and forest uses
2. One family dwelling.
3. Two family dwelling
4. Professional residence-office
5. Religious institution
6. School
7. Public outdoor recreation
8. Enclosed accessory building use
9. Community center
10. Private outdoor recreation
11. Wildlife refuge
12. Cemetery
13. Bank, financial institution
14. Planned residential development

The following uses are permitted after issuance of a conditional use permit by the Board of Adjustment:

1. Sand and gravel operations
2. Junkyard
3. Tourist home, and/or boarding house, motel, hotel, lodge
4. Dormitory use
5. Private club
6. Retail store
7. Office building
8. Restaurant
9. Public utility substation
10. Automotive service station and garage
11. Drive-in stand
12. Trailer camp
13. Accessory use
14. Any other commercial or industrial use
15. Temporary residence for the purpose of cutting or handling timber
16. Multi-unit dwelling

Area, Yard, Coverage, Height and General Regulation:

Lot Area Minimum	2 acre
Lot Frontage Minimum	200 feet
Front Yard Minimum	50 feet
Rear Yard Minimum	40 feet
Side Yard Minimum	40 feet
Coverage Maximum	10%
Building Height Maximum	Three stories or 35 feet, which ever is less. No limit for Agricultural uses.

General Regulations for Residential Commercial and Group Services:

- A. As set forth in Article III of these Regulations.
- B. Site plan approval by the Planning Commission is required for non-residential uses.

Section 4.4 Shoreland District

In the Shoreland District, the following uses are permitted:

1. Agricultural use
2. Commercial forestry under the direction of the County Forester
3. Accessory Building
4. Single family dwelling
5. Planned residential development that:
  - a) the provisions of Section 4.5 Planned Residential Development, of these Regulations are complied with;
  - b) the shoreline access provided a minimum common shoreline frontage of 150 feet per dwelling unit.

The following uses are permitted after issuance of a conditional use permit by the Board of Adjustment:

1. Permanent pier, dock, float, boat hoist or boathouse which does not impede ordinary navigation
2. Non-commercial recreation
3. Commercial camps

	Residential Uses	Non-Residential Uses
Lot Area Minimum	1 acre	2 acres
Lot Frontage Minimum	150 feet	250 feet
Shoreline Frontage Minimum	150 feet	250 feet
Front Yard Minimum	50 feet	50 feet
Rear Yard Minimum (Distance to Pond)	75 feet	75 feet
Side Yard Minimum	25 feet	25 feet
Coverage Maximum	15%	10%
Building Height Maximum	25 feet from average ground level or 2 stories, whichever is less.	25 feet from average ground level or 2 stories, whichever is less.
Water Quality Protection Area	50 feet (distance from pond)	25 feet from average ground level or 2 stories, whichever is less.

General Regulations for Residential and Non-residential uses:

No vegetation shall be disturbed or altered within 50 feet of the mean water level of the pond. Developed lots at the date of the enactment of this amendment shall be exempt from this regulation.

Access to the pond shall be by footpath only.

Section 4.5 Planned Residential Development

In order to promote the wise use of certain areas of the Town and Village of Cabot, to discourage strip development and to preserve optimum open space, the Planning Commission may modify Area, Yard and General Regulations as specified below and in accordance with Section 4407(3) of the Act for the purpose of Planned Residential Development. Site plan approval by the Planning Commission is required prior to the issuance of a permit.

1. The applicant shall submit to the Planning Commission a site plan showing the height, location and spacing of buildings, open spaces and their landscaping, streets, driveways, off-street parking spaces and all other physical features, accompanied by a statement setting forth the nature of all proposed modifications, changes, etc. of the existing zoning regulations.
2. In no case shall the permitted number of dwelling units exceed the number which would normally be permitted in the particular zoning district.
3. Dwelling units may be a varied types including one-family, two-family or multi-family construction.

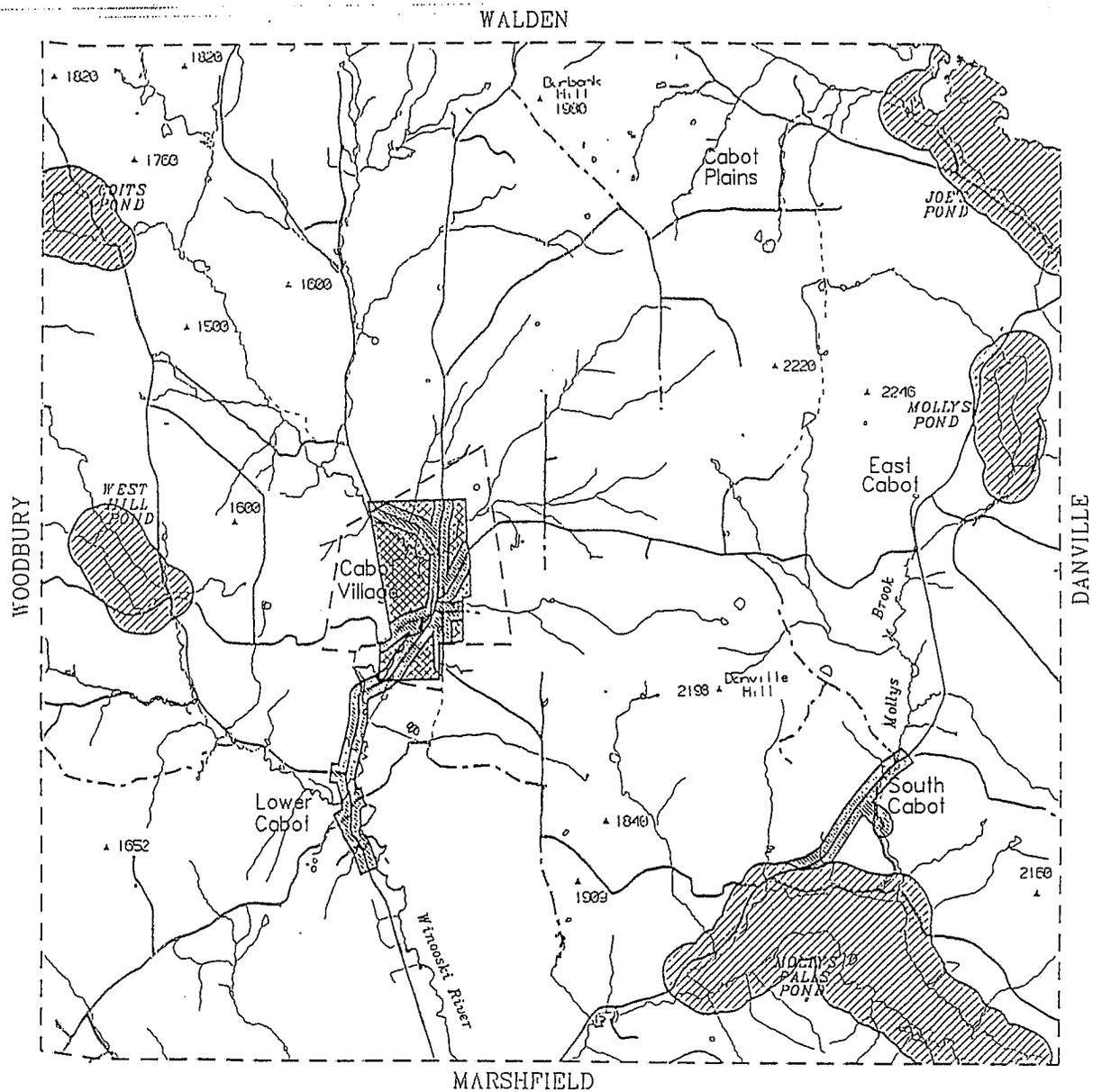
Area, Yard and General Regulations:

Yards required: Front yards shall be designed so that no building is closer than 50 feet to the right-of-way line of public road or private access road. Side yards shall be as required in the zoning district.

Building Height Maximum: 35 feet

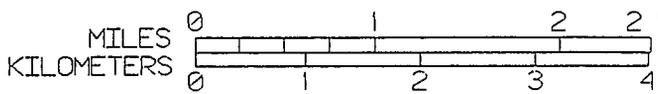
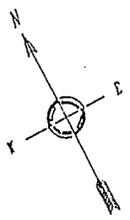
General Regulations:

1. Water supply and sewage disposal systems within planned residential districts shall be designed and installed in accordance with State standards in effect and prior to covering must be inspected and approved by the Administrative Officer or other agents appointed by the Selectmen.
2. Wherever possible, water and sewage disposal systems within planned residential districts shall be community systems, installed by the developer and maintained by the developer or by an association of homeowners.
3. The land area within the development not allocated to building lots and street shall be reserved as common space for not less than 99 years. Such land may be reserved by one of the following methods:
  - a) deeded to the Town along with stipulated endowment funds, the interest on which will provide for maintenance of the common areas for not less than 99 years.
  - b) held in corporate ownership by the owners of the units within the development, provided that membership in such corporation is mandatory and stipulated as such in the deed. All common space as defined above shall be held and maintained by said corporation for not less than 99 years.



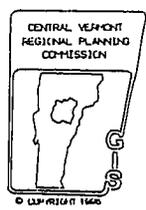
**SOURCE:**

Zoning Districts - Cabot Zoning Regulations, March 1990  
 Roads - 1:5,000 VGIS Roads  
 Surface Waters - 1:5,000 CVRPC/INTL Surface Waters  
 Town Boundary - 1:5,000 VCGI UNASH Data Layer  
 Data is only as accurate as the original source materials.  
 This map is for planning purposes.



# CABOT, VERMONT

## ZONING DISTRICTS



- MEDIUM DENSITY DEVELOPED DISTRICT**  
 - In Village - within 150 feet of Streetline  
 - Outside Village - within 300 feet of Streetline
- UNDEVELOPED VILLAGE DISTRICT**
- SHORELAND DISTRICT**  
 - 800 feet from normal mean water mark
- LOW DENSITY RESIDENTIAL AND AGRICULTURAL DISTRICT**

- State Or Federally Numbered Route
- Class 1 Town Highway
- Class 2 Town Highway
- Class 3 Town Highway
- Class 4 Town Highway
- Legal Trail
- Surface Waters



## ARTICLE V

### Telecommunication Facilities and Towers Article

#### SECTION 5.1 PURPOSE

The purpose of this Article is to:

- A. Preserve the character and appearance of the Town of Cabot while allowing adequate telecommunications services to be developed.
- B. Minimize the impact of telecommunications facilities on the scenic, historic, environmental, and natural or human resources of Cabot.
- C. Provide standards and requirements for the regulation, placement, design, appearance, construction, monitoring, modification and removal of telecommunication facilities and towers.
- D. Minimize the impact of telecommunications facilities on property values, and scenic areas within the town.
- E. Locate towers and/or antennas in a manner which promotes the general safety, health, welfare and quality of life of the citizens of Cabot and all those who visit this community.
- F. Require the sharing of existing communications facilities, towers, and sites where possible.

#### SECTION 5.2 CONSISTENCY WITH FEDERAL LAW

These regulations are intended to be consistent with state and federal law, particularly the Telecommunications Act of 1996 in that: a) they do not prohibit or have the effect of prohibiting the provision of personal wireless services; b) they are not intended to be used to unreasonably discriminate among providers of functionally equivalent services, and; c) they do not 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 regulations of the Federal Communications Commission concerning such emissions. A finding that a particular portion of this article is not in accordance with any state or federal law shall only affect the validity of that portion of the article.

#### SECTION 5.3 DEFINITIONS AND WORD USAGE

The following terms shall have the meanings indicated. The word "shall" or "will" indicate mandatory requirements: "may" is advisory and indicates recommendations which are not mandatory.

**ADEQUATE COVERAGE** - Coverage is considered to be "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority 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 like Cabot, this would be a signal strength of at least -90dbm. 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. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

ADEQUATE CAPACITY - Capacity is considered to be "adequate" if the grade of service is p.05 or better for at least 50% of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the telecommunications facility in question, where the call blocking is due to frequency contention at the antenna(s).

ANTENNA - A device which is attached to a tower, or other structure for transmitting and receiving 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 wireless telecommunications 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 FCC Office of Engineering and Technology specifying radio-frequency radiation levels and methods to determine compliance.

CHANNEL - The segment of the radiation spectrum from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

COMMUNICATION EQUIPMENT SHELTER - A structure located at a base station designed principally to enclose equipment used in connection with telecommunications transmissions.

dBm - Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to 1 milliwatt.

ELECTROMAGNETICALLY ABLE - The determination that the new signal from and to the proposed new antennas will not significantly interfere with the existing signals from and to other facilities located on the same tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.

FACILITY SITE - A property, or any part thereof, which is owned or leased by one or more telecommunications providers and upon which one or more telecommunications facility(s) and required landscaping are located.

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

FCC 97-303 - A report and order which sets new national standards for exposure to radio-frequency emissions from FCC-regulated transmitters.

GHz - GigaHertz: One billion Hertz.

GRADE OF SERVICE - A measure of the percentage of calls which are able to connect to the base station, during the busiest hour of the day. Grade of service is expressed as a number, such as p.05 - which means that 95% of callers will connect on their first try. A lower number (p.04) indicates a better grade of service.

HEIGHT OF TOWER - The vertical distance from the highest point of the structure, plus any device attached, to the grade before any construction.

HERTZ - One Hertz is the frequency of an electric or magnetic field which reverses polarity once

each second, or one cycle per second.

LOCATION - References to site location as the exact longitude and latitude, to the nearest tenth of a second with bearing or orientation referenced to true North.

MAJOR MODIFICATION OF AN EXISTING FACILITY - Any change, or proposed change in power input or output, number of antennas, change in antenna type or model, repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing conditional use permit.

MAJOR MODIFICATION OF AN EXISTING TOWER - Any change, or proposed change in dimensions of an existing and permitted tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment MHzHz - MegaHertz: One million Hertz.

MONITORING - The measurement, by the use of instruments in the field, of non-ionizing radiation exposure at a site as a whole, or from individual telecommunications facilities, towers, antennas or repeaters.

MONITORING PROTOCOL - The testing protocol, such as the Cobbs Protocol, (or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, Reports 86 and 119) which is to be used to monitor the emissions and determine exposure risk from existing and new telecommunications facilities upon adoption of this article.

MONOPOLE - A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal, or a wooden pole with below grade foundations.

PERSONAL WIRELESS SERVICES - Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, personal communications services, specialized mobile radio services, and paging services.

RADIAL PLOTS - Radial plots are the result of drawing equally-spaced lines (radials) from the point of the antenna, calculating the expected signal and indicating this graphically on a map. The relative signal strength may be indicated by varying the size or color at each point being studied along the radial; a threshold plot uses a mark to indicate whether that point is strong enough to provide adequate coverage - i.e., the points meeting the threshold of adequate coverage. The drawback is the concentration of points close to the antenna and the divergence of points far from the site near the ends of the radials.

RADIATED-SIGNAL PROPAGATION STUDIES OR COVERAGE PLOTS - Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tool for determining whether a site will provide adequate coverage for the telecommunications facility proposed for that site.

REPEATER - A small receiver/relay transmitter of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from a base or primary station.

SITE - The land area which is, or will be, temporarily or permanently altered during the construction and/or use of any telecommunications tower or facility. These alterations

include all construction activities, fencing, landscaping, screening, structures, parking facilities, etc. Access roads and utility lines shall not be considered to be part of the site, except where specified in these regulations.

**STRUCTURALLY ABLE** - The determination that a tower or structure is capable of carrying the load imposed by the proposed new antennas under all reasonably predictable conditions as determined by professional structure engineering analysis.

**TELECOMMUNICATIONS FACILITY** - All equipment (including repeaters) with which a telecommunications provider broadcasts and receives the radio-frequency waves which carry their services and all locations of said equipment or any part thereof. This facility may be sited on one or more towers or structure(s) owned and permitted by another owner or entity.

**TELECOMMUNICATIONS PROVIDER** - An entity, licensed by the FCC to provide telecommunications services to individuals or institutions.

**TILED COVERAGE PLOTS** - Tiled plots result from calculating the signal at uniformly spaced locations on a rectangular grid, or tile, of the area of concern. Unlike radial plots, tiled plots provide a uniform distribution of points over the area of interest; usually the same grid will be used as different sites are examined, and it is not necessary that the transmitter site be within the grid or area of interest. As with radial plots, the graphic display or plot can be either signal strength or adequate threshold. This method requires substantially more topographic data and longer (computer) execution time than radial plots, but is preferable for comparative analysis.

**TOWER** - A lattice structure or framework, either self-supporting or guyed, or monopole, that is designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment.

#### **SECTION 5.4 EXEMPTIONS**

The following wireless telecommunications facilities are exempt: police, fire, ambulance and other emergency dispatch; citizens band radio; any existing commercial radio tower; and radio dispatch services for local businesses. No personal wireless service facility shall be considered exempt from this article for any reason whether or not said facility is proposed to share a tower or other structure with such exempt uses.

#### **SECTION 5.5 PROVISION FOR HIRING INDEPENDENT CONSULTANTS**

- A. Upon submission of an application for a conditional use permit under this article, the Cabot zoning board of adjustment and/or the Cabot planning commission may hire independent consultants. These consultants shall be qualified professionals with an appropriate combination of training, record of service, and/or certification in one of the following fields: a) telecommunications/radio-frequency engineering; b) structural engineering; c) assessment of electromagnetic fields; and, if determined necessary by the Cabot zoning board of adjustment and/or planning commission, d) other fields.
- B. Upon submission of a complete application for a conditional use permit under this article, the Cabot zoning board of adjustment and/or planning commission may provide its independent consultant(s) with the full application for their analysis and review.

## SECTION 5.6 FINDINGS OF THE ZONING BOARD OF ADJUSTMENT

A. **Conditional Uses:** No tower or telecommunications facility shall be erected, constructed, or installed without first obtaining a conditional use permit from Cabot zoning board of adjustment. A conditional use permit is required for: a) new tower construction (or major modification of an existing towers); b) telecommunications facilities (or major modification of existing facilities) to be mounted on a tower or structure.

B. **Applicable Bylaws:** In acting on the conditional use permit application, the Cabot zoning board of adjustment shall proceed in accordance with Section 2.7 of the Cabot zoning regulations (conditional uses).

C. **Findings:** All applicable conditions in the following sections 5.7 and 5.8 of this article shall also be substantially complied with. In addition, Cabot zoning board of adjustment shall in consultation with independent consultant(s), make all of the following applicable findings before granting the conditional use permit:

1. Applicant is not already providing adequate coverage and/or adequate capacity to the town of Cabot;
2. Applicant is not able to use existing tower/facility sites either with or without the use of repeaters to provide adequate coverage and/or adequate capacity to the town of Cabot;
- 3 Applicant has endeavored to provide adequate coverage and adequate capacity to the town of Cabot with the least number of towers and antennas which is technically and economically feasible;
4. Efforts have been made to locate new towers adjacent to existing towers;
5. Applicant has agreed to rent or lease available space on the tower, under the terms of a fair-market lease, with reasonable conditions and without discrimination to other telecommunications providers;
6. Proposed telecommunications facility or tower should make use of available municipal lands and suitable existing municipal and privately owned structures;
7. The proposal shall comply with rules as adopted in FCC 97-303 and procedures outlined in FCC Bulletin 65 regarding emissions and exposure from electromagnetic radiation and that the required monitoring program has been developed and shall be paid for by the applicant;
8. Towers and telecommunications facilities shall be located so as to minimize the following potential impacts:
  - a. Visual/Aesthetic: Towers shall, when possible, be sited off ridge lines, and where their visual impact is least detrimental to highly rated scenic areas. In determining whether or not a tower will have an undue adverse visual impact on the scenic or natural beauty of a ridge or hillside, the board shall consider:
    - I. The period of time during which the proposed tower would be viewed by the traveling public on a public highway;
    - ii. The frequency of the view of the proposed tower as experienced by the traveling public;
    - iii. The degree to which the view of the tower is screened by topographic features;
    - iv. Background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
    - v. The distance of the proposed tower from the viewing vantage point and the proportion of the

- facility that is visible above the skyline;
- vi. The number of vehicles traveling on a public highway or waterway at or near the critical vantage point;
  - vii. The sensitivity or unique value of the particular view affected by the proposed development.
- b. Devaluation of property values. Siting shall be in as low population density areas as possible.
  - c. Safety hazards: In cases of structural failure, ice accumulation and discharge, and attractive nuisance.
  - d. Electromagnetic radiation: In case the tower, guys wires or telecommunications facility is found to exceed the FCC guidelines.
- D. **Documentation of Denial:** Any decision by the Cabot zoning board of adjustment to deny an application for a conditional use permit under this article shall be in conformance with 47 U.S.C. §332 (7)(B)(iii) of the Act, in that it shall be in writing and supported by substantial evidence contained in a written record.

## SECTION 5.7 GENERAL PROJECT REQUIREMENTS

- A. **Access Roads and Above Ground Utilities:** Where new telecommunications towers and facilities require 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 existing forest or forest fringe areas, and not in open fields. Utility or service lines shall be designed and located so as to minimize or prevent disruption to the scenic character or beauty of the area.
- B. **Landscaping/Screening:** Screening shall be required at the perimeter of the site. A natural or planted vegetative screen of a minimum of 20 feet in depth and 6 feet in height shall be maintained at all times. Vegetation shall be of a type that has the potential to reach a height of at least 15 feet at maturity. Existing vegetation surrounding the site shall be preserved and maintained to the greatest extent possible. Applicant shall obtain a financial surety to cover the cost of the remediation of any damage to the landscape which occurs during the clearing of the site.
- C. **Fencing and Signs:** The area around the tower and communication equipment shelter(s) shall be completely fenced for security to a height of six feet and gated. Use of razor wire is not permitted. A sign no greater than two (2) square feet indicating the name of the facility owner(s) and a 24 hour emergency telephone number, either local or toll-free, shall be posted adjacent to the entry gate. In addition, No Trespassing or other warning signs, and the federal tower registration plate, where applicable, may be posted on the fence or as required to meet federal requirements.
- D. **Building Design:** Communication equipment shelters and accessory buildings shall be designed to be architecturally similar and compatible with each other, and shall be no more than 12 feet high. Whenever possible, the buildings shall be joined or clustered so as to appear as one building.
- E. **Height of Towers:** New towers shall not exceed the minimum height necessary to provide adequate coverage for the telecommunications facilities proposed for use on the tower. Applicant may submit a request for additional height to accommodate future sharing, or to provide indirect service as described in Section 5.8, A, 3, and shall provide design information to justify such additional height. Repeaters shall not be closer than 25 feet to the ground.

- F. **Tower Finish:** New towers shall have a galvanized finish unless otherwise required. The Cabot zoning board of adjustment may require the tower(s) to be painted or otherwise camouflaged to minimize the adverse visual impact.
- G. **Tower Sharing:** Tower(s) must be of a type which will maximize potential sharing. Lattice type structures are preferred, but where a monopole is required, applicant must demonstrate the future utility of such structure for expansion of service for applicant and other future applicants.
- H. **Use of Repeaters:** The use of repeaters to assure adequate coverage, or to fill holes within areas of otherwise adequate coverage, while minimizing the number of required towers is permitted and encouraged. Applicants shall detail the number, location, power output, and coverage of any proposed repeaters in their systems and provide engineering data to justify their use.
- I. **Coverage Area:** If primary coverage (greater than 50%) from proposed telecommunications facility is outside Cabot, then the permit may be denied unless the applicant can demonstrate an inability to locate within the town which is primarily receiving service from the proposed facility.
- J. **Commercial Advertising** shall not be allowed on any antenna, tower, or accessory building or communication equipment shelter.
- K. **Lighting:** No external lighting is permitted, except for manually operated emergency lights for use only when operating personnel are on site.
- L. **Air Navigation:** No tower or telecommunications facility that would be classified as a hazard to air navigation, as defined by the Federal Aviation regulations (Title 14 CFR) is permitted.
- M. **Setback Requirements:** No repeater shall be located closer than 100' to a dwelling unit, nor closer than 25' to the ground. No other telecommunications facility or tower, including guy-wire anchors and protective fencing, if any, shall be located:
1. Closer than 300' horizontally to any boundary of the property on which the tower is located.
  2. Closer than 1,500' horizontally to any structure existing at the time of application which is used as a primary or secondary residence, to the property of any school (both public and private), or to any other public building. Primary or secondary residences are those dwelling units that include toilet facilities, and facilities for food preparation and sleeping.
  3. Within the habitat of any state-listed rare or endangered wildlife or plant species;
  4. Within 200' horizontally of any Vermont or federally regulated wetland;
  5. Within 200' horizontally of the outer riparian zone measured horizontally from any river or perennial stream;
  6. Within 1,500' horizontally of any historic district or property listed on the state or Federal Register of Historic Places;
  7. Within 500' horizontally of any known archaeological site.

## SECTION 5.8 REQUIRED DOCUMENTATION

### A. Evidence of Need:

1. **Existing Coverage:** Applicant shall provide written documentation demonstrating that existing telecommunications facility sites and other existing structures of suitable height in Cabot, in abutting towns, and within a 30 mile radius of the proposed site

cannot reasonably be made to provide adequate coverage and/or adequate capacity to the town of Cabot. The documentation shall include, for each facility site listed which is owned or operated by the applicant, the exact location (in longitude and latitude, to degrees, minutes and seconds to the nearest tenth), ground elevation, height of tower or structure, type of antennas, antenna gain, height of antennas on tower or structure, output frequency, number of channels, power input and maximum power output per channel. Potential adjustments to these existing facility sites, including changes in antenna type, orientation, gain, height or power output shall be specified. Radial or tiled coverage plots showing each of these facility sites, as they exist, and with adjustments as above, shall be provided as part of the application.

2. **Repeaters:** Applicant shall demonstrate with written documentation that they have analyzed the feasibility of repeaters in conjunction with all facility sites listed in compliance with 5.8. A. 1 (above) to provide adequate coverage and/or adequate capacity to the town of Cabot. Radial or tiled coverage plots of all repeaters considered for use in conjunction with these facility sites shall be provided as part of the application.

3. **Indirect Service:** Applicant shall demonstrate which portion of a tower or structure and which antennas, if any, are to reduce or eliminate reliance on land-lines, or otherwise provide communications capability to the applicant, as opposed to providing direct service to customers. Such provision of indirect service may be considered if reasonable alternatives are not available and the incremental effect is consistent with the purposes set forth in Section 5.1 of this article.

4. **Five Year Plan:** All applications shall be accompanied by a written five-year plan for the utilization of the proposed facilities. This plan should include justification for capacity in excess of immediate needs, as well as plans for any further development within the town.

**B. Legal and Technical Documentation for Telecommunications Towers and Facilities:**

1. **Federal Permits:** Applicant shall submit copies of all pertinent submittals and showings pertaining to: FCC permitting/licensing; Environmental Assessments and Environmental Impact Statements; FAA Notice of Construction or Alteration; aeronautical studies; all pertinent data, assumptions and calculations relating to service coverage; and all pertinent calculations and/or measurement data related to non-ionizing radiation emissions and exposure, regardless of whether categorical exemption from routine environmental evaluation under the FCC rules is claimed.

2. **Contacts:** Applicant shall submit the exact legal name, address or principal place of business and phone number of the following:

a. Applicant. If any applicant is not a natural person, it shall also give the type of business entity and the state in which it is registered.

b. Person to whom correspondence or communications in regard to the application are to be sent. Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant.

c. Person to be contacted in the event of an emergency involving the facility. This should be someone available on a 24-hour basis who is authorized by the applicant to act on behalf of the applicant regarding an emergency situation.

d. Owner of the property on which the proposed tower shall be located, and of the owner(s) of the tower or structure on which the proposed facility shall be located. Written permission of the owner(s) to apply for a conditional use permit shall also be submitted along with written

permission from the owner(s) of the proposed property(s) or facilities site(s) for the town's independent consultant(s), to conduct any necessary site visit(s).

e. Names and addresses of the record owners of all abutting properties.

3. **Surety:** Details of proposed method of financial surety as required in Sections 5.7.b (Landscaping/Screening) and 5.10 (Removal Requirements) of this article.

4. **Commitment to Available Space:** Applicants for new tower construction or modification permits shall provide a written, irrevocable commitment valid for the duration of the existence of the tower, to rent or lease available space for collocation on the tower at fair market prices and terms, without discrimination to other telecommunications providers.

5. **Lease of Tower:** Applicants for a conditional use permit for a facility to be installed on an existing structure shall provide a copy of its lease/contract with the owner of the existing structure.

6. **Contract with Provider:** Applicants for a telecommunications tower or facility conditional use permit must be a telecommunications provider or must provide a copy of its lease/contract with an existing telecommunications provider. A conditional use permit shall not be granted for a tower to be built on speculation.

7. **Plans and Maps:** Required physical plant plans, prepared, stamped and signed by a professional engineer licensed to practice in Vermont. Survey plans shall be stamped and signed by a land surveyor registered in Vermont. Signal propagation and radio-frequency studies, plots and related material shall be prepared, clearly identified and signed by a qualified radio-frequency engineer. Plans shall be on 24" x 36" sheets, on as many sheets as necessary, and at scales which are no smaller (i.e. no less precise) than listed below. Each plan sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scale(s), and original seal(s) and signature(s) of the professional(s) who prepared the plan.

a. **Location Map:** Copy of a portion of the most recent U.S.G.S. Quadrangle map, at a scale of 1:25,000, and showing the area within at least two miles from the proposed tower site. Indicate the tower location and the exact latitude and longitude (degrees, minutes and seconds to the nearest tenth).

b. **Vicinity Map** at a scale of 1" = 416' (1:5000) with contour intervals no greater than 10 feet (3 meter) showing the entire vicinity within a 2500' radius of the tower site, and including the topography, public and private roads and driveways, buildings and structures, bodies of water, wetlands, landscape features, historic sites, habitats for endangered species. Indicate the property lines of the proposed tower site parcel and of all abutters to the tower site parcel, (from assessors maps or available surveys). Indicate any access easement or right of way needed for access from a public way to the tower, and the names of all abutters or property owners along the access easement or who have deeded rights to the easement.

c. **Existing Conditions Plan:** A recent survey of the area within 500 feet of the tower site at a scale no smaller than 1" = 40' (1:480 or metric equivalent 1:500) with topography drawn with a minimum of 10' (3 meter) contour intervals, showing existing utilities, property lines, existing buildings or structures, stone walls or fence lines, wooded areas, existing water wells and springs. Show the boundary of any wetlands or flood plains or watercourses, and of any bodies of water included in the Watershed Protection District within 500' from the tower or any related facilities or access ways or appurtenances. The survey plan must have been completed, on the ground, by a land surveyor (registered in Vermont) within two years prior to the application date.

d. **Proposed Site Plans:** Proposed facility site layout, grading and utilities at the same scale or larger than the existing conditions plan.

I. Proposed tower location and any appurtenances, including supports and guy wires, if any, and any accessory building (communication equipment shelter or other). Indicate property boundaries and setback distances to the base(s) of the tower and to the nearest corners of each of the appurtenant structures to those boundaries, and dimensions of all proposed improvements.

Where protective fencing is proposed, indicate setback distances from the edge of the fencing.

ii. Indicate proposed spot elevations at the base of the proposed tower and at the base of any guy wires, and the corners of all appurtenant structures.

iii. Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility of communication lines, and whether underground or above ground. Detailed plans for emergency power generation, including:

1. Demonstration of percent of electrical demand being proposed in event of loss of commercial power.

2. Type of fuel, storage method, and expected means and frequency of fuel delivery to the site for power generation.

3. Amount of generator time based on historical power reliability for the area of the facility, proposed frequency and duration of tests, and description of muffler system and methods for noise abatement.

4. Feasibility of wind and/or solar power in conjunction with storage batteries:

iv. Any direct or indirect wetlands alteration proposed.

v. Detailed plans for drainage of surface and/or sub-surface water; plans to control erosion and sedimentation both during construction and as a permanent measure.

vi. Plans indicating locations and specifics of proposed screening, landscaping, ground cover, fencing, etc.; any exterior light or signs.

vii. Plans of proposed access driveway or roadway and parking area at the tower site. Include grading, drainage, traveled width. Include a cross section of the access drive indicating the width, depth of gravel, paving or surface materials.

viii. Plans showing any changes to be made to an existing facility's landscaping, screening, fencing, lighting, drainage, wetlands, grading, driveways or roadways, parking, or other infrastructure as a result of a proposed modification of the facility.

e. **Proposed Tower and Appurtenances:**

I. Plans, elevations, sections and details at appropriate scales but no smaller than 1" = 10'.

ii. Two cross sections through proposed tower drawn at right angles to each other, and showing the ground profile to at least 100 feet beyond the limit of clearing, and showing any guy wires or supports. Dimension the proposed height of tower above average grade at tower base. Show all proposed antennas, including their location on the tower.

iii. Details of proposed tower foundation, including cross sections and details. Show all ground attachments, specifications for anchor bolts and other anchoring hardware.

iv. Detail proposed exterior finish of the tower.

v. Indicate relative height of the tower to the tops of surrounding trees as they presently exist, and the height to which they are expected to grow in ten years.

vi. Illustration of the modular structure of the proposed tower indicating the heights of sections which could be removed or added in the future to adapt to changing communications conditions

or demands.

vii. A professional structural engineer's written description of the proposed tower structure and its capacity to support additional antennas or other communications facilities at different heights and the ability of the tower to be shortened if future communications facilities no longer require the original height.

viii. A description of available space on the tower, providing illustrations and examples of the type and number of telecommunications facilities which could be mounted on the structure.

f. **Plans of Proposed Communications Equipment Shelter** including 1) Floor plans, elevations and cross sections at a scale of no smaller than  $1/4" = 1'$  (1:48) of any proposed appurtenant structure, and 2) Representative elevation views, indicating the roof, facades, doors and other exterior appearance and materials.

**g. Proposed Equipment Plan:**

I. Plans, elevations, sections and details at appropriate scales but no smaller than  $1" = 10'$ .

ii. Number of antennas and repeaters, as well as the exact locations, of antenna(s) and of all repeaters (if any) located on a map as well as by degrees, minutes and seconds to the nearest tenth of latitude and longitude.

iii. Mounting locations on tower or structure, including height above ground.

Iv. A recent survey of the facility site at a scale no smaller than  $1" = 40'$  (1:480 or metric equivalent 1:500) showing horizontal and radial distances of antenna(s) to nearest point on property line, and to the nearest dwelling unit

v. Antenna type(s), manufacturer(s), model number(s).

vi. For each antenna, the antenna gain and antenna radiation pattern.

vii. Number of channels per antenna, projected and maximum.

viii. Power input to the antenna(s).

ix. Power output, in normal use and at maximum output for each antenna and all antennas as an aggregate.

x. Output frequency of the transmitter(s).

xi. For modification of an existing facility with multiple emitters, the results of an intermodulation study to predict the interaction of the additional equipment with existing equipment.

**h. Visibility Maps:**

I. A minimum of eight (8) view lines in a zero (0) to two (2) mile radius from the site, shown beginning at True North and continuing clockwise at forty-five degree intervals.

ii. A map of the town of Cabot on which any visibility of the proposed tower from a public way (including all existing public rights of way) shall be indicated.

j. **Balloon Test.** Within 35 days of submitting an application, applicant shall arrange to fly, or raise upon a temporary mast, a three foot diameter brightly colored balloon at the maximum height of the tower and within fifty horizontal feet of the center of the proposed tower. The date time and location of this balloon test shall be advertised by the applicant, at 7 and 14 days in advance of the test date in *The Hardwick Gazette*, *The Times Argus* and *The Caledonia Record*.

The applicant shall inform the Cabot zoning board of adjustment, the planning commission, and abutting property owners in writing, of the dates and times of the test, at least 14 days in advance.

The balloon shall be flown for at least four consecutive hours sometime between 9:00 a.m. and

5:00 p.m. of the dates chosen.

k. **Visual Analysis.** The applicant shall develop and submit a written analysis of the visual impact of the proposed tower. This analysis shall include photographs of the balloon test taken from at least 10 different perspectives within the Town of Cabot.

## SECTION 5.9 MONITORING AND EVALUATION OF COMPLIANCE

A. **Monitoring Protocol:** The planning commission may, as the technology changes, require and accept the use of testing protocols other than the Cobbs Protocol. A copy of the monitoring protocol shall be on file with the board of selectmen and the town clerk.

B. **Pre-testing:** After the granting of a conditional use permit and before applicant's telecommunications facilities begin transmission, the applicant shall prepare a report, prepared by an independent qualified telecommunications or radio-frequency engineer, on the background levels of non-ionizing radio-frequency radiation around the proposed facility site and/or any repeater locations to be utilized for applicant's telecommunications facilities. The independent engineer shall use the monitoring protocol, or one substantially similar. This report shall be submitted to the board of selectmen, zoning administrative officer, the planning commission, and the town clerk, along with the first post-transmission report as defined in the following section 5.9. C.

C. **Annual Post-testing:** Within thirty 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) shall submit reports prepared by an independent qualified telecommunications or radio-frequency engineer(s) regarding any non-ionizing radio-frequency radiation emission or exposure from said site, utilizing the monitoring protocol. This monitoring shall measure levels of 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 board of selectmen, the Cabot zoning board of adjustment, the planning commission, the town clerk, and abutting property owners, within thirty days of the anniversary of the first transmission.

D. **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 site, tower or antennas. Additionally, the owner(s) shall submit to the Cabot zoning board of adjustment and the zoning administrator a plan for the correction of the situation that resulted in excessive exposure. Failure to act as described above shall be a violation of the conditional use permit and violations are subject to penalties as provided by Section 2.5 of these regulations.

E. **Structural Inspection:** Tower owner(s) shall arrange for an independent consultant (a licensed professional structural-engineer), to conduct inspections of the tower's structural integrity and safety. Guyed towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the independent consultant and submitted to the board of selectmen, Cabot zoning board of adjustment, the planning commission and the town clerk. Any major modification of existing facility which includes changes to tower dimensions or antenna numbers or type shall require new

structural inspection.

**F. Unsafe Structure:** Should the inspection of any tower reveal any structural defect(s) which, in the opinion of the independent consultant render(s) that tower unsafe, the following actions must be taken. Within 10 business days of 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 10 days of the submission of the remediation plan, and completed as soon as reasonably possible.

Failure to accomplish this remediation of structural defect(s) within 10 business days of initial notification shall be a violation of the conditional use permit and subject to penalties as specified in Section 2.5 of these regulations.

#### **SECTION 5.10REMOVAL REQUIREMENTS**

Any telecommunications facility which ceases to operate for a period of one year shall be removed. Cease to operate is defined as not performing the permitted functions associated with the telecommunications facility and its equipment on a continuous and ongoing basis for a period of one year. At the time of removal, the facility site shall be remediated such that all telecommunications facility improvements which have ceased to be utilized are removed. If all facilities on a tower have ceased to operate, the tower shall also be removed, and the site shall be re-vegetated. Existing trees shall only be removed if necessary to complete the required removal.

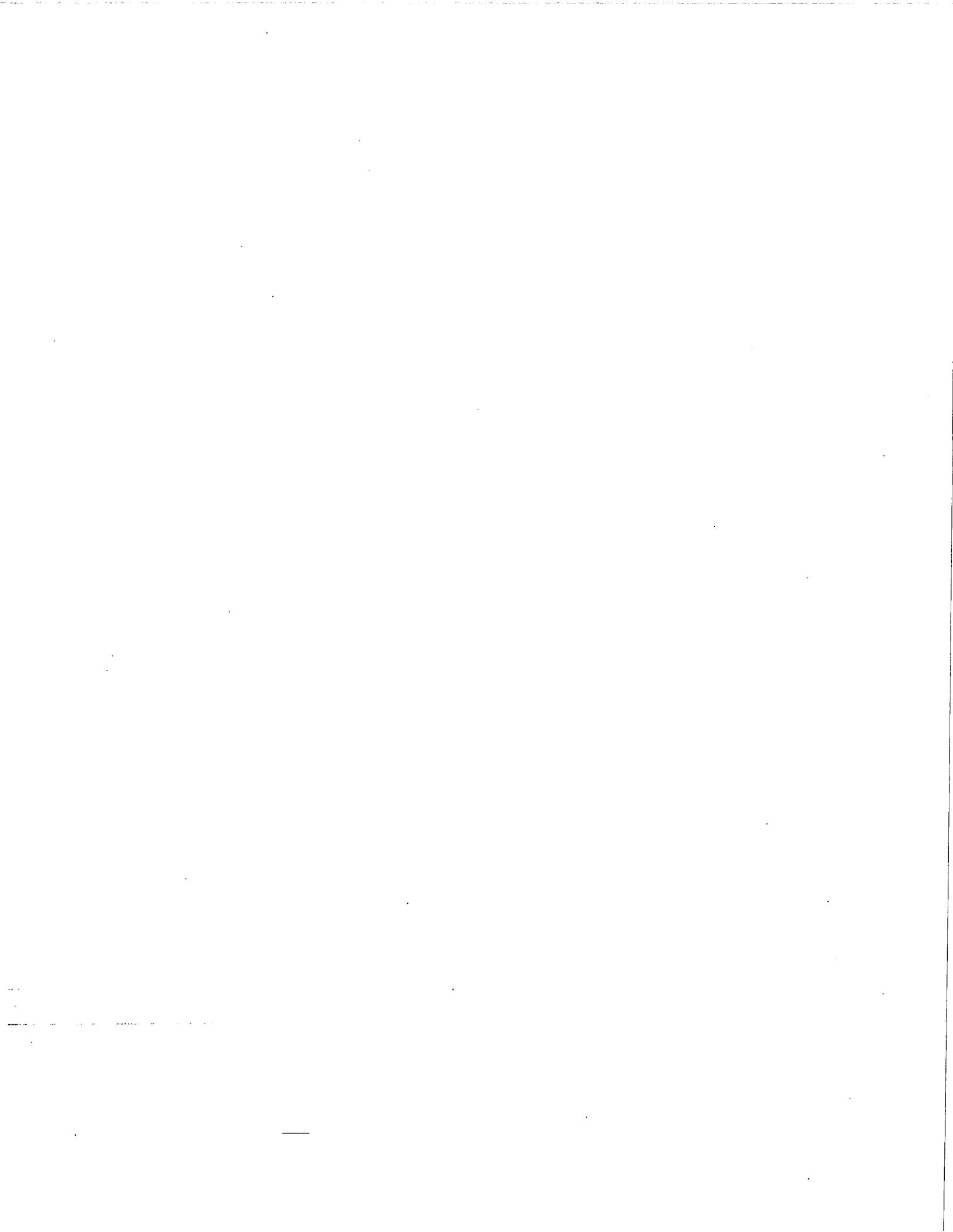
Applicant shall, as a condition of the conditional use permit provide a financial surety bond payable to the town of Cabot and acceptable to the Cabot zoning board of adjustment to cover the cost of removal of the telecommunications facility and the remediation of the landscape, should the facility cease to operate.

#### **SECTION 5.11FEES**

A schedule of fees for towers and telecommunications facilities permitting and renewal, any monitoring of exposure and inspection of structures, and any other fees shall be established by the Cabot board of selectmen as provided for in 24 V.S.A. §1446. This schedule may be amended from time to time.

#### **SECTION 5.12SEVERABILITY CLAUSE**

The invalidity of any section or provision of this article shall not invalidate any other section or provision hereof.



## SEWAGE ORDINANCE FOR THE TOWN OF CABOT

### Section 1 Purpose

This ordinance is adopted under V.S.A. Title 24, Chapter 102 (On-site Sewage Systems). The purpose of this ordinance is to preserve the public health and prevent pollution and to secure the sanitary protection of waters. This ordinance is intended to ensure that sewage is discharged into an approved sewage treatment system and to accomplish the following:

- a) prevent the creation of health hazards which include, but are not limited to, surfacing sewage, contaminated drinking water, ground water and surface water;
- b) insure adequate drainage related to the proper function of sewage disposal; and
- c) insure that facilities are designed, constructed, operated, and maintained in a manner which will promote sanitary and healthful conditions.

### Section 2 Definitions

**APPLICANT:** the legal owner of the property requiring a sewage disposal system construction permit.

**COMMERCIAL:** any area of land including structures thereon that is used or designed to be used for the sale or storage of goods and merchandise, the transaction of business or provision of services or entertainment.

**INDUSTRIAL:** any facility for the assembly, manufacture, compounding, processing, packing, treatment, research or testing of materials, goods, or products.

**MINOR MODIFICATION:** generally understood to be work on or replacement of the septic tank or the piping between the septic tank or the pump chamber and modification on a case-by-case basis, and does not include work on the leachfield or disposal field.

**SEWAGE DISPOSAL SYSTEM:** system for disposal of waste using undisturbed soil on-site as a disposal medium, including a tank for collection of solids and leach area for liquids, or any other system which disposes of waste water on-site. This shall include multiple family, commercial and industrial on-site disposal systems, as well as individual single family homes.

**PERMIT:** a written authorization issued by the town.

**PERSON:** any institution, public or private corporation, individual, partnership, or other entity.

SEASONAL DWELLING: a structure which is not a primary residence and is not occupied for more than six (6) months of the year.

SEWAGE OFFICER: the legally designated authority of the town acting under authority of this ordinance. The Sewage Officer shall be appointed by the Selectboard. The Sewage Officer may be the town's Health Officer, Administrative Officer, or other town official.

SINGLE FAMILY: a group of persons related by blood or marriage or a group of persons unrelated by blood or marriage living together as a household.

SINGLE FAMILY DWELLING: Separate living quarters with cooking, sleeping and sanitary facilities provided within a dwelling unit for the use of a single family maintaining a household.

SMALL SCALE WASTEWATER TREATMENT AND DISPOSAL RULES: effective August 8, 1996, promulgated by the Vermont Department of Environmental Conservation. These rules are incorporated into this ordinance by reference.

### Section 3 Applicability of Ordinance

#### Section 3.1 General Applicability

All sewage disposal systems shall be built, altered, repaired and used in accordance with this ordinance. This includes, but is not limited to, sewage disposal systems for seasonal dwellings, single and multiple family homes, and commercial and industrial properties.

#### Section 3.2 Single Family Residential Structures

All single family residences shall receive a disposal system construction permit before commencement of construction on the property. Construction shall be understood to mean the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, including excavation, foundation or building construction, and shall include site work which involves or may affect any portion of existing or proposed sewage disposal or water supply facilities for the structure, and any change in the use of any structure.

#### Section 3.3 Single Family Residential Structure Disposal System Alterations

No sewage disposal system shall be altered, repaired, or re-built in any way except as provided in Section 3.4 until a Disposal System Construction Permit has been issued.

#### Section 3.4 Exceptions: Minor Modifications

When a minor modification (as defined in Section 2) to an existing system for a single family

is proposed, the Sewage Officer may waive the disposal system construction permit requirement on a case-by-case basis and issue a minor permit. The sewage officer will determine what constitutes a minor modification.

### Section 3.5 Multiple (Including Duplexes) Family Dwellings

All multiple family dwellings shall submit an approved water supply and wastewater disposal permit issued by the state before commencement of construction on the property. Such permits shall satisfy the Disposal System Construction Permit requirements of Section 4.2 of this ordinance unless evidence is submitted that the permit is based on false, fraudulent or misleading information.

### Section 3.6 Commercial and Industrial Structures

All commercial and industrial structures shall submit an approved water supply and wastewater disposal state permit prior to commencement of construction on the property. Such permits shall satisfy the Disposal System Construction Permit requirements of Section 4.2 of this ordinance unless evidence is submitted that the permit is based on false, fraudulent or misleading information. All commercial properties shall obtain a Certificate of Compliance as required by Section 4.4 of this ordinance.

### Section 3.7 Seasonal Dwellings

- a) Any seasonal dwelling constructed after the enactment of this ordinance must receive a disposal system construction permit meeting the full minimum standards of this ordinance if the useful occupancy of the dwelling requires plumbing and running water. The use of any seasonal dwelling shall not be changed until the requirements of Section 3.8 are met.
- b) All seasonal dwellings which will not have plumbing and which shall have no running water at anytime do not need a disposal system construction permit. These seasonal dwellings shall receive a minor permit from the town prior to commencement of construction on the property.
- c) A seasonal dwelling constructed prior to enactment of this ordinance shall not be required to have a sewage disposal system provided no health hazard, nuisance or surface or ground water pollution exists. The Sewage Officer or Health Officer shall determine if such conditions exist. If such conditions exist, a disposal system shall be installed or upgraded to meet the standards of this ordinance to the extent possible, or the running water shall be removed and the generation of sewage ended.

### Section 3.8 Change of Use

- a) Change of use shall include but is not limited to , the addition of plumbing or running water, the addition of bedrooms, conversion of seasonal dwellings to single family or multiple

family residential structures, conversion of single family residential structures to multiple family residential structures or commercial or industrial use.

b) No structure shall be altered in any way so as to change the use of the structure until the Sewage Officer is satisfied that the existing sewage disposal system is adequate for the proposed use or a Sewage Disposal Construction Permit has been issued for the proposed use.

c) No structure shall be altered in any way so as to change the use of the structure unless the sewage disposal system and all proposed alterations meet the minimum standards of this ordinance.

### Section 3.9 Replacement Systems

a) Before a failed system is replaced, it is important that the cause of failure be determined to assure that a subsequent failure is avoided. A Disposal System Construction Permit must be obtained prior to installing a replacement system. A Certificate of Compliance shall be obtained within a reasonable period of time following the commencement of the installation of the system.

b) Existing single family dwelling disposal systems in operation at the time of adoption of this ordinance are approved, provided that such systems do not create a health hazard, nuisance or pollute surface or ground water. Whether an existing system is causing a health hazard, nuisance or is polluting surface or ground water shall be determined by the Health Officer or Sewage Officer. Existing systems determined to be a health hazard, nuisance or polluting surface or ground water shall be upgraded to meet the standards of this ordinance to the extent possible.

c) Replacement systems for single family dwellings which have an approved replacement or continuous area shall be installed in the approved area in accordance with the original permit issued unless a new location meeting the current standards can be approved. The replacement septic system shall, at a minimum, meet the standards in effect when the original system was permitted. Applicants are encouraged to take advantage of improved design technology, if applicable.

d) Replacement systems for multiple family dwellings and commercial and industrial structures shall be constructed in accordance with relevant state regulations. An approved state permit shall be submitted and approved by the Sewage Officer prior to commencement of construction of the replacement system.

### Section 3.10 Other Applicable Regulations

In case of any other applicable regulation, bylaw, ordinance or statute which differs from this ordinance, the stricter shall apply.

## Section 4 Permit Procedure

### Section 4.1 Fees

Application fees for permits shall be established by the Selectboard.

### Section 4.2 Disposal System Construction Permit

a) The owner of any property, the useful occupancy of which requires a sewage disposal system, shall apply for a Disposal System Construction Permit. The owner of any property on which a sewage disposal system is proposed to be built, altered or replaced shall apply for a Disposal System Construction Permit. The application shall contain soil and site information as required by the Vermont Small Scale Wastewater Treatment and Disposal Rules and a design for a disposal system and a replacement system. The system shall be designed as specified by the Vermont Small Scale Wastewater Treatment and Disposal Rules. The basis for the disposal system design shall be peak flow of 150 gallons per day per bedroom. Wells must be properly isolated from septic systems, in accordance with the Vermont Small Scale Wastewater Treatment and Disposal Rules. No reduction in size of mound systems shall be permitted.

b) Technical information for the application shall be prepared by a certified Site Technician B or a practicing professional engineer registered in the State of Vermont.

c) The Disposal System Construction Permit shall be granted or denied by the Sewage Officer. The permit shall become void if the disposal system is not completed within two years of the date of issue.

d) No sewage disposal system, or any portion thereof, shall be placed within 100 feet of the shoreline (normal mean water mark) of any stream, brook, river, pond, bog, or marsh.

### Section 4.3 Minor Permits

The owner of any property intending to make a minor modification or construct a structure, the useful occupancy of which shall not require plumbing and running water, shall make an application for a Minor Permit on the prescribed form. Such minor modifications shall not include changes of use as described in Section 3.8. Vault or pit privies shall receive a minor permit prior to installations (See Section 5.2). Such application shall contain sufficient information to enable the Sewage Officer to evaluate the project. Application shall be made prior to commencement of construction.

### Section 4.4 Certificate of Compliance

The Sewage Officer or his/her designee may inspect all systems before they are covered with

soil. The Sewage Office may request to inspect systems at different stages during installation. The town may request a minimum of 48 hours notice for a final inspection. An approved designer shall submit a final inspection report to the Sewage Officer. Such report shall certify that the disposal system has been installed as approved or variations from the approved design shall be noted in the report. The Sewage Officer shall issue a Certificate of Compliance Permit when satisfied with the installed sewage system. The newly constructed dwelling may not be occupied until the Certificate of Compliance has been issued. Existing dwellings which require a replacement system may be occupied provided a certificate of compliance is obtained within a reasonable period of time from commencement of installation of the system. The Sewage Officer shall decide what is a reasonable amount of time.

#### Section 4.5 Terms and Conditions of the Permits

- a) If the disposal system is not constructed within two (2) years of the date the Disposal System Construction Permit was issued, the permit must be renewed. Renewal shall occur prior to the time of construction of the disposal system. The Sewage Officer can set terms and conditions on the renewal permit. The permit may be renewed when the applicant submits a report to the Sewage Officer that verifies the original permit conditions can be met, including but not limited to, site conditions and water supplies. The Sewage Officer may request the applicant to submit a recommendation prepared by a qualified consultant if additional information is needed to certify that the site conditions have not changed and that the original permit conditions can be met. Permits shall be renewed unless they are found to be based on false, fraudulent or misleading information or the original permit conditions can no longer be met.
- b) Disposal system construction permits denied renewal are void. A new application must be made for a permit. The conditions of the ordinance in effect at the time of application shall apply to this new permit.
- c) All permits run with the land and are binding upon each and subsequent owners. At the discretion of the Sewage Officer, all permits issued under this ordinance, or those permits with conditions of use issued pursuant to this ordinance, may be filed in the town land records.
- d) Easements for off-lot sewage disposal systems must be conveyed to the permittee and recorded in the land records of both the conveyor and the permittee prior to issuance of a construction permit.

#### Section 4.6 Revocation of Permits

A Disposal System Construction Permit, Minor Permit or a Certificate of Compliance may be revoked by the Sewage Officer for any of the following reasons:

1. False, fraudulent, or misleading information contained in the permit application.

2. Installation of a system which does not comply with the conditions of the permit.
3. Alteration of the proposed septic system site or replacement areas including effluent dispersion areas so that the proposed septic system does not comply with this ordinance.
4. Information which shows the proposed septic system will not comply with this ordinance, including, but not limited to, insufficient isolation distances to water supplies.
5. Failure to comply with this ordinance or any terms or conditions of permits issued under this ordinance.

#### Section 4.7 Petition for Revocation

- a) A written petition for revocation shall be addressed to the Sewage Officer and shall set forth the name and address of the petitioner, the petitioner's interest in the matter, and a brief statement outlining the basis for revocation of the permit. Revocation shall only proceed based on the standards established in Section 4:6.
- b) The Selectboard may file a petition and participate in revocation proceedings.
- c) The Selectboard shall notify the permit holder in writing of petition for revocation of permit with 72 hours.
- d) Receipt of the petition shall initiate the revocation procedure. The Selectboard shall hold a hearing within thirty days of the Sewage Officer receiving a revocation petition. The Selectboard shall render a decision within fifteen days of the conclusion of the hearing.
- e) The Sewage Officer shall give the permit holder written notice of revocation of the permit within 72 hours of revocation. All sewage disposal system work must cease immediately upon notification of revocation of the permit.

#### Section 4.8 Appeals

Any applicant aggrieved by a decision of the Sewage Officer may appeal that decision in writing to the Selectboard with thirty (30) days of such decision. The Selectboard shall hold a hearing within thirty (30) days of such an appeal and shall render a decision with fifteen (15) days after the close of such hearing. Following the Selectboard's hearing, any person aggrieved by a decision of the Selectboard may appeal that decision to Superior Court. The administrative process must be exhausted before appeal to the Superior Court.

#### Section 4.9 Enforcement

A person who neglects or refuses to comply with the provision of this ordinance may be fined not more than \$500 for each offense by the Superior Court. Each week that a violation is

continued shall constitute a separate offense (24 V.S.A., Section 1974).

## Section 5 Water Saving Devices, Waterless Toilets, Sealed Vault Privies, Outhouses, and Pit Privies: Permitted Deviations from Design Specifications

### Section 5.1 Water Conservation

a) Water conservation is strongly encouraged, as it will increase the life of septic systems.

### Section 5.2 Sealed Vault Privies, Outhouses and Similar Facilities

Properly sealed vault privies, outhouses, and similar facilities may be used provided they meet the isolation distances established in the Small Scale Wastewater Treatment and Disposal Rules, Appendix 1-7D for disposal fields. The Sewage Officer shall determine if proper isolation distances are maintained. A minor permit shall be obtained prior to contracting for, or installation of, vault privies, outhouses or similar facilities.

### Section 5.3 Waterless Toilets

All sewage generated in a residence using waterless toilets shall be conveyed, treated, and disposed of in the same manner as other sewage, as provided for in the Ordinance, which includes obtaining a Disposal System Construction Permit and Certificate of Compliance. For residences permitted to use waterless toilets, the leachfield for the septic system may be reduced in size by 35 percent, provided sufficient area exists to expand the field to full size should conventional toilets be installed, and a full size replacement area is identified and reserved. Mound systems may not be reduced in size.

### Section 5.4 Pit Privies

Pit Privies will not normally be approved, but may be considered on a case-by-case basis if they meet all the isolation distances and separation from ground water and bedrock, ledge, and impermeable soil applicable to leachfields.

### Section 5.5 Permitted Deviations From Design Specifications

At the discretion of the Selectboard, and authorized in writing, deviations from the design specifications in Sections 1-706, Building Sewers, Sewer Collection System and Lift Stations, and 1-708, Disposal Fields, of the Vermont Small Scale Wastewater Treatment and Disposal Rules, may be allowed. Such deviations will only be allowed if the minimum soil and site requirements and the performance standards of the Vermont Small Scale Wastewater Treatment Rules will be met.

Section 5.6 Innovative Systems

Only innovative sewage disposal systems which have an approved Innovative Systems permit from the Department of Environmental Conservation may be approved by the Sewage Officer.

Section 6 Other Provisions

Section 6.1 Severability

If any portion of this Ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 6.2 Liability

Approval of any sewage disposal system design and installation by the granting of a Disposal System Construction Permit and Certificate of Compliance shall not imply that the approved system will be free from malfunction. Proper maintenance of septic systems is vital to their proper functioning. The provisions of this ordinance shall not create liability on the part of the town, of any town official, or employee for the sewage disposal system.

Adopted by the Cabot Select Board

Dated at Cabot, Vermont this 3<sup>rd</sup> day of JULY, 1997.

Selectmen, Town of Cabot

[Signature]

[Signature]

[Signature]

Approved by the Vermont Department of Environmental Conservation:

\_\_\_\_\_  
Commissioner Date \_\_\_\_\_

and made effective on \_\_\_\_\_