

Zoning Regulations



Town of Hubbardton, Vermont

Adopted October 17, 1985

Amended Sept. 29, 1987

Amended Mar. 1, 1988

Amended Mar, 5 1991

Amended July, 22, 2003

**TOWN OF HUBBARDTON ZONING REGULATIONS
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ARTICLE I: ENACTMENT, OBJECTIVES, PURPOSE AND SCOPE

Section 101 - Enactment

In accordance with the Vermont Planning and Development Act, 24 VSA 117, hereinafter referred to as the "Act", there are hereby established Zoning Regulations for the Town of Hubbardton which shall be known and cited as the "Town of Hubbardton Zoning Regulations".

Section 102 - Objectives and Intent

The objective of the Zoning Regulation is to establish standards and policies concerning development of land that further the goals of the Hubbardton Town Plan.

It is intended that standards and policies established by the Zoning Regulations promote the general welfare of the inhabitants; maintain the desirable features of the Town; protect and enhance the value of property; prevent overcrowding of land and secure adequate provisions concerning safety, undue concentration of population, transportation, water, sewage, schools, parks and other public requirements.

Careful consideration has been given, among other things, to the character of each district, with respect to its suitability for the particular uses indicated to insure the most appropriate use of the land throughout the Town.

This ordinance does not affect the use of land or buildings in existence at the time of its adoption, except through change of status of non-conforming uses as stipulated herein.

Section 103 - Purpose and Scope

The purpose of this Regulation is for the promotion of the health, safety, or general welfare of the community by establishing Regulations and conditions governing the erection and use of buildings, other structures and use of land and natural resources.

The scope of this ordinance includes primarily the establishment and designation of five districts in the Town of Hubbardton designated as Commercial, Rural Residential, Conservation, Shorelands, and Flood Hazard. The use Regulations applying to each class of district are stipulated, as well as the general Regulations applying to all districts. The methods of dealing with non-conforming uses are outlined. The administration of the Ordinance and the duties of the administrative officer are defined in detail.

ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

Section 201 - Establishment of Zoning Districts

The Town of Hubbardton hereby establishes the following Zoning Districts: Conservation, Commercial, Rural Residential, Shoreland, and Flood Hazard.

See Article III for uses permitted in each district; see Article V for dimensional requirement of each district.

A. **CON – Conservation District** – Minimum Lot Size: Not Applicable

Purpose: To protect areas that are generally characterized as significant natural resources such as dense forests, steep hills, wetland areas and stream banks, or areas of scenic, cultural or historical significance.

Description: In general, lands in the Conservation District are suitable for low-impact recreational uses, such as nature and hiking trails, hunting, etc. but intensive recreational activities, such as “four-wheeling”, are not appropriate or should occur only in designated areas.

The Conservation District contains both public and private lands. Some privately owned areas are Bomoseen Marsh and the Hubbardton Gulf. Most of the public lands have been unconditionally protected from development, including Half Moon State Park, Hubbardton Battlefield, and Hubbardton Wildlife Management Area. Other areas in the Conservation District include lands that are in the floodplain, and lands that are under a conservation easement.

B. **COM - Commercial District** – Minimum Lot Size: One (1) Acre

Purpose: To provide opportunities for a variety of locally oriented commercial services in suitable locations. The scale of commercial development should be compatible with the rural nature of Hubbardton and the adjacent commercial and residential structures.

Description: Hubbardton is characterized by low-density, scattered development with very little concentration of commercial establishments. Most businesses are along the major thoroughfares through town and meet the needs of the small population of year-round and seasonal residents but do not serve regional demand. Many types of businesses are accommodated within the rural residential districts in Hubbardton as home occupations.

The Commercial District, except as stated in D, shall include all lands within the area described below.

The Commercial Districts in Hubbardton are relatively consolidated and include three general areas: the first is a very small area at the junction of Route 141 and Hortonia Road to provide neighborhood-oriented commercial services in the northwest part of town; the second is along Route 30 near the border with Sudbury, roughly between Delancy Road and Ganson Hill Road between Echo and Bebe Lakes; and the third commercial area is along Route 30 beginning at the intersection of Hortonia Road and extending down the east side of the

highway to Dikeman Road. Some of the land on the west side of Route 30 is designated both Commercial and Shoreland. A smaller commercial segment is on the west side of Route 30 at the border with Castleton extending north to where the shore almost joins with the road.

C. RR - Rural Residential– Minimum Lot Size: Zone A Twenty-five (25) Acres, Zone B Ten (10) Acres, Zone C Five (5) Acres

Purpose: To provide land area for low-density residential development, farming, forestry, recreation and other rural land uses.

Description: Except as stated in D, the Rural Residential district shall be all the Land in the Town of Hubbardton, not included in the Commercial, Shoreland, or Conservation Districts.

Hubbardton does not have municipal sewer or water service, which necessitates low-density development. Growth should be managed and consistent with the rural character of the area and site conditions. Despite the limitations on clustered development, conservation of open spaces and natural resources should be a high priority to maintain Hubbardton's rural atmosphere.

D. SL - Shoreland – Minimum Lot Size: Two (2) Acres

Purpose: To protect the scenic beauty, recreational opportunities and environmental quality around the shores of the rivers, streams and lakes in Hubbardton including, but not limited to Giddings Brook, Hubbardton River, Pencil Mill Brook, Lake Bomoseen, Lake Hortonia, Lake Beebe, Half Moon Pond, Echo Lake, Black Pond and Austin Pond.

Description: The Shoreland District includes all lands within 500 feet of the normal mean watermark of all rivers and those lakes and ponds described above. In cases where there is district overlap, Shorelands District takes precedence excluding flood hazard areas.

In order to provide a filter for nutrients and sediments as well as a visual buffer, cutting and removal of vegetation in the area parallel to all points along the shoreline and extending 25 feet inland from the mean high water level (for lakes) or the top of the bank (for rivers and streams) is not allowed except as follows:

- a. removal of dangerous dead or dying trees is allowed;
- b. a path no more than 6 feet wide is permitted for lake access. The path should not be in a straight line parallel to the slope such that it creates a conduit for runoff.

E. FH – Flood Hazard Overlay District - Minimum lot size: underlying district requirements

Purpose: To maintain the flood-water-carrying capacity of any floodplain and to insure that any structures or uses permitted within a floodplain are properly protected from flood hazard.

Description: The Flood Hazard Overlay District includes all lands in the Town of Hubbardton identified as areas of special flood hazard on the National Flood Insurance Program maps and replicated on the Flood Hazard Area Map prepared by the Rutland Regional Planning Commission.

The open space uses permitted in the Flood Hazard Overlay District as detailed in Article III “Table of Uses” of these Regulations are subject to additional requirements due to the District’s special environmental sensitivities and public safety concerns. All open space uses detailed in Article III shall be permitted to the extent that they are not prohibited by any other ordinance or Regulation and provided that they: (1) do not require the erection of structures, storage of materials and equipment; (2) do not require importing fill from outside the flood hazard area; (3) do not obstruct flood flows; (4) do not increase the flood level within the floodway during the occurrence of the base flood; (5) do not increase off-site flood damage potential; and, (6) do not propose the construction of water supply, sanitary sewage or on-site waste disposal systems.

Section 202 - Zoning Map

The location and boundaries of Zoning Districts are established as shown on the Official Zoning Map a copy of which is appended hereto. The Official Zoning Map is hereby made a part of these Regulations, together with all future amendments. No changes of any nature shall be made in the Official Zoning Map except in conformity with Section 1405 of this Regulation.

Regardless of the existence of copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be that located in the Town Clerk's office and it shall be the final authority as to the current zoning status of land and water areas.

Section 203 - Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of roads, streams, transportation and utility rights-of-way shall be construed to follow such centerlines;
- B. Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines;
- C. Boundaries indicated as following shorelines shall be construed as the low mean water level.
- D. Boundaries indicated as parallel to or extensions of features in A through C above shall be so construed;

- E. Where circumstances are not covered by A through D above, the Board of Adjustment shall interpret the district boundaries in consultation with the Planning Commission.
- F. The Administrative Officer shall determine the relationship of a proposed development to the area of special flood hazard, using, where available (i.e., Zone A), the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps.

ARTICLE III: TABLE OF USES

P = Permitted Use	CON = Conservation District	COM = Commercial District
C = Conditional Use	*FH = Flood Hazard Overlay District	RR = Rural Residential District
		SL = Shoreland District

*See Article II for additional requirements concerning uses permitted in the Flood Hazard Overlay District

ALL USES ARE SUBJECT TO THE REQUIREMENTS OF ARTICLE V
 CONDITIONAL USES ARE SUBJECT TO ARTICLE IV, AS APPLICABLE (See Comment)

USES	CON	FH	COM	RR	SL	COMMENT
Accessory Use	P		P	P	P	Accessory uses in the Conservation District shall be limited to shelters, non-permanent buildings or structures not used for residential purposes.
Agriculture		P	P	P	P	Agriculture in the Shoreland District may not include a building or be a potentially polluting use.
Appliance						
Retail Sales & Service			P			
Wholesale Sales & Service			P			
Associations, Clubs & Lodges			P			
Automobiles						
Painting and Repair			P			
Parts and Supplies			P			
Sales, Used Vehicles			P			
Sales and Service			P			
Service Stations			P			

USES	CON	FH	COM	RR	SL	COMMENT
Bank			P			
Bed and Breakfast			P	P	C	
Building Materials Sales/Storage			P			
Campground		P	P	P	C	See Section 410
Cemetery				P	C	See Section 412
Church, Temples, Etc.			P	P	C	See Section 411
Concrete Product Sales			P			
Contractors Yards			P			
Convenience Store/Small Grocery			P			
Day Care Facility			P			See definitions section
Day Care Home, Family			P	P		See definitions section
Earth Resources Extraction				C	C	See Section 407
Electrical Supplies, Wholesale & Retail			P			
Fabric Retail Sales			P			
Fire Station			P	P	C	
Flooring-Retail Sales/Installation (carpet / tile / linoleum)			P			
Forestry	P	P		P	C	
Funeral Home			P			
Furniture and Home Furnishings						
Retail Sales, New and Used			P			
Upholstering			P			

USES	CON	FH	COM	RR	SL	COMMENT
Wholesale & Storage			P			
Garden Center - Retail			P			
Gift Shops, Antique Stores, Crafts			P			
Glass Sales & Repair			P			
Golf Course		P	P	P	C	
Group home			P	P	C	See Residential Care Home definition
Home Occupation			P	P	P	See Section 412
Kennels			P			
Home for the Terminally Ill			P	P	C	
Landscaping Contractor			P			
Library			P	P	C	See Section 411
Lumber Yard			P			
Manufacturing, Light			C			See Section 403
Marble Contractors & Sales			P			
Municipal Offices			P	P	C	
Museums			P	P	C	See Section 411
Music Instruments-Retail Sales & Service			P			
Nursing Homes			P			
Office Equipment-Retail Sales & Service			P			
Oil and Gas Exploration				C	C	See Section 405
Parks, Municipally owned	P	P	P	P	P	Recreational uses in the Shoreland District may not include a building or be a potentially polluting use.

USES	CON	FH	COM	RR	SL	COMMENT
Pet Shops			P			
Post Office			P	P	C	See Section 412
Professional Office			P			
Professional Residence - Office			P	P	C	See Section 412
Propane Distributor			C			See Section 403
Real Estate Office			P			
Recreation Areas, Private (Indoor/Outdoor)	C	P	P	P	C	See Sections 410 & 412 Indoor not permitted in CON
Recycling Collection Point			P	P		
Residential						
Accessory Building			P	P	P	
Accessory Apartment			P	P	C	
Care Home (Group Home)			P	P	C	
Mobile Home Park				C		See Section 404
One Family			P	P	C	See Section 410
Planned Unit Development				P	C	See Article VIII
Two & Multi-family			P	P	C	
Restaurant			P	C		
Sawmill				C	C	See Section 406
Schools			P	P	P	See Section 411
Self-Storage Facility			P			

USES	CON	FH	COM	RR	SL	COMMENT
Ski Area or Resort			P	P	C	See Section 412
Solid Waste Drop-off			P			
Sporting Goods & Camping-Retail Sales			P			
Trailer Sales-Renting & Leasing			P			
Tree Maintenance Service			P			
Truck - Supplies and Parts Storage			C			See Section 403
Truck - Painting, Repair, Sales, Rent, Lease			C			See Section 403
Trucking			C			See Section 403
Veterinary Hospitals			P			
Warehouse			C			See Section 403
Welding Shop			C			See Section 403
Well Drilling Contractor			C			See Section 403
Wild Life Refuge – Non-commercial	P	P		P	P	
Wireless Telecom Facilities		C	C	C	C	See Sections 408
Wood Manufacturing			C			See Section 403
Wood Working Shop			C			See Section 403

ARTICLE IV: USES PERMITTED SUBJECT TO CONDITIONS

A zoning permit shall be issued by the Administrative Officer for any use or structure which requires conditional use approval only after the Board of Adjustment grants such approval. In considering its action, the Board shall make findings upon specific standards set forth in these Regulations.

In granting conditional use approval, the Board may attach such reasonable conditions in addition to those outlined, as it deems necessary.

The conditions for lot size and setbacks in Article V apply unless Article IV is more restrictive.

Section 401 - Applications for Conditional Use

All uses requiring Conditional Use approval, except one and two family dwellings, are also subject to the following:

- A. In addition to the information required in Section 1102D the owner and/or applicant shall submit five (5) sets of a site plan and supporting data to the Administrative Officer which shall include the following information presented in drawn form and accompanied by written text.
 - 1. Name and address of the owner of record of this and adjoining lands; name and address of applicant - if different than owner; name and address of person or firm preparing the plan; description of the property giving location; scale of map, north point, and date.
 - 2. Survey of the property by a certified surveyor or engineer showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions, zoning classification, existing surface waters (brooks, ponds, etc.), if any, and the location of proposed structures with distance from lot lines indicated.
 - 3. Site plan showing proposed structure(s), locations and land use areas; streets, access points, driveways, traffic circulation, parking and loading spaces and pedestrian walks; utilities both existing and proposed, including placement of poles; and including water wells and sewage treatment facilities; landscaping plans, including site grading, planting design, screening or fencing, detailed specifications of planting and landscaping materials to be used; existing and proposed above ground equipment such as propane tanks, transformers, etc.
 - 4. Construction sequence and anticipated time schedule for the completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
 - 5. The location and size of proposed signs.
 - 6. Certification that the applicant has notified all adjoining property owners of the application.
 - 7. Any of the above information can be waived at the discretion of the Board of Adjustment.
- B. A request for a waiver shall be submitted to the Board of Adjustment and shall specify which portions are requested for waiver. The applicant shall include a preliminary site plan providing

sufficient information upon which the Board of Adjustment can make a decision. The Board of Adjustment may request additional information.

A request for a waiver shall not be considered as submission for purposes of timing requirements relating to action on applications.

- C. The Administrative Officer shall check to see if all required information has been submitted and the fee paid and, if so, shall submit the completed application to the Board of Adjustment. Incomplete applications shall be returned to the applicant.

Section 402 - Siting of Conditional Uses

A. Landscaping - General

In determining the amount of planting to be required, the Board of Adjustment should take into account:

1. Existing trees, shrubs, evergreens and other vegetation to be preserved on the site.
2. Visibility of areas from roads and/or adjoining properties.
3. The need to effectively screen all parking areas from roads and adjacent properties.
4. Proximity of lots used for residential purposes.

B. Specific Landscaping Requirements.

1. All new parking lots may be required to be screened by a strip not less than 15 feet in width with suitable plantings, screening or landform.
2. All plantings, when initially installed, are to be of a size and shape approved by the Board of Adjustment. If the Board of Adjustment determined that the landscaping plan is appropriate in size, scope, etc., but that it will take several years for the plantings to accomplish the screening or buffering goals, the Board of Adjustment may require that fencing be installed during the interim.
3. If the Board of Adjustment determines that plantings are not appropriate, it may approve a suitable fence.
4. The remainder of the yard space shall be landscaped and maintained in good appearance.
5. Where new commercial uses are located adjacent to residential buildings, there shall, to the extent practicable, be plantings or attractive solid fencing to screen out all outdoor lighting from the view of the adjacent residential buildings.
6. All landscaping shall be completed and maintained in accordance with the site plan as approved by the Board of Adjustment. Any dead or diseased planting shall be replaced as soon as seasonally possible.

D. Pedestrian Circulation

1. The Board of Adjustment may require pedestrian walkways to facilitate pedestrian movements.
2. In all districts, the Board of Adjustment may require provision for pedestrian trails and walkways along waterways or other natural features to connect with similar present or anticipated trails on adjacent properties.
3. The Board shall consider maximum safety of pedestrian and vehicular circulation between the site and the street network including location, number and width of access points, curve radii at access points, acceleration or deceleration lanes on adjacent public streets, sight distance improvements, shared access with adjoining properties, and location of sidewalks and/or other walkways. Particular consideration shall be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in case of an emergency.

E. Access

1. The Board of Adjustment may require service roads connecting to public roads, with provision for connection to similar service roads on adjacent property where it feels that limiting the number of intersections to the public road is in the interest of the health and safety of the community.
2. Adequacy of parking and loading facilities. Adequacy of on-site circulation, parking, and loading facilities, with particular attention to safety including aisle widths to accommodate emergency vehicles, traffic movement patterns and location of parking areas to prevent conflicts with entering and exiting traffic onto a public street, location of loading docks and number and size of parking spaces. Particular consideration shall be given to the effect of noise, glare, or odors on adjoining properties. Refuse and service areas shall be included. Provisions for snow removal shall also be made.

F. Protection of renewable energy resources

1. Particular consideration shall be given to the appropriate siting of buildings in order to maximize access for solar gain to the property and adjacent properties.

G. Bond

1. The applicant may be required to provide a suitable performance bond or other form of security to guarantee the performance and completion of all planting required.

Section 403 - Small Industry

- A. The industrial building shall be less than 15,500 square feet in size, and there shall be fewer than twenty (20) employees.
- B. The industry shall be of a non-polluting nature, and no toxic wastes shall be discharged into an on-site sewage system or otherwise discharged from the plant.

- C. Loads per truck shall not exceed the weight limits of the roads over which the truck will travel within Hubbardton.
- D. The development or use must not destroy or significantly alter wetlands or natural areas identified in the Town Plan or by the State of Vermont.
- E. Smoke. No emission shall be permitted of any air contaminant for more than a period or periods aggregated six minutes in any hour which has:
 - 1. A shade, or density greater than no. 2 of the Ringelmann Chart, or
 - 2. A shade, or density, of such capacity as to obscure an observer's view to a degree greater than does smoke described in subsection 1. above.
- F. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution. No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property that can cause excessive soiling, at any point on the property of others.
- G. Odors. No emission of detectable objectionable odor beyond the property line of premises shall be discharged, caused, allowed, or permitted.
- H. Fire, Explosive, or Safety Hazard. No fire, explosive, or safety hazard shall be permitted which significantly endangers other property owners or which results in a significantly increased burden on municipal facilities.
- I. Landscaping shall be provided in a 25' area between the road and the proposed industry. The Board of Adjustment may also require reasonable buffers, consisting of landscaping and/or fencing, between a use in this district and an adjacent use that would be adversely affected without such buffer.
- J. See Article VI: Parking and Loading for these requirements.

Section 404 - Mobile Home Park

In addition to complying with the provisions of all applicable state statutes, Mobile Home Parks in the Town of Hubbardton shall meet the following requirements.

- A. The park shall be located on a site graded to insure adequate drainage of surface water, sub-surface water, sewage, and freedom from stagnant pools.
- B. A minimum of 10,000 square feet shall be provided for each mobile home space.
- C. Each mobile home park or trailer park shall have an area of at least ten (10) acres.
- D. No mobile home or trailer may be located closer than one hundred (100) feet to an existing dwelling, public highway or abutting agricultural property.
- E. A minimum of thirty (30) feet shall be left open between mobile homes.

- F. Roadways shall be at least 18 feet in width, well graveled, hard packed, or paved, maintained in good condition throughout the year.
- G. Appropriate underground utility service shall be provided for each mobile home space.
- H. If each mobile home or trailer space is served by an individual septic tank, the minimum size of the space shall then be the same as in a residential district not served by a public sewer.
- I. Provision shall be made for proper and adequate trash and garbage collection and disposal. All trash and garbage cans shall be concealed at all times in a properly allotted space.
- J. Each park shall be enclosed by a properly kept fence or planted densely with bushes or trees.
- K. Each mobile home shall install skirting to cover all open space under said mobile home. This siding shall be so installed so as not to warp or sag and shall be properly painted if a metal siding is not used.
- L. No additions shall be built on mobile homes unless they are the manufactured type such as carports, fold out rooms or patio covers.
- M. A copy of rules and Regulations set up by each mobile home park or trailer park shall be presented to the Board and will be put on file upon acceptance in the Town Clerk's office for future reference.

Section 405 - Oil and Gas Exploration and Development

- A. Application Procedures. The application for a permit to explore, drill, or maintain and operate any oil and gas or disposal well shall be filed with the Secretary of the Board of Adjustment and shall include and be accompanied by the following:
 - 1. Name, address, and telephone number of the applicant and the owner of the property surface rights.
 - 2. Written legal description of the site.
 - 3. Scale survey of the ten (10) acres surrounding the drill site, with dimensions showing the exact location of the proposed well and all buildings, tanks, pits, pipelines, embankments, fences, and other improvements incident to the drilling of the well, together with all buildings within six hundred (600) feet of the well, and the location of all existing oil, gas or fresh water wells within the ten (10) acre tract.
 - 4. A copy of an approved drilling permit from the Vermont Natural Gas and Oil Resources board and assurance of compliance with all applicable federal and state laws.
 - 5. Existing and proposed contours at intervals of two feet.
 - 6. The exact location and elevations of the one hundred (100) year flood elevation for the lease.

7. The location of any waterway.
8. The general location and character of surface storm drainage.
9. The location of ingress and egress, and use and width of all easements, access roads, interior roads, and parking areas for the lease.
10. The location of the drilling rig and pump, holding tanks and well cellars for oil and gas produced and for waste and drilling materials, treators, separators, and any other drilling or production equipment related to the construction or operation of the well.
11. A description of all pollution prevention equipment to be utilized.
12. The location of all public utilities, including, but not limited to, water lines, wastewater lines, telephone lines, gas lines, electric lines, and cable television lines.
13. A description and location of fencing, berming, landscaping, and screening to be utilized around the site.
14. The location of the piping network on-site and off-site.
15. The type of motors, pumps, and valves to be used for drilling and production.
16. The plan for site restoration once the well is abandoned and a statement of the methods of waste disposal.
17. An insurance policy in conformance with B below.
18. A corporate security bond in conformance with B below.
19. Certified copies of all leases or contracts with the owners of the property.
20. Application fee of one thousand dollars (\$1,000).
21. A statement of how water will be provided for the drilling rig.

B. Insurance and Bond

Liability Insurance: No drilling operations shall be commenced until the applicant files with the town clerk a certificate of general liability for bodily injuries of five hundred thousand dollars (\$500,000) per person, one million dollars (\$1,000,000) per accident, and property damage of five hundred thousand dollars (\$500,000) insurance.

Bonds: A corporate security bond for each well in the sum of twenty-five thousand dollars (\$25,000) shall be filed with the town clerk to assure conformance by the applicant with all provisions and conditions of this ordinance and all additional conditions or requirements imposed by the board of adjustment, and plugging of the well upon its abandonment.

C. Site Selection and Preparation

Well location: No well shall be located within:

- 1,300 feet of any occupied structure not associated with the well development;
- 1,300 feet of any other drill site;
- 300 feet of a producing fresh water well;
- 50 feet of a public utility line;
- 400 feet from a property line of a residential subdivision;
- 300 feet of any public street, state highway right-of-way, or future street right-of-way.

Drill site area: No drill site shall contain more than two-and-one-half acres.

Number of wells: The number of wells to be drilled shall not exceed one to each five acres in the leased area.

Hours of operation: If a drill site is located within 2,000 feet of any residence, hospital, or institutional housing, all work in preparation of the site for drilling shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m.

Access roads: Lease roads shall be located and maintained to minimize damage to the landscape, minimize erosion, and allow for safe and convenient ingress and egress to the installation. They shall be surfaced with crushed rock or gravel or oiled to prevent dust and mud. The permittee may not allow the use of any residential street by any equipment or vehicles used in the oil and gas operations in the field unless the well is surrounded by residential streets. If the site is surrounded and residential streets are traversed, such residential streets shall be restored to their original condition on completion of the well.

Screening and fencing: Prior to the commencement of drilling operations or the activation of an idle well in a developed area, the well, tanks, and all surface equipment shall be enclosed by a minimum six (6) foot enclosure having at least one locking gate or exit and constructed of one of the following materials:

- A solid masonry wall compatible with the facilities, buildings, and structures on and adjacent to the site.
- A chain link fence interwoven with wood slatting or other opaque materials of color compatible with surrounding uses.

Landscaping: For a well visible from a public street, the minimum area required to be landscaped shall be that area between each lot boundary line fronting a public street and a line or lines drawn parallel to each lot boundary line fronting on a public street and through the center of any well or tank on the site. Landscaping, shrubs, and fencing shall be maintained in good condition at all times.

Pipelines: All off-site pipelines serving the drill site shall be buried underground.

Off-street parking: A surfaced and maintained off-street parking area containing not less than five (5) parking spaces shall be provided for each well being drilled.

Sanitary facilities: Sanitary facilities shall be provided at the drill site and shall be in accordance with requirements of the Vermont Health Department and the town health officer.

D. Drilling

Soundproofing: The derrick and all drilling machinery that produces noise shall be enclosed with soundproofing material, which shall be maintained in a clean and serviceable condition.

Lights. No lights shall be allowed to shine directly on adjacent property or property in the general vicinity of the site.

Delivery of equipment: If a drill site is located within 2,000 feet of any residence, hospital, or institutional housing, the delivery or removal of equipment or material from the drill site shall be limited to the hours between 7:00 a.m. and 7:00 p.m. except in case of emergency.

Drill pipe storage: No drill pipe shall be racked and made up except between the hours of 7:00 a.m. and 7:00 p.m., except within the derrick.

Power sources: All power sources shall be electric motors or muffled internal combustion engines.

Removal of derrick: Within sixty (60) days after the completion of the drilling of a well, the derrick and all other drilling equipment shall be removed from the site.

E. Production Operations

Underground installation: All well head equipment shall be installed in well cellars and no portion of such equipment shall be or project above the surrounding ground surface.

Soundproofing: Motive power for production operations shall be completely enclosed in a structure insulated with soundproofing materials. These structures shall conform in appearance to surrounding structures and shall not exceed sixteen (16) feet in height.

Motive power location: Motive power for production operations shall be located on the drill site.

Height of installation: Unless otherwise specifically permitted by these Regulations, no permanent installations at the drill site shall project more than eight (8) feet above the surrounding ground surface.

Storage of equipment: There shall be no storage of material, equipment, or vehicles not for the immediate use or servicing of an installation of the drill site.

Site and installation maintenance: The drill site and all permanent installations shall be maintained in a neat, clean, and orderly condition and all surfaces of permanent installations within the drill site shall be painted and well maintained.

Storage tank location: Storage tanks shall be located on the drill site.

Storage tank capacity: No more than two vapor tight crude oil storage tanks shall be installed for each producing well, neither of which shall have a capacity exceeding five hundred (500) barrels exclusive or processing equipment.

Removal of oil: Oil produced at the drill site shall be removed by an underground pipeline or pipelines 180 days from and after the date the first well in the drill site is complete.

Refineries: No refinery dehydrating, or absorption plant of any kind shall be constructed, established, or maintained on the drill site.

Gas burning: Natural gas shall not be vented to the atmosphere or burned by open flare.

Well servicing: If a drill site is located within 2,000 feet of any residence, hospital, or institutional housing, no well servicing shall be done except between the hours of 7:00 a.m. and 7:00 p.m., except in case of an emergency.

Signs: No sign visible from outside the drill site shall be permitted except those required by law or for safety or directional purposes.

Off-site pipelines: Within 30 days after completion of the drilling of a well, the work of burying all off-site pipelines shall be commenced and completed within a reasonable time.

F. Waste Control

Receptors: All waste oil, gasoline, brine, drill cuttings, drilling mud, or acids produced or used in connection with oil drilling operations or oil production shall be captured and retained in enclosed water tight receptors, and transported from the premises within twenty (20) days of completion of a well by pipe or hauled for terminal disposal in a dumping area specifically approved for such disposal by the Board of Adjustment. No such substances shall be permitted to escape by seepage or overflow, or flow across the surface of the ground or upon any public way, into any storm or sanitary sewer, drainage ditch or paving, or into any stream or tributary.

Waste receptors in floodplain: All waste pit receptors shall be one foot above the one hundred (100) year floodplain or properly diked to repel the one hundred (100) year flood waters from the pit.

G. Abandonment

Upon approval of abandonment of a well by the Vermont Natural Oil and Gas Resources Board, all drilling and production facilities, equipment, and structures associated with the installation, and all oil or waste material, shall be removed and the site restored to its original condition and contours.

Section 406 - Sawmill

- A. Noise shall be controlled so that it will not be a nuisance nor create a significant increase in noise heard in buildings on adjacent lots.

- B. Sawdust and other wastes shall be stored or disposed of in a non-polluting manner.
- C. All buildings, storage bins, and industrial activities shall be set back at least one hundred (100) feet from any stream, wetland, or pond.
- D. See Article VI: Parking and Loading for these requirements.
- E. The facility shall be adequately screened from any residential building on an adjacent lot.

Section 407 - Removal of Sand, Gravel, or Stone

- A. The facility shall be adequately screened from any residential building on an adjacent lot.
- B. A plan for ongoing reclamation as specified by the Board of Adjustment, must be approved prior to the issuance of any land use permit.
- C. A bond or other security to insure compliance with the approved reclamation plan may be required by the Board of Adjustment for all extraction uses except quarrying operations. In determining the amount of the bond required, the Board of Adjustment shall consider the past record of the developer and the financial health of the developer.
- D. Fencing of sufficient height and strength to deny access to the public is required around any pit or excavation.
- E. Loads per truck shall not exceed the weight limits of the roads over which the truck will travel within Hubbardton.
- F. Loads must be covered when off-site or loaded so as not to spill while en route.

Section 408 - Wireless Telecommunications Facilities

A. Definition and Purpose

- 1. Wireless telecommunication facilities shall include all wireless telecommunication providers, licensed and/or regulated by the Federal Communications Commission, and associated equipment and buildings. The purpose of this section is to protect the public health, safety and general welfare of the Town of Hubbardton while accommodating the communication needs of residents and businesses. This bylaw shall:
 - a. Preserve the character and appearance of the Town of Hubbardton while allowing adequate wireless telecommunications services to be developed.
 - b. Protect the scenic, historic, environmental, and natural resources of the Town of Hubbardton.
 - c. Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modification, and removal of wireless telecommunications facilities and towers.

- d. Minimize tower and antenna proliferation by requiring the sharing of existing communications facilities, towers and sites where possible and appropriate.
- e. Facilitate the provision of telecommunications services to the residences and businesses of the Town of Hubbardton.
- f. Minimize the adverse visual effects of towers and other facilities through careful design and siting standards.
- g. Encourage, through performance standards and incentives, the location of towers and antennas in non-residential areas and away from other sensitive areas such as schools, hospitals and childcare facilities.

B. Consistency With Federal Law

- 1. In addition to other findings required by this bylaw, the Board shall find that its decision regarding an application is intended to be consistent with federal law, particularly the Telecommunications Act of 1996. The bylaw does not:
 - a. Prohibit or have the effect of prohibiting the provision of personal wireless services;
 - b. Unreasonably discriminate among providers of functionally equivalent services; or
 - c. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) Regulations concerning such emissions.

C. Definitions

See Glossary of Terms included in Article IX Definitions.

D. Permitted and Prohibited Locations

- 1. Freestanding telecommunications towers or antennas over 20 feet in height may not be located in any of the following locations:
 - A. Within 100 ft. of a State or Federally designated wetland.
 - B. The habitat of any State listed Rare or Endangered Species.
 - C. Closer than 1,500 ft. horizontally to any structure existing at the time of the application which is used as either a primary or secondary residence, to the property of any school, or to any other building.
 - D. Within 100 ft. horizontally of any river or perennial stream.
 - E. Within the Conservation District as defined in this document.

E. Small Scale Facilities / Exemptions

- 1. The placement of wireless telecommunications antennas, repeaters or micro-cells on existing buildings, structures, roofs, or walls, and not extending more than 10 feet from the same, or the installation of ground facilities less than 20 feet in height, may be approved by the

Administrative Officer, provided the antennas meet the applicable requirements of section 408 of these Regulations, upon submission of:

- a. A final site and building plan.
- b. A report prepared by a qualified engineer indicating the structure's suitability for the telecommunications facility, and that the proposed method of affixing the antenna or other device to the structure complies with standard engineering practices. Complete details of all fixtures and couplings and the exact point(s) of attachment shall be indicated.
- c. For a facility to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure. However no such device may be located closer than 50' horizontally to an existing residence.

2. The following telecommunications facilities are exempt from the requirements of this ordinance: police, fire, ambulance, and other emergency dispatch; amateur (ham) radio, citizens-band radio, single-use local business radio dispatch, and television antennas for home use.

F. Application Requirements for Wireless Telecommunications Facilities not Covered Under Section E

Pursuant to 24 V.S.A. § 4401 et seq. the Zoning Board of Adjustment of the Town of Hubbardton is authorized to review, approve, conditionally approve, and deny applications for wireless telecommunications facilities, including sketch, preliminary and final plans, and installation. Pursuant to 24 V.S.A. § 4407, the Board is authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for all reasonable costs thereof.

1. An applicant for a permit must be a personal wireless service provider or FCC licensee, or must provide a copy of its executed contract to provide land or facilities to such an entity, to the Administrative Officer at the time that an application is submitted. A permit shall not be granted for a tower or facility to be built on speculation.
2. In addition to information otherwise required in the Town of Hubbardton's Zoning Bylaws, Subdivision Regulations and Master Plan, applicants for wireless telecommunications towers or facilities shall include the following supplemental information:
 - a. The name and address of the applicant, the record landowners and any agents of the landowners or applicants as well as an applicant's registered agent and registered office. If the applicant is not a natural person, the name and address of the business and the state in which it is incorporated and has its principal office shall be provided.
 - b. The name, address and telephone number of the person to be contacted and who is authorized to act in the event of an emergency regarding the structure or safety of the facility.
 - c. The names and addresses of the record owners of all abutting property.
 - d. A report from qualified engineers that:
 - i. Describes the facility height, design and elevation.
 - ii. Documents the height above grade for all proposed mounting positions for antennas to be collocated on a telecommunications tower or facility and the minimum separation distances between antennas.

- iii. Describes the tower's proposed capacity, including the number, height and type(s) of antennas that the applicant expects the tower to accommodate.
 - iv. In the case of new tower proposals, demonstrates that existing telecommunications sites and other existing structures, or other structures proposed by the applicant within 5 miles of the proposed site cannot reasonably provide adequate coverage and adequate capacity to the Town of Hubbardton. The documentation shall include, for each facility site or proposed site within such radius, the exact location, ground elevation, height of tower or structure, and sufficient additional data to allow the independent reviewer to verify that other locations will not be suitable.
 - v. Demonstrates that the applicant has analyzed the feasibility of using "repeaters" or micro-cells in conjunction with all facility sites listed in compliance with Section F iv (above) to provide coverage to the intended service area.
 - vi. Describes potential changes to those existing facilities or sites in their current state that would enable them to provide adequate coverage.
 - vii. Describes the output frequency, number of channels, sector orientation and power output per channel, as appropriate for each proposed antenna.
 - viii. Includes a written explanation for use of the proposed facility, including reasons for seeking capacity in excess of immediate needs if applicable, as well as plans for additional development and coverage within the Town.
 - ix. Demonstrates the tower's compliance with Hubbardton's structural standards and setbacks for towers and support structures.
 - x. Provides assurance that at the proposed site the applicant will establish and maintain compliance with all FCC rules and Regulations, particularly with respect to radio frequency exposure. The Zoning Board of Adjustment may hire independent engineers to perform evaluations of compliance with the FCC Regulations, standards and requirements on an annual basis at unannounced times.
 - xi. Includes other information required by the Board that is necessary to evaluate the request. Includes an engineer's stamp and registration number, where appropriate.
 - xii. A letter of intent committing the facility owner and his or her successors to permit shared use of the facility if the additional user agrees to meet reasonable terms and conditions for shared use.
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- e. Location Map: a copy of a portion of the most recent USGS Quadrangle map showing the area within at least a two-mile radius of the proposed facility site.
 - f. Vicinity Map showing the entire vicinity within a 2500-foot radius of the facility site, including the facility or tower, topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, historic sites and habitats for endangered species. It shall indicate the property lines of the proposed facility site parcel and all easements or rights of way needed for access from a public way to the facility.
 - g. Proposed site plans of the entire development indicating all improvements including landscaping, utility lines, guy wires, screening and roads.
 - h. Elevations showing all facades and indicating all exterior materials and color of towers, buildings and associated facilities.

- i. Computer generated photo simulations of the proposed facility showing the facility from all public rights-of-way and any adjacent property from which it may be visible. Each photo must be labeled with the line of sight, elevation and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
 - j. In the case of a proposed site that is forested, the approximate average height of the existing vegetation within 200 feet of the tower base.
 - k. Construction sequence and time schedule for completion of each phase of the entire project.
4. For a facility to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure.
 5. To the extent required by the National Environmental Policy Act (NEPA) as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the proposed facility.
 6. A copy of the application or draft application for an Act 250 permit, if applicable.
 7. A schematic of the network segment showing the three (3) previous and three (3) following towers indicating the service radius provided by each tower.

Plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet.

G. Collocation Requirements

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

2. Towers must be designed to allow for future placement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally and in all other respects to accommodate both the applicant's antennas and additional antennas when overall permitted height allows.

H. Access Roads and Above Ground Facilities

Where the construction of new wireless telecommunications towers and facilities requires construction of or improvement to access roads, to the extent practicable, roads shall follow the contour of the land, and be constructed or improved within forest or forest fringe areas, and not in open fields. 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. The Town may require closure of access roads to vehicles following facility construction where it is determined that site conditions warrant the same and where maintenance personnel can reasonably access the facility site on foot.

I. Tower and Antenna Design Requirements

1. Proposed facilities shall not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor. Height and mass of facilities shall not exceed that which is essential for the intended use and public safety.
 - a. Towers, antennas and any necessary support structures shall be designed to blend into the surrounding environment through the use of color camouflaging and architectural treatment, except in cases in which the Federal Aviation Authority (FAA), state or federal authorities have dictated color. Use of stealth design, including those which imitate natural features, may be required in visually sensitive locations.
 - b. Towers, antennas and tower-related fixtures shall not be more than 20 feet above the average height of the tree line measured within 100 feet of the highest vertical element of the telecommunications facility. The Board of Adjustment may approve additional height if it is necessary to provide adequate coverage in the Town of Hubbardton or to accomplish collocation of facilities and provided that the additional height will not cause an undue visual impact on the scenic character or appearance of the area.
 - c. Towers, antennas and any necessary support structures shall be designed to avoid having an undue adverse aesthetic impact on prominent ridgelines and hilltops. In determining whether a tower's aesthetic impact would be undue and adverse, the Board will 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 experienced by the traveling public;
 - iii. the degree to which the tower would be screened by existing vegetation, the topography of the land, and existing structures;
 - 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 view point and the proportion of the facility that is visible above the skyline;
 - vi. the sensitivity or unique value of a particular view affected by the proposed tower;
 - vii. significant disruption of a viewshed that provides context to a historic or scenic resource.

The Board may require that an alternative location for the tower be evaluated by the

applicant if it is determined that the proposed location would result in undue adverse aesthetic impacts. [In consideration of this, the applicant may revise its application to include such a site, assuming it is available to the applicant and reasonably technically feasible to meet the applicant's communication objectives.]

- d. All buildings and structures accessory to a tower (except for electric power poles where specifically exempted by the Board) shall meet the minimum setback requirements of the underlying zoning district or setback requirements specified in this bylaw.
- e. If the minimum setbacks of the underlying zoning district are less than the height of the tower, including antennas or other vertical appurtenances, the minimum distance from the tower to any property line shall be no less than the height of the tower, including antennas and other vertical appurtenances.
- f. Ground mounted equipment or antennas as well as buildings and structures accessory to a tower shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better complements the architectural character of the surrounding neighborhood.

A planted or vegetative screen shall be a minimum of ten feet in depth with a minimum height of six feet and shall have the potential to grow to a height of at least 15 feet at maturity.

Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved.

Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage points.

J. Amendments to Existing Wireless Telecommunications Facility Permit

- 1. An alteration or addition to a previously approved wireless telecommunications facility shall require a permit amendment when any of the following are proposed:
 - a. Change in the number of buildings or facilities permitted on the site;
 - b. Addition or change of any equipment resulting in greater visibility or structural wind loading, or additional height of the tower, including profile of additional antennas, not specified in the original application.

K. Tower Lighting and Signage; Noise Generated by Facility

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

L. Temporary Wireless Communication Facilities

1. Any wireless telecommunications facility designed for temporary use is subject to the following:
 - a. Use of a temporary facility is permitted only if the owner has received a temporary use permit from the Town of Hubbardton.
 - b. Temporary facilities are permitted for no longer than five days use during a special event.
 - c. The maximum height of a temporary facility is 50 feet from grade.
 - d. Temporary facilities must comply with all applicable portions of these Regulations.

M. Continuing Obligations

1. Upon receiving a permit, the permittee shall annually demonstrate that he or she is in compliance with all FCC standards and requirements regarding radio frequency exposure, and provide the basis for his or her representations.

N. Facility Removal

1. Abandoned, unused, obsolete, or noncompliant towers or facilities governed under these Regulations shall be removed as follows:
 - a. The owner of a facility/tower shall annually, on January 15, file a declaration with the Town of Hubbardton's Administrative Officer certifying the continuing safe operation of every facility/tower installed subject to these Regulations. Failure to file a declaration shall mean that the facility/tower is no longer in use and considered abandoned.
 - b. Abandoned or unused towers or facilities shall be removed within 180 days of cessation of operations at the site unless a time extension is approved by the Zoning Board of Adjustment. In the event the tower or facility is not removed within 180 days of the cessation of operations at a site, the municipality shall notify the owner and may remove the tower or facilities. Costs of removal shall be assessed against the property or tower owner.
 - c. Towers and facilities which are constructed in violation of permit conditions or application representations shall be removed within 180 days of cessation of operations at the site unless a time extension or negotiated solution is approved by the Zoning Board of Adjustment. In the event the tower or facility is not removed within 180 days of notification of such a violation, the municipality may remove the tower or facilities. Costs of removal shall be assessed against the property or tower owner.
 - d. An owner who has failed to file an annual declaration with the Administrative Officer by January 15 may, by February 15, file a declaration of use or intended use and may request the ability to continue use of the facility/tower.
 - e. The Applicant shall, as a condition of the conditional use permit, provide a financial surety bond payable to the Town of Hubbardton and acceptable to the Board to cover the cost of removal of the facility and remediation of the landscape, should the above clauses be invoked.

O. Maintenance Requirements

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

P. Insurance Requirements

1. The facility owner shall maintain adequate insurance on all facilities.

Section 409 - Reconstruction of a Noncomplying Structure in the Flood Hazard Area.

Noncomplying Structures in the Flood Hazard area shall comply with the following requirements:

- A. All development be designed to (i) minimize flood damage to the proposed development and to public facilities and utilities, and (ii) to provide adequate drainage to reduce exposure to flood hazards.
- B. Structures be (i) designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure during the occurrence of the base flood, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damage, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- C. The flood carrying capacity within any altered or relocated portion of a watercourse be maintained.
- D. New and replacement water supply and sanitary sewage systems be designed to minimize or eliminate infiltration.
- E. On-site waste disposal systems be located to avoid impairment to them or contamination from them during flooding.
- F. New and replacement manufactured homes be elevated on properly compacted fill such that the top of the pad under the entire manufactured home is above the base flood elevation.
- G. Any proposed development within the floodway will not result in any increase in flood levels during the occurrence of the base flood.
- H. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level.
- I. All new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the base flood level or designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- J. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot.

Section 410 - Single-Family Dwelling in Shoreland District

- A. If a State Subdivision Permit is required, it shall be obtained before a zoning permit is issued.
- B. Water-conserving plumbing fixtures shall be used in all new construction and in any alteration of a building that requires a zoning permit.
- C. A 25-foot minimum buffer of undisturbed natural vegetation shall be left along the edge of the lake and along lot lines where appropriate.

Section 411 - Campground in the Shoreland District

- A. All conditions of Section 410 shall be complied with.
- B. The applicant shall show that adequate facilities will be provided for water supply, sewage disposal, trash collection, recreation, emergency vehicle access, electrical needs, pedestrian and vehicular circulation, and storm-water runoff.
- C. All campsites shall be at least 50 feet from any shoreline, stream, lot line, or road right-of-way.
- D. Adequate screening or landscaping shall be provided between the campground and any adjacent use which would be affected.
- E. The minimum total lot size shall be two acres.
- F. Any necessary state permits shall be obtained before issuance of a zoning permit.
- G. See Article VI: Parking and Loading for these requirements.

Section 412 - Religious or Educational Uses in the Shoreland District

- A. All conditions of Section 410 shall be complied with.
- B. The minimum lot size shall be 25 acres.
- C. The applicant shall show that adequate facilities will be provided for water supply, sewage disposal, trash collection, recreation, emergency vehicle access, electrical needs, pedestrian and vehicular circulation, and stormwater runoff.
- D. There shall be a buffer zone of at least 50 feet between any structure and any stream, lot line, or road right-of-way. Screening may be required to protect adjacent uses.
- E. A state Public Buildings Permit shall be obtained before issuance of a zoning permit.

Section 413 - Other Conditional Uses in the Shoreland District

Other uses listed in the Rural Residential column of Article III under "permitted uses" may be allowed in the Shoreland District, under the following conditions.

- A. All conditions of Section 410 shall be complied with.
- B. Any necessary state permits shall be obtained before issuance of a zoning permit.

Section 414 - Conditional Uses in the Flood Hazard District

- A. In reviewing each application for a conditional use permit in the Flood Hazard District the Board of Adjustment may consider the following:
 - 1. The danger to life and property due to increased flood heights or velocities caused by encroachments;
 - 2. The danger that materials may be swept onto other lands or down stream to the injury of others;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The necessity to the facility of a waterfront location;
 - 6. The availability of alternative locations not subject to flooding for the proposed use;
 - 7. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - 8. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions under conditions of flooding;
 - 9. The safety of access to the property in times of flood of ordinary and emergency vehicles;
 - 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 - 11. The costs of providing governmental and public facilities and services during and after flooding.

- B. In all flood hazard areas (i.e., numbered and unnumbered A Zones), the Board of Adjustment shall require, as a condition of approval that:
1. All development be designated to (i) minimize flood damage to the proposed development and to public facilities and utilities, and (ii) to provide adequate drainage to reduce exposure to flood hazards.
 2. Structures be (i) designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure during the occurrence of the base flood, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damage, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 3. The flood carrying capacity within any altered or relocated portion of a watercourse be maintained.
 4. New and replacement water supply and sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 5. On-site waste disposal systems be located to avoid impairment to them or contamination from them during flooding.
 6. New and replacement manufactured homes be elevated on properly compacted fill such that the top of the pad under the entire manufactured home is above the base flood elevation.
 7. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.
 8. The lowest floor, including the basement, of all new residential buildings shall be at or above the base flood elevation.
 9. New nonresidential buildings and existing buildings to be substantially improved for nonresidential purposes shall either meet the requirements of subsection B.8 or be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capacity of buoyancy. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans and has certified that the design and

proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

10. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids or other hazardous or toxic materials, are prohibited within the floodway. These facilities may be permitted outside of the floodway, provided that the area is filled to at least one (1) foot above the base flood elevation.
 11. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- C. The Board may attach additional conditions as are necessary to meet the purpose of this chapter.

ARTICLE V: LOT SIZE, SETBACKS, YARDS

The following requirements apply to all uses shown as Permitted (P) in Article III, Table of Uses. Conditional Uses shall meet the requirements of Article IV unless Article V imposes more restrictive requirements.

DISTRICT	MIN. LOT SIZE	SETBACKS			MIN. LOT FRONTAGE	MAX. BLD. / STRUCTURE HEIGHT ⁽¹⁾	MAX. LOT COVERAGE
		Front	Side	Rear			
CONSERVATION	-	-	-	-	-	-	-
COMMERCIAL	One (1) Acre	40'	25'	25'	100'	-	-
RURAL RESIDENTIAL							
Zone A	Twenty-five (25) Acres	40'	25'	25'	100'	-	4%
Zone B	Ten (10) Acres	40'	25'	25'	100'	-	8%
Zone C	Five (5) Acres	40'	25'	25'	100'	-	10%
*SHORELAND	Two (2) Acres	40'	25'	25'	100'	35'	8%

* Setback from high water mark of lake = 25' (does not apply to Boathouse or Dock)

A buffer of undisturbed natural vegetation not less than 25' in depth shall be left along the edge of the lakes, rivers and streams and along lot lines where appropriate.

⁽¹⁾ See Article IX for definition

' = feet

ARTICLE VI: PARKING AND LOADING

No land or structure shall be used, erected, altered or occupied unless the provisions for off-street parking and loading as set forth in this Article shall have been met.

A. Number of Parking Spaces:

The required number of spaces shall be listed in the table below. For any use that is not listed, the Planning Commission shall require spaces as it deems necessary based on standards from other accepted sources, including local parking counts.

Minimum Parking Off-Street Parking Space Requirements

Single Family Residential	2 spaces per dwelling unit
Multi-family residential	2 spaces per dwelling unit plus 1 additional guest space for each four dwelling units
Public Assembly Places (theaters, churches, lodge halls, or other similar places)	1 space for every four seats provided in place of assembly
Commercial / Retail	1 space for every 250 square feet of retail floor area
Small Industry	2 spaces for each 3 employees plus 1 space for each vehicle used by the firm
Sawmill	2 spaces for each 3 employees plus three spaces for customers
Campground in the Shoreland District	1 space for each campsite
Home Occupation	1 space for each employee, located off-street and not in front set-back areas

B. Other Parking Spaces:

Parking spaces for handicapped persons shall be provided for all commercial uses. The size, number, and location of spaces shall comply with the ADA Accessibility Guidelines. Handicap accessible spaces are required to be 8’0” wide, with an adjacent access aisle 5’0” wide. The minimum number of accessible parking spaces required for each lot is as follows:

<u>Total Parking Spaces in Lot</u>	<u>Accessible Spaces in Lot</u>
1 to 25	1
26-50	2
51-75	3

C. Location of Off Street Parking

Except where otherwise stated, off street parking that is required for a use or uses under this section shall be located entirely on the property on which the use or uses exist. The Planning Commission may approve required off street parking that is located off the property on which a use or uses exist, provided: a) all off-site parking is located within 800 feet of the property on which the use or uses exist, b) an application for approval of off-site parking includes an accurate site plan for all properties affected by the off-site parking proposal, c) the owner or owners of property where off-site parking will be provided are co-applicant's to the site plan application, and d) if so required by the Planning Commission, the applicant shall record appropriate legal documents to ensure that the off-site parking spaces shall be available for use by the user or users for which the off-site parking spaces are being sought.

D. Commercial Off-Street Loading and Unloading Space Requirements

Every building or structure hereafter erected and occupied for business, trade or industry shall be provided with adequate space for loading and unloading vehicles off of the public road right-of-way. This is in addition to the requirements for off-street parking space. This space shall not be used in a manner to obstruct or interfere with the free use of any road or adjoining property.

E. Modification of Requirements

1. Where the Planning Commission determines that unique usage or special conditions exist, it may require off-street parking spaces and loading areas greater than the requirements of this section.
2. The Planning Commission may reduce the requirements of this section for number of off-street and loading areas, to as low as 50% of the normal requirement, if it determines that overlapping use of parking spaces or other unique characteristics cause the requirement to be unnecessarily stringent.

ARTICLE VII: NONCONFORMING USES/NONCOMPLYING STRUCTURES

Section 701 - Continuation of Existing Non-Conforming Uses

Except as provided in Sections 702, 703 and 704 of this Regulation, any use of land, buildings or structures, or parts thereof existing at the effective date of this Regulation, or any amendment thereof, may be continued although such building, structure or use does not comply with the requirements of the district in which it is located. This Regulation, however, shall apply to any alterations of buildings, structures or use of land for a purpose or in a manner substantially different from that to which it was put before alteration.

Section 702 - Discontinuance of Use

When a non-conforming use has been discontinued for a period of one (1) year, it shall not thereafter be re-established and the future use shall be in conformity with the provisions of this ordinance. This section shall not apply to long-term vacancies of residences by their owners or tenants.

Section 703 - Changes in Non-Conforming Use

No non-conforming use shall be changed to other than a conforming use for the district in which it is located.

Section 704 - Restoration of Non-Conforming Use

Any nonconforming use which has been destroyed or damaged by fire, explosion, act of God, or by vandalism or public enemy, may be restored within a two year period, to the same nonconforming use as existed before such damage.

Section 705 - Non-Complying Structure

A non-complying structure may be continued indefinitely and may be normally maintained and repaired. However, if the structure is destroyed by damage from any cause, it may not be rebuilt except in compliance with these Regulations. A non-complying structure may be enlarged if the enlargement does not increase the degree of non-compliance.

ARTICLE VIII: PLANNED UNIT DEVELOPMENT

Section 801 - Planned Unit Development

General Intent - A Planned Unit Development is intended to permit development of larger parcels of land which will provide a desirable and stable environment in harmony with that of the surrounding area; to permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic and desirable use of open area; to permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, and off-street parking areas; and to utilize best the potentials of sites characterized by special features of geography, topography, size or shape.

So that innovations in design and layout, and more efficient use of land may be encouraged, a person may undertake land development in the Residential, Commercial and Shoreland Districts upon approval of a Planned Unit Development as authorized by 24 V.S.A. Section 4407(12). To permit a Planned Unit Development, the Planning Commission may modify these Zoning Regulations in accordance with that Section, subject to the following standards and conditions:

- A. A site plan shall be submitted to the Planning Commission showing the location, height, spacing, uses, and architectural inter-relationships of all buildings, open spaces and their landscaping; utility lines, streets, driveways, and off-street parking and unloading spaces, unique or man-made features, and physical conditions of the site, accompanied by a statement setting forth the nature of all proposed modifications, changes or supplements to existing zoning Regulations, and such other information as the Planning Commission may deem necessary.
- B. A Planned Unit Development application shall also include both maps and a written statement and must show enough of the area surrounding the proposed PUD to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.
- C. The Planning Commission shall hold at least one public hearing, upon public notice, prior to approval.
- D. The Board of Adjustment may combine its Conditional Use hearing with the Planning Commission's PUD hearing.
- E. Any permitted and conditional uses allowed in the district where the PUD is located, may be included in the PUD, subject to approval under this Section. Dwelling units may be of varied types.
- F. The PUD shall be consistent with the Town Plan.
- G. The minimum size of a PUD shall be five acres.
- H. The overall density of the project shall not exceed the number of dwelling units and other uses which could be permitted, in the Planning Commission's judgment, if the land were conventionally developed in accordance with these Regulations. The town may allow the proportionate number of families according to the amount of acreage.
- I. The Planning Commission may increase or decrease the setback requirements if, in its judgment, the special circumstances of a proposed development would make such requirement

inappropriate. Side and rear setback requirements, as listed in Article III and as used in this Section, shall be interpreted as the side and rear setback requirement required for the PUD as a whole and not as the setback requirements for each particular structure placed in such PUD.

- J. The Planning Commission may allow for a greater concentration of density, or intensity of residential land use within some Section or Sections of the development than upon others, which shall be offset by a lesser concentration in any other Section.
- K. Where a PUD is to be located in more than one zoning sub-district, the lot sizes and the number of allowable dwelling units must be separately calculated for each individual zone in the PUD.
- L. Mixed uses shall be so arranged as to insure visual and acoustical privacy to residents in the development.
- M. Roadways, parking and unloading facilities shall be designed and constructed so as not to cause unreasonable highway congestion or unsafe traffic conditions. The parking requirements of Article VI shall apply in all Districts.
- N. Water and utilities shall be demonstrated to be adequate, and all sewage and other effluent disposal shall be designed by a professional engineer so it will not become a public health hazard, so that it will comply with 410.
- O. Unique natural features of the site shall be preserved.
- P. If a Planned Unit Development application results in land available for park, recreation, open space or other municipal purposes, the Planning Commission as a condition of its approval may establish such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.
- Q. The Planning Commission may attach such reasonable conditions and safeguards as may be necessary to implement the purposes of 24 V.S.A. Chapter 117 and these Regulations, in order to protect the public health, safety and welfare. These may include screening and landscaping.
- R. The Planning Commission may require from the owner, for the benefit of the Town, a performance bond with a good and sufficient surety, in an amount sufficient to cover the full costs of public or private roadways and utility lines, in situations where buildings are to be constructed prior to the completion of such roadways or utility lines.
- S. The Planning Commission shall also have the same powers in any Planned Unit Development application with respect to adequacy of traffic access, circulation and parking, landscaping and screening, and such other items as it has in a Site Plan Review procedure, to the extent not already provided for in this Section.
- T. If the PUD contains units to be owned as condominiums, the applicant shall submit a copy of the Condominium Declaration and Bylaws proposed for the project.
- U. The applicant shall submit a copy of any restrictive covenants proposed to run with ownership of the project or portions thereof.

ARTICLE IX: SITE PLAN APPROVAL

Section 901 - Site Plan Approval

No zoning permit shall be issued by the Administrative Officer for any use or structure, except for one-family and two-family dwellings, accessory structures and uses subject to conditions until the Planning Commission grants Site Plan Approval.

A. Submission of Site Plan Map and Supporting Data

The Owner shall submit five (5) sets of site plan maps and supporting data to the Planning Commission which shall include the following information presented in drawn form and accompanied by written text:

1. Name and address of the owner of record and adjoining lands. Name and address of person or firm preparing the map (if different). Scale of map, north point and date.
2. Survey or sketch of the property showing existing features, including contours (if available), structures, roads, utility easement, rights of way, land use and deed restrictions.
3. Site plan showing proposed structure(s), locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
4. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.

B. Site Plan Review Procedure

In considering its action, the Commission shall consider and may impose appropriate conditions and safeguards with respect to the adequacy of pedestrian and vehicular access, circulation and parking, landscaping and screening, protecting the utilization of renewable energy resources and other matters as specified in these Regulations.

The Commission shall review the site plan map and supporting data before approval or approval with stated conditions, or disapproval, is given, and shall take into consideration the following objectives:

1. Maximum safety of pedestrian and vehicular circulation between the site and the street network including location, number and width of access points, curve radii at access points, acceleration or deceleration lanes on adjacent public streets, sight distance improvements, shared access with adjoining properties, and location of sidewalks and/or other walkways. Particular consideration shall be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in case of an emergency.

2. Adequacy of circulation, parking and loading facilities. Adequacy of on-site circulation, parking, and loading facilities, with particular attention to safety including aisle widths to accommodate emergency vehicles, traffic movement patterns and location of parking areas to prevent conflicts with entering and exiting traffic onto a public street, location of loading docks and number and size of parking spaces.

Particular consideration shall be given to the items in (1) above and effect of noise, glare, or odors on adjoining properties. Refuse and service areas should be included in this consideration. Provisions for snow removal should also be made

3. Adequacy of landscaping, screening and setbacks with regard to achieving maximum compatibility and protection to adjacent property. Particular consideration shall be given to preservation of existing vegetation, visibility of unsightly or incompatible areas from the road and adjoining properties and the adequacy of landscaping materials to meet seasonal conditions, soils conditions and light on the site.
4. Protection of existing or proposed renewable energy resources, such as solar collectors and windmills, on this and adjoining properties.
5. Adequate stormwater management measures to ensure that no additional stormwater runoff is generated beyond the boundaries of the property and that existing drainage patterns are not altered in a manner which impacts neighboring properties, town highways or surface waters. Plans for handling stormwater runoff shall utilize the best available technology to minimize off-site stormwater runoff, increase on-site infiltration, and encourage natural filtration functions.

C. The planning commission shall act to approve or disapprove any such site plan within sixty days after the date upon which it receives the proposed plan and failure to so act within such period shall be deemed approval.

D. Copies of the Planning Commissions decision, along with findings of fact shall be sent to the applicant.

ARTICLE X: GENERAL REGULATIONS

Only those uses permitted or permitted subject to conditions in accordance with these Regulations shall be allowed in the town of Hubbardton. All other uses are prohibited.

Section 1001 - Signs

- A. All signs erected in the Town of Hubbardton shall conform to the provision of Chapter 21 of Title 10 of the Vermont Statutes Annotated.
- B. Except where otherwise provided by law, the maximum dimensions of any sign located or erected in the Town of Hubbardton shall be:
 1. Area: maximum, fifteen (15) square feet per parallel side

2. Height above highway grade: fifteen (15) feet, except that a sign on a building may extend six (6) feet above the top of the roof, but in no case shall the highest point on any sign exceed forty (40) feet.
 3. No sign shall be erected within twenty-five (25) feet of side or rear yard setback, and there shall be no more than two (2) signs per business.
 4. Signs on Town Highways shall not be erected closer than thirty (30) feet from the center of the traveled portion of the highway.
 5. No "On Premises" sign shall be erected more than five hundred (500) feet from the main entrance to the business or activity being advertised, and in no case shall such sign be erected closer to the main entrance of another business or activity than to the business or activity advertised.
- A. No sign or device shall overhang any public street or right of way.
 - B. No sign or device shall be illuminated so as to constitute a hazard to safety or health or so as to adversely affect neighboring property or the occupants thereof.
 - C. No sign erected pursuant to this section shall be artificially illuminated in any manner, internally or externally, without prior review and approval of the Board of Adjustment. In considering such approval, approval with conditions or disapproval the Board may have regard to the following factors:
 1. Residential and/or commercial character of the neighborhood and the zoning district in which the sign is to be located.
 2. Effect of the illumination on traffic, parking and neighboring properties, including those properties not necessarily abutting the premises on which the sign is to be located.
 3. The interest of the town in preserving the rural appearance of a particular area, roadway or portion there of along which the sign is to be erected.
 4. The need for such illumination as it may affect the applicant's purpose for which the sign is intended.

Section 1002 - Home Occupation

- A. Residents may use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character of those areas as long as:
 1. The dwelling and the lot maintain a residential appearance at all times;
 2. The home occupation is clearly secondary to the use of the site for residential purposes. Not more than 500 sq. ft. or 30 percent of the floor area of the dwelling (whichever is greater) shall be used for the home occupation;

3. The home occupation is operated by a person who is a legal resident of the site of the dwelling. In the case of seasonal residents, the home occupation may be operated only at those times when the seasonal resident is occupying the dwelling on the site.
 4. No more than 2 additional persons, who are not family members presently residing on the site may be employed in the business;
 5. The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable zoning district.
 6. Exterior displays or sign, other than those normally permitted in the district, or exterior storage of materials are not permitted.
 7. Retail sales shall be limited to those items produced as part of the Home Occupation.
- B. A zoning permit is required for all Home Occupations. A permitted home occupation is granted to the applicant for the length of time that the applicant occupies the dwelling. The permit shall expire upon relocation by the applicant and shall neither remain with subsequent occupants of the dwelling nor transfer to a new location with the original applicant.

Section 1003 - Accessory Building

An accessory building shall comply with the required lot setbacks. Such buildings shall not exceed twenty (20) feet in height, except for agricultural buildings. Garages attached or built into dwellings are considered part of the principal building. Any accessory building of less than 80 sq. ft. does not require a permit.

Section 1004 - Satellite Dishes

Satellite dish antennas with diameter measuring less than one (1) meter may be installed in a manner consistent with typical television antennas.

Section 1005 - Use of Travel Trailers

A travel trailer shall not be parked and occupied for more than one (1) month, in a 12-month period, in a Residential and Shorelands District, except that a mobile home or trailer of less than thirty (30) feet in length may be parked if not occupied longer than the above-stated time period.

Section 1006 - Reduction of Lot Area

A lot shall not be changed in size or shape so that the requirements of this ordinance are no longer complied with. The provisions of this section shall not apply when a portion of a lot is taken for a public purpose.

Section 1007 - Existing Small Lots

Any lot in individual, 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 not less than one-eighth (1/8) acre in area with a minimum width or depth dimension of forty (40) feet.

(A) If such lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot for purposes of this chapter. However, such lot shall not be deemed merged and may be separately conveyed, if:

(i) the lots are conveyed in their preexisting, nonconforming configuration; and

(ii) on the effective date of any zoning Regulations, each lot had been developed with a water supply and wastewater disposal system; and

(iii) at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and

(iv) the deeds of conveyance create appropriate easements on both **lots** for replacement of one or more wastewater systems in case a wastewater system fails, which means the system functions in a manner:

(I) that allows wastewater to be exposed to the open air, pool on the surface of the ground, discharge directly to surface water, or back up into a building or structure unless the approved design of the system specifically requires the system to function in such a manner;

(II) so that a potable water supply is contaminated or rendered not potable;

(III) that presents a threat to human health; or

(IV) that presents a serious threat to the environment.

(B) If, subsequent to separate conveyance, as authorized under subdivision (1)(A) of this section, a wastewater system fails, the owner shall be required to obtain from the secretary of natural resources a wastewater permit as required under the subdivision Regulations or a certification that the wastewater system has been modified or replaced, with the result that it no longer constitutes a failed system.

Section 1008 - Required Frontage on, or access to, Public Roads or Waters

Land development shall be permitted only on lots which either have frontage on a public road or public waters or, with approval of the planning commission, access to such a road or waters by a permanent easement or right-of-way.

All such access, except legally pre-existing access, must be at least twenty (20) feet in width.

Section 1009 - Special Public Use Exceptions

In Addition to meeting any state & federal requirements the following shall meet all the requirements of section VIII Site Plan Approval and the coverage requirements of section V unless superceded by state law.

- A. Public utility power generating plants and transmission lines;
- B. State owned and operated institutions and facilities;
- C. Public and private schools and other educational institutions certified by the Vermont Department of Education;
- D. Churches, convents, and parish houses;
- E. Public and private hospitals
- F. Regional solid waste management facilities certified under 10 V.S.A chapter 159
- G. Hazardous waste management facilities for which a notice of intent to construct has been received under section 6606a of Title 10.

To protect the privacy of adjoining property owners, additional yard space or setbacks of the use from the property line other than what is already required in the district may be required.

The density, size, height or bulk of buildings may be increased or decreased as needed to ensure compatibility with established patterns of land use in the district, and to ensure orderly growth and development in the community.

Section 1010 - Solar Access

Solar Access. No development shall be permitted which would eliminate the year-round use of existing or approved (but not yet constructed) solar power or wind generation devices that are or are proposed to be mounted on residential structures.

Section 1011 - Day Care Family Home

Pursuant to 24 V.S.A. Section 4409 (f), a state registered or licensed day care facility serving six or fewer children full time and up to four children part time shall be considered by right to constitute a permitted single-family residential use of property. Of this number up to six children may be provided care on a full-time basis and up to four children may be provided care on a part-time basis.

Section 1012 - Residential Care Home

Pursuant to 24 V.S.A. section 4409 (d): A state licensed or registered residential care home or group home serving not more than six persons who are developmentally disabled or physically handicapped,

shall be considered by right to constitute a permitted single family residential use except that no such home shall be so considered if it locates within 1,000 feet of another such home.

Section 1013 - Equal Treatment of Housing

Nothing herein shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing, from the municipality, except upon the same terms and conditions as conventional housing is excluded.

Nothing herein shall have the effect of excluding from the municipality housing to meet the needs of the population as determined in Section 4382(c) of the Chapter 117 of Title 24 of the Vermont Statutes Annotated.

Nothing herein shall be construed to prevent the establishment of mobile home parks in accordance with chapter 153 of Title 10 of the Vermont Statutes Annotated.

Section 1014 - Accessory Apartment

- A. Occupancy is restricted to not more than two persons, one of whom is related by blood or marriage to the owner of the single family residence, is disabled (as defined in subdivision 251(2) of Title 18) or is at least 55 years of age;
- B. Floor space shall not exceed thirty percent (30%) of the floor space of the existing living area of the single family residence or four hundred (400) square feet whichever is greater; and,
- C. The primary single-family residence is occupied by the owner.
- D. The maximum number of units permitted under this provision is one (1).
- E. The unit is constructed within or attached to a primary single-family residence located in a district in which single-family residences are a permitted or conditional use.

Section 1015 - Lot Limitations

In all districts only one principal building shall be placed on a lot. This requirement shall not apply to compact subdivisions or to working farms where one additional residential structure is permitted for use by a farm employee and farm structures are also permitted.

Section 1016 - Lots in More Than One Zoning District

Where a district boundary line divides a lot of record at the time such line is adopted, the Regulations for the less restricted part of such lot shall extend not more than thirty (30) feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.

Section 1017 - Reduction of Lot Area

No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of these Regulations shall be smaller than prescribed for the district in which the lot is located.

The provisions of this section shall not apply when part of a lot is taken or acquired for a public purpose.

Section 1018 - Required Area of Yards

Space required under these Regulations to satisfy area, yard or other open space requirements in relation to one (1) building shall not be counted as a part of a required open space for any other building.

Section 1019 - Temporary Structures

Temporary permits may be issued by the Zoning Administrative Officer for a period not exceeding one (1) year, for temporary structure incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one (1) year.

ARTICLE XI: ADMINISTRATION AND ENFORCEMENT

Section 1101 - Administration and Enforcement

These Regulations shall be administered and enforced in accordance with Sections 4409(c), 4412(f) and (h), 4441-4445, 4447-4472 of the Act and other Sections of the Act as may be applicable.

The Town has a Manual of Procedures for the Administration and Enforcement of the Zoning Regulations which provides more detail on the statutory requirements for administering a zoning Regulation and are based on the relevant provisions of 24 VSA 117.

Section 1102 - Applications

A. Applications are required for the division of a parcel into two (2) or more parcels, the construction, exterior reconstruction, conversion, structural alteration, relocation or enlargement of any building(s) or other structure(s), 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 shall commence only in compliance with all regulations in this bylaw for the district in which such building or land is located.

B. Applications are not required for interior or exterior changes that do not change the permitted use or footprint of a structure.

C. The Administrative Officer should assist applicants, to extent possible, with local permits and requirements of these regulations. If other local permits or authorizations are required, the Administrative Officer should coordinate a unified effort on the behalf of the Town in administering its development review programs.

D. All applications shall be submitted to the Administrative Officer on forms furnished by him/her and shall be accompanied by five (5) copies [number of copies is optional] of a sketch plan, drawn to scale, showing the dimensions of the lot to be built on, location of the building and accessory buildings to be erected, a surveyor's plot plan of the property, if available, and such other information as may be necessary to determine and provide for the enforcement of this Regulation.

E. An application for any permit shall be accepted by the Administrative Officer only if it is complete and is accompanied by payment in cash, check or money order made out to the municipality for the amount of the specified fee. Fees shall be established and reviewed by the Selectboard from time to time.

Section 1103 - Applications - Flood Hazard District

In the Flood Hazard District, in addition to the above, every application shall contain the following additional information in order to meet the requirements of the National Flood Insurance Program floodplain management regulations (44 CFR Parts 59 and 60):

- A. The existing and proposed land contours, streams, roads, other pertinent physical features, buildings and structures.
- B. The elevation of the lowest habitable floor including basement of new or substantially improved structures and confirmation as to whether such structure contains a basement.
- C. Proposed location of fill and/or storage of materials.
- D. Proposed flood proofing measures and the level to which any structure will be flood proofed.
- E. Base flood elevation for subdivisions and developments which involve more than 50 lots or 5 acres (whichever is smaller).
- F. The status of all necessary permits required by Federal or State law.
- G. A description of the extent of which any watercourse will be altered or relocated as a result of the proposed development.
- H. Any clarifying or supplementary information and data necessary to pass upon the application.
- I. The relationship of the proposal to the location of the channel.
- J. The extent of the flood hazard area and the base flood elevation using the best information available.

Permitted open space uses shall be exempt from the requirements of paragraphs B, D, and E above.

ARTICLE XII: OTHER REGULATIONS

Section 1201 - Interpretation of Regulation

The provisions of these Regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as provided to the contrary in the Act or these Regulations, it is not intended by these Regulations to repeal, annul or in any way impair any Regulations or permits previously adopted or issued, provided, however, that where these Regulations impose a greater restriction upon the 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 1202 - Notice of Hearing

Any public notice required for public hearing under this Zoning Regulation shall be given in accordance with Section 4447 of the Act.

Section 1203 - Fees

Fees may be established by the Selectboard in amounts necessary to cover all costs of the Administrative Officer, the Board of Adjustment and the Planning Commission for such items as processing applications, including costs of material, administrative time, and reasonable overhead such as postage, telephone, etc.

Section 1204 - Amendments

Any provision of this Regulation, as well as the boundaries of the various zoning districts established herein, may be amended or repealed subject to the provisions of Sections 4403 and 4404(c) of the Act.

Section 1205 - Disclaimer of Liability

These Regulations do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages.

These Regulations shall not create liability on the part of the Town of Hubbardton or any local official or employee thereof for any flood damages that result from reliance on this Regulation or any administrative decisions lawfully made there under.

Section 1206 - Severability

If any provision of this Regulation is held invalid, the invalidity does not affect other provisions or applications of this Regulation which can be given effect without the invalid provision or application.

Section 1207 - Effective Date

This Regulation shall take effect upon approval in accordance with the voting and other procedures contained in Section 4404 of the Act.

Section 1208 - Precedence of Regulation

The provisions of this Regulation shall take precedence over any conflicting and less restrictive local laws.

ARTICLE XIII: DEFINITIONS

Section 1301 - 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 word "shall" is mandatory; the words "occupied" or "used" shall be considered as though followed by "or intended, arranged, or designed to be used or occupied"; the word "person" includes "individual, partnership, association, corporation, or any other incorporated or unincorporated organization or group". The Board of Adjustment shall clarify doubt as to the precise meaning of any word used in these Regulations.

Accessory Building: A building or structure on the same property as a principal building used for purposes normally incidental to those of the principal building.

Administrative Officer: Refers to the Town's Zoning Administrator or the person appointed to administer the zoning Regulations.

Administrator, FIA: Refers to the Federal Insurance Administration.

Agricultural Use: Land which is used for raising livestock, or agricultural or forest products, including general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming and forestry, dairying, apiary, truck gardening, keeping of poultry, farm structures and the storage of agricultural equipment; and, as an accessory use, the sale of agricultural products raised on the property.

Area of special flood hazard: The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area includes all A zone designations on the Flood Insurance Rate Map. It does not include zones B and C.

Assisted living residence: A program which combines housing, health and supportive services for the support of resident independence and aging in place. Within a homelike setting, assisted living units offer, at a minimum, a private bedroom, private bath, living space, kitchen capacity, and a lockable door. Assisted living promotes resident self-direction and active participation in decision-making while emphasizing individuality, privacy and dignity.

Automobile Dealership: Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

Auto Service Station: Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted. A retail store with gasoline pumps as a secondary use, often referred to as a mini-mart, would also be considered an auto service station.

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

Basement: Any area of the building having its floor sub grade (below ground level) on any or all sides.

Bed and Breakfast: A lodging facility located within a residential dwelling with accommodations for up to 10 transient guests.

Building Height: The vertical distance from the average finished grade surrounding the buildings to the highest point of the roof beams in flat roof; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves. Towers, steeples, cupolas, chimneys, antennas, windmills, silos and similar structures are exempt from height considerations.

Building: Any structure enclosed by exterior walls and covered by a roof constructed or used for residence, business, other public or private purposes excluding mobile homes.

Coverage: That percentage of the lot area covered by all building areas.

Day care facility: any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care and supervision of children under sixteen years of age outside their homes for periods of less than twenty-four hours a day by a person other than a child's own parent, guardian or relative, but not including a kindergarten approved by the state board of education.

Day Care Home, Family: a state registered day care facility, which provides for care on a regular basis in the caregiver's own residence for not more than six children full time and four children part time at any one time. For the purpose of this subdivision, pursuant to 33 V.S.A. section 4902 care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:

(A) these part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and

(B) during the school summer vacation, up to 12 children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver.

A day care operation that is not registered by the state or serves seven or more children on a full time basis shall constitute a day care facility.

Dwelling: Any building used by humans for habitation.

Dwelling Unit: Any dwelling or portion thereof used by one family and providing complete housekeeping facilities for the family.

Environmental Court. The court to which appeals are taken from decisions of the Planning Commission or Board of Adjustment (Ch. 117 - 24 V.S.A 4471).

Facility: means a residential care home, maternity home, nursing home, assisted living residence or therapeutic community residence licensed or required to be licensed pursuant to the provisions of 33 V.S.A. section 07102.

Family: Two or more persons living together as a single housekeeping unit.

Flood Hazard Area: See "Area of Special Flood Hazard."

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Administrator has delineated the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Plain: The area generally encompassed by the 100 year flood boundaries including the floodway and floodway fringe. See "Area of Special Flood Hazard."

Floodproofed or floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Highway: A public way; esp. a main direct road.

Historic Site. An area deemed worthy of preservation for historical reasons. The area may be so classified by federal, state or local authority.

Historic Structure. Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: Any use conducted entirely within a primary dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the residential character thereof. See Section 1003.

Home for the terminally ill: A place providing services specifically for three or more dying people, including room, board, personal care and other assistance for the residents' emotional, spiritual and physical well-being. A home for the terminally ill shall not be considered a nursing home, residential care home or any other facility regulated by this chapter.

Hydroelectric Facility: An establishment for the generation of electricity using water sources.

Junk Yard: Land or building used for the collecting, storage or sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, wrecking dismantling, storage, salvaging and sale of machinery parts or four (4) or more vehicles not in running condition. (A further definition may be as defined in 24 V.S.A. §224I (7)).

Kennels. An establishment housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

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

Line of Building: The line of the face of the building nearest the lot line, including sun porches, and open or closed porches but not the following:

- 1. outside steps, including landings,
- 2. fire escapes,
- 3. cellar hatchways,
- 4. handicap ramps,
- 5. chimneys.

Lot: any undivided interest in land, whether freehold or leasehold, including but not limited to interests created by trusts, partnerships, corporations, countenances and contracts.

Lot Line: Any line bounding a lot as herein defined. The Administrator may determine Lot lines for unusual lot configurations. (*Also see Yard*)

1. **Front Lot Line:** The line separating the lot from the street or road. If a lot abuts more than one street, each line is a front lot line.
2. **Rear Lot Line:** The lot line most distant from the front lot line. For purposes of the Shoreland district the lakeshore shall be the rear lot line.
3. **Side Lot Line:** A lot line not a front or rear lot line.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the National Flood Insurance Program Regulations.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mobile Home: A prefabricated dwelling unit which:

1. is designed for long term and continuous residential occupancy,
2. is designed to be moved on wheels, as a whole or in sections,
3. on arrival at the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connections with utilities, and placing on support or a permanent foundation or installation as a unit in a previously prepared structure,
4. contains the same water supply and waste disposal as immovable housing.

Mobile Home Park: A parcel of land under single or common ownership or control which contains, or is designed, laid out or adopted to accommodate two or more mobile homes.

New Construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood plain management purposes, "new construction" means structures for which the "start of construction"

commenced on or after the effective date of a flood plain management Regulation adopted by a community and includes any subsequent improvement to such structures.

Noncomplying Structure: Structure or part thereof not complying with the zoning Regulations covering building bulk, dimensions, height, areas, yards, density or off street parking or loading requirements 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.

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

Nursing home: means an institution or distinct part of an institution that is primarily engaged in providing to its residents any of the following:

- A. Skilled nursing care and related services for residents who require medical or nursing care.
- B. Rehabilitation services for the rehabilitation of injured, disabled, or sick persons.
- C. On a 24-hour basis, health related care and services to individuals who because of their mental or physical condition require care and services, which can be made available to them only through institutional care (33 V.S.A. section 07102)

Official Zoning Map: The one true copy of the Town Zoning Map located in the office of the Town Clerk.

Park, Municipal: Any park or recreation area or facility owned by the Town of Hubbardton

Parking Space: A space, measuring ten feet by twenty-two feet, for off-street parking of a motor vehicle in conformance with this ordinance.

Principal Building: A building in which the primary use of the property on which it is located is conducted. Attachments are a part of a principal building.

Professional Residence-Office: Residence in which the occupant has a professional office including, but not limited to, an architect, accountant, chiropractor, consultant dentist, doctor of medicine, engineer, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, planner, podiatrist, or psychologist, which does not change the residential character thereof.

Recreation, Private: Recreation uses privately owned and operated, including but not limited to picnic grounds, archery ranges, hiking and riding trails, hunting and fishing areas, wildlife sanctuaries, nature preserves, swimming areas and boat launching sites, golf driving range, golf pitch and putt course, par three golf courses, hunting preserves, skating rinks, swimming pools, parks, beaches, tennis courts, indoor bowling alley, theater, table tennis and pool hall, gymnasium, health club, hobby workshop, archery range, riding stables.

Recycling Collection Point: A use incidental to the principal use that serves as a local drop-off point for temporary storage of recoverable resources and does not process these items on site. This facility would generally be located in a shopping center parking lot or in other public/quasi public areas such as churches and schools.

Residential Apartment (Multi-family Structure): A building or portion thereof, designed for occupancy by three or more families living independently of each other.

Residential Care Home: A place, however named, which provides, for profit or otherwise, room, board and personal care to three or more residents unrelated to the home operator. Residential care homes shall be divided into two groups, depending upon the level of care they provide, as follows:

(A) Level III, which provides personal care, defined as assistance with meals, dressing, movement, bathing, grooming, or other personal needs, or general supervision of physical or mental well-being, including nursing overview and medication management as defined by the licensing agency by rule, but not full-time nursing care; and

(B) Level IV, which provides personal care, as described in subdivision (A), or general supervision of the physical or mental well-being of residents, including medication management as defined by the licensing agency by rule, but not other nursing care.

Residential, One-Family: Detached building used as living quarters by one family.

Residential, Two-family: Single building used as living quarters by two families, living independently of each other.

Residential Multifamily: A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, and condominiums; also multiple dwellings.

Restaurant: An establishment whose principal business is the selling of food and beverages to customers seated within or adjacent to the building. Drive-up and drive-through services are prohibited. On-sale liquor services are also prohibited (on-sale beer and wine are permitted as regulated by law).

Right of Way: A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, water line, sanitary sewer, and / or other public utilities or facilities.

Satellite Dish: A device incorporating a reflective surface that is solid open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbital-based sources.

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

Self-Service Storage Facility. A building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods.

Single Family Detached Dwelling: A dwelling occupied by a single family in a single dwelling unit.

Site Plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by these Regulations. It includes lot lines, streets, building sites, open space, buildings, major landscape features, and proposed utility lines, if any.

Structure: An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence, except a wall or fence on an operation farm.

Street: A public thoroughfare, including road, highway, drive, land, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

Substantial Improvement: For purposes of the flood insurance Regulations. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

Tourist House/Inn: A rooming house primarily offering overnight accommodations for transients with optional dining facilities. (See also *Bed and Breakfast*)

Trailer Park/Campground/R.V. Park: Privately owned land leased to owners or occupants of transient trailers, recreational vehicles or tents.

Trailer/Recreational Vehicle: A vehicle intended to be used for a temporary dwelling, travel and recreational activities. It may be equipped to receive a supply of running water and be provided with bath facilities, flush toilet and sanitary connections.

Therapeutic community residence: A place, however named, excluding a hospital as defined by statute or the Vermont state hospital, which provides, for profit or otherwise, short-term individualized treatment to three or more residents with major life adjustment problems, such as alcoholism, drug abuse, mental illness or delinquency. (33 V.S.A. section 07102)

Two Family Detached Dwelling: Building used as living quarters by two families living independently of each other, i.e. 2 baths, 2 kitchens, 2 entrances, etc.

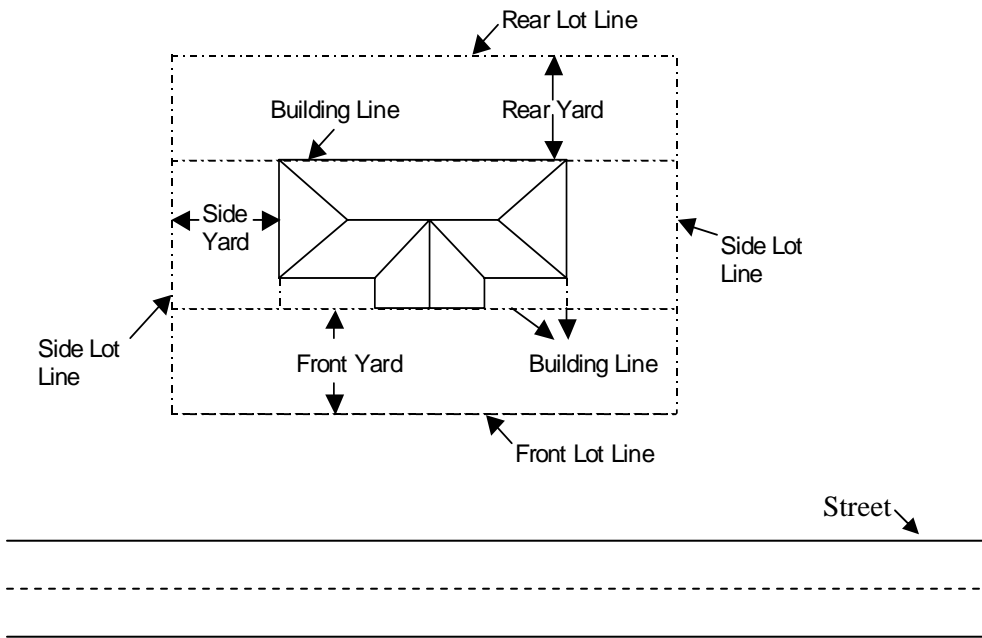
Yard: An open space at grade between a building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Note: For the purposes of the Shoreland District the lakeshore shall be the rear lot line.

Front Yard: The yard between the front lot line and front line of a principal building extended to the sidelines of the lot.

Rear Yard: The yard between the rear lot line and the rear line of a principal building extended to the sidelines of the lot.

Side Yard: The yard between the side lot line and the side yard line of the principal building extended to the front and rear yards.



Section 1302 - Glossary of Telecommunications Terms

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

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

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

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

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

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

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

Applicant: A person who applies for a telecommunications facility siting. An applicant can be the telecommunications service provider with the owner's written permission (or other legally designated representative) or the owner of the property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Facility Site: A property, or any part thereof, which is owned or leased by one or more telecommunications facility(s) and where required landscaping is located.

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

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

GHz: Gigahertz. One billion hertz

Hertz: (Hz) 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 shall be the exact longitude and latitude, to the nearest tenth of a second. Bearing or orientation should be referenced to true North.

MHz: Megahertz, or one million hertz.

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

Microwave Antenna: A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

Monitoring: The measurement, by the use of instruments in the field, of radio frequency exposure from telecommunications facilities, towers, antennas or repeaters.

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.

Omnidirectional Antenna: An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it is designed.

Personal Communications Services or PCS: Digital wireless telephone technology using higher frequency spectrum than cellular.

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

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

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 tools for determining a need and whether the telecommunications equipment will provide adequate coverage for that site.

Repeater: A small receiver/relay transmitter and antenna 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.

Roof and/or Building Mount Facility: A facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or a building face.

Self-Supporting Tower: A communications tower that is constructed without guy wires.

Spectrum: Relating to any transmissions or reception of electromagnetic waves.

Stealth Facility: Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antenna structures designed to look like light poles, and structures designed to resemble natural features such as trees or rock outcroppings. (See also Alternative Design Tower Structure.)

Structurally Able: The determination that a tower or structure is capable of carrying the load imposed by the proposed new antenna(s) under all reasonable predictable conditions as determined by professional structural engineering analysis.

System: The communications transmission system operated by a telecommunications service provider in the municipality or region.

Telecommunications Facility: All equipment (including repeaters) and locations of equipment with which a telecommunications provider transmits and receives the waves which carry their services. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or another owner or entity.

Telecommunications Provider: An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

Temporary Wireless Communication Facility: Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference.

Tower: A vertical structure for antenna(s) that provide telecommunications services.

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

Whip Antenna: A vertical antenna that normally transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape, narrow (less than 6 inches in diameter) and long (often measure 18 inches in height or more).