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TOWN OF SALISBURY

UNIFIED DEVELOPMENT

REGULATIONS

Proposed amendment; Hearing March 11,2013

SALISBURY PLANNING COMMISSION
HEARING
ZONING AND SUBDIVISION REGULATIONS
NOTICE OF PUBLIC HEARING

The Salisbury Planning Commission will hold a hearing on Monday, March 11, 2013 at 7:00 PM at the Salisbury Town Offices on the changes to the Salisbury Unified Development Regulations. This hearing is held pursuant to 24 VSA 4441. This notice is issued pursuant to 24 VSA 4444(b).

STATEMENT OF PURPOSE AND AREAS OF TOWN AFFECTED:
The Unified Development Regulations revise the town's bylaws so that they better reflect and implement the direction provided by the Town Plan which was adopted in 2012. The Unified Development Regulations consolidate the subdivision, zoning and flood hazard bylaws so that reviews can be conducted simultaneously and so the review criteria are consistent. Some procedures are simplified to reduce completion time. They govern all types of Development within the town. All areas within the Town of Salisbury are affected.

TOPICS INCLUDE:

Article I: Authority, Purpose, and Applicability
Article II: Zoning Districts
Article III: Administration and Enforcement
Article IV: General Regulations
Article V: Specific Use Standards
Article VI: Subdivision Standards and Review
Article VII: Flood Hazard Regulations
Article VII: Definitions

Copies of the proposed Unified Development Regulations can be viewed in the Town Office, Schoolhouse Road, Salisbury, VT and on the town website www.townofsalisbury.org.

Salisbury Planning Commission

Report on Amendment to Town of Salisbury
Unified Development Regulations

This report is in accordance with 24 VSA 117, 4441(c).

The purpose of the Unified Development Regulations is to provide for orderly growth by implementing the Town Plan, to protect and enhance the Town's most important community assets, and to assure the individual's freedom to use and enjoy his or her own property in ways that do not inhibit the freedom of his or her neighbors to do likewise.

The proposed amendment incorporates changes made to the recently adopted Town Plan, suggestions by the Zoning Administrator and Development Review Board, comments from the survey sent to all residents prior to the Town Plan rewrite, and general streamlining of procedures.

Of particular concern for some time has been the setback requirement from interior roadways - especially in the area of Lake Dunmore - that are privately owned. This amendment changes the definition of 'driveway' and reduces the road setback for all privately owned roads. Road setbacks from public roads have also been reduced in several zoning districts.

Other areas clarified include the much maligned Waiver section; pre-zoning development that now requires Conditional Use review; and reversing the merging of pre-existing small lots.

The proposed amendment conforms with or furthers the goals and policies contained in the Town Plan, including the effect of the proposal on the availability of safe and affordable housing. Reducing road setbacks increases the possibility of safe and affordable housing development.

The proposed amendment is compatible with the proposed future land uses and densities of the municipal plan.

The proposed amendment does not carry out specific proposals for any planned community facilities.

TOWN OF SALISBURY INTERIM UNIFIED REGULATIONS
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TOWN OF SALISBURY
INTERIM UNIFIED DEVELOPMENT REGULATIONS

INTRODUCTION TO THESE UNIFIED DEVELOPMENT REGULATIONS

The Salisbury Town Plan provides the vision for how Salisbury should grow and develop over the next 5 years. All regulations governing land use in the Town of Salisbury stem from the Salisbury Town Plan and should serve to implement the visions contained in it. The regulations should work in concert to provide a clear, fair and efficient administrative process to guide and control development.

By unifying the regulations, the Planning Commission sought to simplify the regulations, clarify the review process either before the Zoning Administrator or Development Review Board and produce consistent and well reasoned results that serve the interests of the citizens of the Town of Salisbury by faithfully implementing the vision they adopted in the Salisbury Town Plan.

HOW TO USE THESE REGULATIONS

As noted above, these Regulations combine and revise the previously separate Zoning, Subdivision and Floodplain regulations into one comprehensive regulatory document. Accordingly, for any given application, only a portion of the regulations will apply. This section is intended to help the applicant and the public understand how these regulations function and to help an applicant and other parties interested in the application understand the development permit process in Salisbury.

Article I of this document contains the general administrative framework for the regulations. It is designed to provide general information regarding the purpose of the regulations and how the regulations function. It provides overall context, but is less important to individual applications than other sections.

Article II, which establishes the Zoning Districts, constitutes the functional heart of the document. It is generally the best place for anyone considering an application to start reviewing the regulations. Article II and the Zoning Map (a copy is attached at the end of the document) establish the Zoning District for each portion of town, the uses that will be allowed in each district and specific setback and other regulations governing where uses may take place on a specific parcel. Applicants should use the zoning map and text in Article II to determine in which zoning district their parcel lies. Once they have identified the district, they should review the regulations to identify the types of uses or development allowed in the district, to determine whether their desired use or development is allowed in the district, and if so, what procedure they will need to follow to apply. Next they should determine the specific dimensional setbacks that govern where the use or development sits on the property. Lastly, they should look for references to other portions of these regulations that apply to their proposed use.

Article III governs the permitting process an applicant will need to go through to develop or use their property in the manner proposed in their application. Article III starts by listing exempt uses or development not subject to zoning and therefore not requiring a permit. If the use or development an applicant plans is not exempt, it will require a permit. The applicant will need to read Article III, or speak with the Zoning Administrator to determine the process they need to follow to apply for a permit. These Regulations have two general review processes:

1. An administrative review process for uses allowed "by right" are specifically given to the Zoning Administrator to review; or
2. A more complicated review process for commercial uses or larger development proposals conducted by the Development Review Board, a body that acts much like a judge in deciding whether a permit application satisfies the Town's regulations.

In all cases, once an applicant has developed an idea of what they would like to do, where in Salisbury they desire to do it and whether or not it is exempt from zoning, the best place for an applicant to start is with the Zoning Administrator. The Zoning Administrator serves as the front door for all zoning, subdivision or floodplain development or uses in the Town of Salisbury. In addition to reviewing specific applications, the Zoning Administrator must also help applicants to understand and develop a proper application to request the type of use or development they are proposing and direct the applicant to the proper review process. Lastly, Article III also establishes the hearing requirements for all applications going before the Development Review Board. Although applicants may apply for different development or uses, these Regulations are intended to ensure that each applicant, and all people interested in the application, receive consistent and fair treatment.

Article IV and Article V constitute general and specific zoning regulations that govern types of uses and development or specified uses. Each may or may not apply to any given application. Applicants are encouraged to review them thoroughly or speak about them specifically with the Zoning Administrator.

Article VI governs the application and review criteria for subdivision applications, whether or not they incorporate a planned unit development component.
Article VII governs the application and review criteria for building within a floodplain.
Article VIII provides definitions contained within these Regulations.

In drafting these regulations, the Planning Commission sought to provide a consistent, fair and unified process to regulate land development. The Planning Commission sought to balance its respect for individual's property rights with regulations intended to implement the community's desire for proper growth and development as envisioned in the Town Plan.

Thank you.
The Salisbury Planning Commission

ARTICLE I: AUTHORITY, PURPOSE AND APPLICABILITY

SECTION 1.0 ENACTMENT AND AUTHORITY

In accordance with the *Vermont Municipal and Regional Planning and Development Act,* as contained in Title 24 of the Vermont Statutes Annotated,(commonly referred to as 24 V.S.A. Chapter 117) and hereinafter referred to as the "Act", the Town of Salisbury hereby establishes Zoning Regulations, Subdivision Regulations and Flood Hazard Regulations. These Regulations shall be known and cited as the "Town of Salisbury Unified Development Regulations" and referred to herein as "these Regulations".

SECTION 1.1 PURPOSE

It is the purpose of these Regulations to provide for orderly community growth, to further the goals established in the 24 V.S.A. §4302, and to promote the following objectives:

1. To guide future development in accordance with the Salisbury Town Plan and all other municipal regulations enacted to implement the plan;
2. To guide development in a manner that maintains the traditional settlement pattern of compact villages surrounded by an open, rural landscape;
3. To ensure that land to be subdivided is of such character that it can be used safely for its intended purposes;
4. To establish criteria for determining development capacity of land and to regulate the density and location of development in a manner that reflects traditional settlement patterns;
5. To protect the public health, safety and general welfare of the Town of Salisbury;
6. To promote the conservation of energy and permit the utilization of renewable energy resources;
7. To ensure that the rate of growth does not exceed the ability of the town to provide public services and facilities,
8. To preserve natural areas, critical habitat, scenic and historic resources and productive farm and forest land through the proper configuration of parcel boundaries and arrangement and location of development on parcels;
9. To provide the most efficient relationship between land use and the circulation of pedestrian and vehicular traffic, thereby avoiding undue traffic congestion and overburdening of roads and highways.

SECTION 1.2 APPLICABILITY

These Regulations govern all land uses within the Town of Salisbury. They implement the Act, specifically its required provisions contained in 24 V.S.A. §§4411, 4412 and 4413, and the vision of the Town Plan.

Any use not permitted by these Regulations shall be deemed prohibited.

SECTION 1.3 AMENDMENTS

These regulations may be amended according to the requirements and procedures established in 24 V.S.A.§§4441 and 4442.

SECTION 1.4 INTERPRETATION

The provisions of these regulations shall be interpreted and applied to promote the public health, safety, comfort, convenience, and general welfare.

Except for where these regulations specifically provide to the contrary, these regulations shall not repeal, abrogate, or impair any other land use controls including but not limited to statutes, regulations, rules, ordinances, permits, easements, deed restrictions, and covenants. However, the provisions of the Regulations shall take precedence over any concurrent and less restrictive controls.

SECTION 1.5 EFFECTIVE DATE AND REPEAL OF FORMER REGULATIONS

All zoning, subdivision and flood hazard regulations previously in effect for the Town of Salisbury are repealed and replaced by these Regulations as of their effective date.

These Regulations are effective as of June 26, 2012.

SECTION 1.6 SEVERABILITY

If any provision of these Regulations or the application thereof to any person or circumstance is held invalid, the invalidity will not affect or invalidate other provisions or applications.

ARTICLE II: ZONING DISTRICTS

SECTION 2.0 ESTABLISHMENT OF ZONING DISTRICTS

The Town of Salisbury is hereby divided into the following Zoning Districts as shown on the official Zoning Map described in Section 2.1 below:

High Density Residential (HDR) District	Commercial (CD) District
Medium Density Residential (MDR) District	Conservation (CON) District
Low Density Residential (LDR) District	Forest (FOR) District
Lake Shore (LS) Districts	

SECTION 2.1 ZONING MAP

The location and boundaries of Zoning Districts are established as shown on the Zoning Map entitled "Town of Salisbury Zoning Districts" prepared by the Addison County Regional Planning Commission, dated 4/2010, and recorded in the town offices. The Zoning Map is hereby made a part of these Regulations and a part of all future amendments thereto. A small-scale, unofficial copy of the map is attached to these Regulations for convenience only. The Zoning Map is available for public review at the town offices during normal business hours.

SECTION 2.2 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

If uncertainty exists with respect to the boundary of any Zoning District on the Zoning Map, the Planning Commission shall determine the location of such boundary.

SECTION 2.3 ZONING DISTRICTS - GENERAL STANDARDS

This article describes each zoning district within the Town of Salisbury. Each district description is divided into three sections. Section A, "Objectives and Guidelines", describes the intent for each district, specifically how each district relates back to the Salisbury Town Plan ("the Plan"). Section B, "Permitted Uses", describes the uses permitted in each district either as "by right uses", secured through a permit issued by the Town of Salisbury Zoning Administrator ("the Zoning Administrator"), or "conditional uses", which are subject to more intensive review by the Development Review Board ("DRB"). Section C, "Specific Standards", includes the specific regulations for acreage, setbacks and other physical design elements imposed in each district. The Zoning Map delineates each zoning district.

In addition to the uses permitted in each district, certain "Exempt uses" are allowed within each district and are exempt from these Regulations, either by design of the Town of Salisbury Planning Commission (the "Planning Commission"), like small sheds, or by state statute, like hunting, agricultural and silvicultural uses. These "Exempt uses" are covered in Section 3.0.2 of these Regulations. Even though exempt, certain uses, including most structures, require that the Zoning Administrator be notified to ensure that they qualify for an exemption and meet the setback requirements. Also, other "governmental and community" uses, addressed by Section 5.4 of these Regulations, may only be regulated as to certain design or site planning elements.

SECTION 2.4 ZONING DISTRICTS – SPECIFIC STANDARDS

Section 2.4.1 HIGH DENSITY RESIDENTIAL (HDR) DISTRICT

A. Objectives and Guidelines – The High Density Residential District ("HDR District") encompasses an area of town including and surrounding the historic village center of the Town of Salisbury. The HDR District promotes the future land use vision contained in the section of the Salisbury Town Plan entitled "Village Region". As such, the zoning in this area is designed to extend the traditional village patterns of development currently contained in Salisbury village. Lot sizes, setbacks and frontages mimic the existing patterns in Salisbury village. The HDR District supports existing residential uses and encourages future residential uses as PUDs or otherwise planned to extend and strengthen the existing settlement pattern of small village lots. Buildings should support existing architectural styles and scale and include a range of housing options. This district encourages new commercial activities appropriate in scale and character to a traditional New England village center. Re-establishing businesses in the village that provide gathering places for Salisbury residents, promoting community interaction and strengthening the residents' sense of community constitute a priority. Large or franchise retail operations and architecture that are out of scale or character with the community will not be allowed. Strip commercial development along Route 7 in this area will be severely discouraged. Development shall be oriented away from Route 7 and toward the village. Conditional use review will be used to guide larger scale proposals. Site Plan review governing scale and impacts will be used to maintain the character of the village for smaller commercial proposals ensuring that they support the integrity of the existing buildings. This district encourages public uses and supports the adaptive reuse of historic buildings.

B. Permitted Uses - The High Density Residential District permits the following uses as "by right uses":

1. Exempt uses (See Section 3.0.2)	8. Home occupation
2. One- and two-family dwelling	9. Multiple-family dwelling (4 or less units/structure)*
3. Accessory uses or building	10. Bed and breakfast (4BR or less for rent)*
4.	11. Retail store (2,500 sq.ft. or less)*
5. Accessory Dwelling Unit	12. Professional office (2,500 sq. ft. or less)*
6.Childcare home (6 full-time and 4 part-time children, or fewer)	13. Telecom antenna on existing structure*
7. Group home	

*Specified commercial by right uses shall be required to secure Site Plan Review and approval from the DRB.

Conditional uses permitted after the standards of Sections 3.4-3.4.8 of these Regulations are met include:

1. Bed and breakfast/Inn (more than 4 BR for rent)	8. Professional office (more than 2,500 sq.ft.)
2. Multiple-family dwelling (more than 4 units/structure)	9. Service or repair facility (2,500 sq.ft. or less)
3. Home based business	10. Residential health care facility
4. Motor vehicle service station (No gas)	11. Retail store (more than 2,500 sq. ft.)
5. Veterinary hospital (limited boarding)	12. Restaurant
6.Childcare home (more than 6 full-time, 4 part-time children)	13. Commercial indoor/outdoor recreation facility
7. Bank	14. Other uses with impacts similar to those noted above that do not negatively impact the character of the area as defined in the Town Plan

C. Specific Standards - Permitted uses in the HDR District are subject to the following specific standards:

Lot area, minimum	40000	sq.ft/Unit
Road frontage, minimum per curb cut	70	feet
Lot depth, minimum	125	feet
Public road setback, minimum	35	feet
US Route 7 setback, minimum	50	feet from edge of pavement
Private road setback, minimum	20	feet
Boundary line setback, minimum	15	feet
Lot coverage, maximum	50	percent
Building height, maximum	35	feet

In addition to the specific standards above, all applications shall be subject to other applicable specific standards contained within these Regulations, including specific review requirements (e.g., conditional use review , site plan review, subdivision review, or planned unit development review), or specific regulations like those governing signs or parking.

Section 2.4.2 MEDIUM DENSITY RESIDENTIAL (MDR) DISTRICT

A. Objectives and Guidelines - The Medium Density Residential District ("MDR District") encompasses two areas of town adjacent to the HDR District as depicted on the Zoning Map. One is to the northwest, crossing over Route 7 and extending north to just beyond Kelley Cross Road. The other is to the east, at the intersection of West Shore Road and Rogers Road. The Zoning District is informed by and is intended to promote the future land use vision contained in the sections of the Salisbury Town Plan entitled "Town Center Region" and "Slow Road Region". As such, the zoning in this area is designed to function as the growth center for the town and is suitable for additional, largely residential, development. Existing residential uses should continue and future residential development is encouraged at a greater density than in surrounding rural districts, but at a lesser density than that allowed in the HDR District. New residential development should be structured to create "neighborhoods" that promote walking and biking and create a range of housing options. PUDs are encouraged to retain open space and to preserve the visual aesthetics and rural feel of this area. Commercial development of type and scale compatible with a small New England village are allowed within the area accessed via Holman Road or Maple Street in the MDR District. Public uses of a scale too large for the HDR District may be appropriate in this district. New accesses to business in this district shall be via the "slow roads" (Holman Road or Maple Street) and new access to Route 7 shall be severely discouraged.

B. Permitted Uses - The MDR District permits the following uses as "by right uses":

1. Exempt uses (See Section 3.0.2)	8. Home occupation
2. One- and two-family permanent (year-round) dwelling	9. Multiple-family dwelling (4 or less units/structure)*
3. Accessory use or building	10. Telecom antenna on existing structure*
4. Seasonal dwelling	11. Bed and breakfast (4BR or less for rent)*
5. Accessory Dwelling Unit	12. Retail store (2,500 sq.ft. or less)*
6.Childcare home (6full-time 4 part-time children, or fewer)	13. Professional office (2,500 sq. ft. or less)*
7. Group home	

*Specified commercial by right uses shall secure a Site Plan Review and approval from the DRB.

Conditional uses permitted after the standards of Sections 3.4-3.4.8 of these Regulations are met include:

1. Bed and breakfast/Inn (more than 4 BR for rent)	8. Professional office (more than 2,500 sq.ft.)
2. Multiple-family dwelling (more than 4 units/structure)	9. Service or repair facility (2,500 sq.ft. or less)
3. Motor vehicle service station (No gas)	10. Residential health care facility
4. Veterinary hospital (limited boarding)	11. Retail store (more than 2,500 sq. ft.)
5.Childcare home (more than 6 full-time, 4 part-time children, or fewer)	12. Restaurant
6. Bank	13. Commercial indoor/outdoor recreation facility
7. Home based business	14. Other uses with impacts similar to those noted above that do not negatively impact the character of

	the area as defined in the Town Plan

C. Specific Standards - Permitted uses in the MDR District are subject to the following specific standards:

Lot area, minimum	1	acre/Unit
Road frontage, minimum per curb cut	100	feet
Lot depth, minimum	200	feet
Public road setback, minimum	40	feet
US Route 7 setback, minimum	50	feet from edge of pavement
Private road setback, minimum	20 feet	
Boundary line setback, minimum	25	feet
Lot coverage, maximum	25	percent
Building height, maximum	35	feet

In addition to the specific standards above, all applications shall be subject to other applicable specific standards contained within these Regulations, including specific review requirements (e.g., conditional use review, site plan review, subdivision review, or planned unit development review), or specific regulations like those governing signs or parking.

Planned Unit Developments in this district may be awarded a 2:1 density bonus at the discretion of the Development Review Board for PUDs that meet the objectives listed in Section 4.7 of these Regulations.

Section 2.4.3 LOW DENSITY RESIDENTIAL (LDR) DISTRICT

A. Objectives and Guidelines - The Low Density Residential District (LDR District) is designed to maintain the rural character of the town, one of Salisbury residents' main desires underpinning the vision of the Town Plan. The district covers most of the Rural Land Use Planning Region, including much of the Town's agricultural land, and the Plains Land Use Planning Region on the east side of Town all as depicted on the Zoning Map. Future uses should include agriculture, forestry and low density, rural residential development. Future commercial uses should promote the working landscape and include agriculture-related businesses and home-based businesses, subject to Conditional Use review. Adaptive re-use of agricultural and historic buildings is encouraged. To preserve agricultural land, forest land, and wildlife corridors, planned unit developments (PUDs) clustering development and careful sighting of residences are encouraged. Particular care should be given to maintaining periodic vegetative cover on both sides of roads to promote wildlife crossing areas.

B. Permitted Uses - The LDR District permits the following uses as "by right uses":

1. Exempt uses (See Section 3.0.2)	6. Home occupation
2. One- and two-family dwelling	7. Group home
3. Accessory use or building	8. Telecom antenna on existing structure*
4. Accessory Dwelling Unit	9. Bed and breakfast (4BR or less for rent)*
5.Childcare home 6 full-time and 4 part-time or less)	10. Seasonal dwelling

*Specified commercial "by right" uses shall secure a Site Plan Review Permit from the DRB.

Conditional uses permitted after the standards of Sections 3.4-3.4.8 of these Regulations are met include:

1. Bed and breakfast/Inn (more than 4 BR for rent)	7.Residential health care facility
2. Multiple-family dwelling	8. Sand and Gravel Extraction**
3. Motor vehicle service station (No gas)	9. Commercial indoor/outdoor recreation facility
4. Veterinary hospital (limited boarding)	10. Professional office
5.Childcare home (more than 6 full-time, 4 part-time children)	11.Business use of existing agricultural or historic buildings
6. Home based business	12. Other uses with impacts similar to those noted above that do not negatively impact the character of the area as defined in the Town Plan
	13. Cemetery

C. Specific Standards – Permitted uses in the LDR District shall be subject to the following standards:

Lot area, minimum	2	acres/Unit*
Road frontage, minimum per curb cut	200	feet
Lot depth, minimum	200	feet
Public road setback, minimum	40	feet
US Route 7 setback, minimum	50	feet from edge of pavement
Private road setback, minimum	20	feet
Boundary line setback, minimum	25	feet
Lot coverage, maximum	25	percent
Building height, maximum	35	feet

In addition to the specific standards above, all applications shall be subject to other applicable specific standards contained within these Regulations, including specific review requirements (e.g., conditional use review , site plan review, subdivision review, or planned unit development review), or specific regulations like those governing signs or parking.

Planned Unit Developments in the portion of this District in the "Plains Region" of the Town Plan may be awarded a 2:1 density bonus at the discretion of the Development Review Board for PUDs that meet the objectives listed in Section 4.7 of these Regulations.
**15 contiguous acres minimum for sand and gravel extraction sites

Section 2.4.4 LAKESHORE DISTRICT 1 (LS1) and LAKESHORE DISTRICT 2 (LS2)

A. Objectives and Guidelines - The Lakeshore 1 District (LS1 District) encompasses the area from mean high water line outward for 150 ft and comprises the development immediately adjacent to Lake Dunmore. The Lakeshore 2 District (LS2 District) surrounds Lakeshore District 1. On the eastern side of the lake, the LS2 outer boundary is 500 feet east of the Lake Dunmore Road, from the Leicester line to the intersection of Lake Dunmore Road and West Shore Road. From that intersection, continuing south on the western side of Lake Dunmore, the LS2 outer boundary is 800 feet to the west of the centerline of West Shore Road to the point at which the road leaves the Lake at the intersection withTimber Lane. From that point to the Leicester line the outer boundary is 950 feet from the mean high water line.

The LS1 District is located within the "Shoreline Region" of the Salisbury Town Plan. The LS2 District is located within the "Lake Dunmore Region" of the Salisbury Town Plan. As such, the primary purpose of both Districts is to govern uses to limit their impact on the visual and natural resources surrounding Lake Dunmore. Both Lakeshore Districts are composed of largely single family dwellings, including many seasonal cottages that provide their character and culture. However, a trend toward conversion of seasonal cottages to permanent year-round dwellings has arisen. These Regulations are intended to ensure changes to existing structures protect the water quality and environment and support and re-enforce the scale and character of the architecture surrounding Lake Dunmore. As such, setbacks from the lake and retention of existing vegetation are encouraged. Marshy areas will be protected.

Residential and other compatible complimentary uses are permitted in both Districts at existing density levels; LS1 is currently denser than LS2. Commercial activities are permitted in both Districts after conditional use review focusing on their scale and character and their water quality, transportation and operational impacts.

The LS2 District contains important communal views from Lake Dunmore. In many areas steep slopes should limit development to areas with good access and limited visual impacts. Vegetation should be retained in these areas to reduce impacts.

B. Permitted Uses – By right uses permitted in both Lakeshore Districts include:

1. Exempt uses (See Section 3.0.2 and note below for docks and other lake structures")	5. Accessory dwelling unit
2. One- and two-family dwellings(or conversion of a seasonal dwelling to a permanent dwelling)*	6.Childcare home (6 full-time, 4 part-time children or fewer)
3. Accessory use or building	7. Group home
4. Seasonal dwelling	8. Home occupation

*NOTE: While permitted uses, those choosing to convert a seasonal dwelling to a year-round dwelling shall demonstrate to the Zoning Administrator at the time of application that they have adequate water and wastewater capacity for the dwelling by providing a State Water Supply and Wastewater Permit, and adequate access by providing an approved access permit from the Select Board. Additionally they shall need to secure a Site Plan review from the DRB prior to securing a zoning permit.

Conditional uses permitted after the standards of Sections 3.4-3.4.8 are met include:

1. Commercial indoor/outdoor recreation facility	6. Bed and Breakfast
2. Commercial summer camp	7. Retail store (2,500 sq. ft. or less)
3. Restaurant	8. Professional office (2,500 sq. ft. or less)
4. Inn	9. Home based Business
5. Multi-family dwelling (4 units or less)	10. Marina

C. Specific Standards - Permitted uses in the LS Districts shall be subject to the following standards:

	LS 1		LS 2	
Lot area, minimum	1	acre/Unit	2	acres/Unit
Minimum road frontage per curb cut or lake frontage*,	100	feet	200	feet
Lot depth, minimum	200	feet	200	feet
Public road setback, minimum	35	feet	40	feet
Private road setback, minimum	20	feet	20	feet
Boundary line setback, minimum	15	feet	25	feet
Lakeshore setback, minimum**	25	feet*		
Lot coverage, maximum	20	percent	25	percent
Building height, maximum	25	feet	35	feet

*A parcel must have frontage on a road, the lake, or, with approval from the DRB, have access through a right of way.

**The Town of Salisbury has exempted qualifying docks and other "lake related" structures from these Regulations (See section 3.0.2(6)). However, Vermont law declares that the lakes and ponds of the state and lands lying underneath them are held in trust by the state for the benefit of all Vermonters. The state can only allow the construction of docks, retaining walls or structures in public waters or the alteration of land lying underneath the water so long as the project does not adversely affect the public good. Any proposed project—such as a boathouse--that would encroach on Lake Dunmore would require a review by the state to determine if the project is in the public good.

At this time, State law exempts the following, unless the state determines that navigation or boating would be unreasonably impeded:

- Wooden or metal docks for non-commercial use mounted on piles or floats provided that:
  - The combined horizontal distance of the proposed encroachment and any existing encroachment within 100 feet owned or controlled by the applicant does not exceed 50 feet, and their aggregate surface area does not exceed 500 square feet; and
  - Concrete, masonry, earth or rock fill, sheet piling, bulkheading, cribwork, or similar construction does not form a part of the encroachment.

State review covers alteration of existing encroachments as well as new encroachments. Projects that affect both the water and the land are subject to both state and local review.

In addition to the specific standards above, all applications shall be subject to other applicable specific standards contained within these Regulations, including specific review requirements

(e.g., conditional use review, site plan review, subdivision review, or planned unit development review), or specific regulations like those governing signs or parking.

Section 2.4.5 COMMERCIAL/INDUSTRIAL (CD) DISTRICT

A. Objectives and Guidelines - This district is designated for the development of commercial properties and businesses on U.S. Route 7, a major traffic artery in the area. It falls within the Rural Land Use Planning Region, but because of its proximity to Route 7 near the Town of Middlebury border, it offers commercial advantages not found elsewhere in Town. Use in the district shall be clustered in such a way as to encourage PUDs and to limit strip-mall sprawl. Access to Route 7 shall be restricted in a manner that limits the number and size of curb cuts, encourages access roads and shared accesses and preserves the integrity of US Route 7 as the primary arterial road within the region.

B. Permitted Uses - The Commercial District permits the following uses as "by right uses":

1. Exempt Uses	6.Childcare home (6full-time and 4 part-time children, or fewer)
2.Telecom antenna on existing structure	7. Group home
3. One- and two-family permanent (year-round) dwelling	8. Home occupation
4. Accessory use or building	9. Home based business
5. Accessory Dwelling Unit	

Conditional uses permitted after the standards of Sections 3.4-3.4.8 of these Regulations are met include:

1. Enclosed manufacturing and/or processing facility	9. Commuter parking
2. Service or repair facility	10. Retail Store
3. Machinery and transportation equipment, sales, service, and repair facility	11. Motor vehicle service station
4. Restaurant	12. Professional office
5. Inn or hotel	13. Multiple-family dwelling
6. Residential health care facility	14. Childcare home more than 6 full-time and 4 part-time
7. Commercial outdoor/indoor recreation facility	15. Veterinary hospital
8. Storage/warehouse facility	

Site Plan review and approval by the Development Review Board is required for **all** developments in this district.

C. Specific Standards - Permitted uses shall be subject to the following standards:

Lot area, minimum	3	acres/Unit
Road frontage, minimum per curb cut	200	feet
Lot depth, minimum	300	feet
Road setback, minimum From edge of pavement of US Route 7	50	feet
Boundary line setback, minimum	25	feet, and 75 feet from boundaries within or abutting another district
Lot coverage, maximum	25	percent of lot, and not more than 50% of any square acre*
Building height, maximum	35	feet
Maximum Building Size	10,000	sq. ft.

*For example, the total lot coverage (man-made impervious surfaces) in a 4-acre lot could be 1 acre, however, the impervious surfaces would have to be separated such that no square acre (200 ft x 200 ft) would be more than 50% covered.

In addition to the specific standards above, all applications shall be subject to other applicable specific standards contained within these Regulations, including specific review requirements (e.g., conditional use review , site plan review, subdivision review, or planned unit development review), or specific regulations like those governing signs or parking.

Section 2.4.6 CONSERVATION (CON) DISTRICT

A. Objectives and Guidelines -
The purpose of the CON District is to protect certain areas of Town that are recognized as critical for their biological functions. This includes the Lowland Region (Salisbury Swamp) and the Otter Creek Region, a region composed mostly of wetlands and floodplain bordering the Otter Creek. The wetlands and floodplains within this district are currently undeveloped and generally unsuitable for development, although much of the area is suitable for agriculture. The wetlands are also important for protection from normal flooding and for bird migration, and wildlife habitat—including an important connection between the wetlands and the upland forest areas around Dyer Hill. Permitted uses include exempt uses, like agriculture and silvicultural or primitive camps. This district is considered to be the least appropriate area in town for development. Any subdivision in this district shall go through the PUD process to guide site disturbance to the least sensitive portions of the land.

B. Permitted Uses - The Conservation District permits the following uses as "by right uses":

1. Exempt uses. See Section 3.0.2	2. Primitive camp

Conditional uses permitted after the standards of Sections 3.4-3.4.8 of these Regulations are met include:

1. One- and two-family dwelling	5.Childcare home (6 full-time, 4 part-time children or fewer)
2. Accessory use or building	6. Group home
3. Seasonal dwelling	7. Home occupation
4. Accessory Dwelling Unit	8. Wildlife refuge
	9. Cemetery

C. Specific Standards - Permitted uses shall be subject to the following standards:

Lot area, minimum	25	acres/Unit
Road frontage, minimum per curb cut	400	feet
Lot depth, minimum	400	feet
Public road setback, minimum	40	feet
Private road setback, minimum	20	feet
Boundary line setback, minimum	200	feet
Lot coverage, maximum	1	percent
Building height, maximum	35	feet

In addition to the specific standards above, all applications shall be subject to other applicable specific standards contained within these Regulations, including specific review requirements (e.g., conditional use review, site plan review, subdivision review, or planned unit development review), or specific regulations like those governing signs or parking.

Section 2.4.7 FOREST (FOR) DISTRICT

A. Objectives and Guidelines – The Forest District (FOR District) encompasses areas of town that are currently forested and often have steep slopes and/or poor soils. In the eastern portion of Town it begins 500 feet from the centerline of the Lake Dunmore Road until Lake Dunmore Road's intersection with Upper Plains Road, at which point the FOR District extends to the east side of Upper Plains Road to a point north where it follows lot boundaries away from Upper Plains Road. It also encompasses three areas in Town encompassing the Hilltop Regions in the Salisbury Town Plan. To the west of Lake Dunmore this region begins 800 feet west of the West Shore Road and continues roughly to West Shore Road's intersection with Rogers Road in the south. The second FOR District that roughly corresponds to a Hilltop Region in the Plan is in the north of Salisbury east of Route 7, north of Plains Road and West of Lower Plains Road. The last portion of the FOR District area corresponds to the Highlands Region that extends north from Morgan Road between Middle Road and Leland Road. The District is more accurately depicted on the Zoning Map.

The FOR District is informed by and intended to promote the future land use vision contained within the Hilltop Region and the Forest Region of the Town Plan. As such, the district promotes larger lot sizes necessary for forest uses and the preservation of open space and conservation activities. The Forest District encompasses areas that have significant scenic value, including the western slope of the Green Mountains, generally in the Green Mountain National Forest or its proclamation boundary, or prominent hilltops in Town. Screening and erosion control are particularly important in the forest district. As such, development on ridgelines, steep slopes or poor soils should be limited. Conservation subdivision principles should guide any development in the area to the least sensitive sites. Site restrictions should limit access locations and excessive tree cutting.

B. Permitted Uses - The Forest District permits the following uses as "by right uses":

1. Exempt uses (See Section 3.0.2)	2. Primitive camp

Conditional uses permitted after the standards of Section 3.4-3.4.8 of these Regulations are met include:

1. One- and two-family dwelling	5. Group home
2. Accessory use or building (including silvicultural infrastructure)	6. Home occupation
3. Seasonal dwelling	7.Accessory Dwelling Unit
4.Childcare home (6 full-time, 4 part-time children, or fewer)	8. Cemetery

C. Specific Standards - By right uses shall be subject to the following standards:

Lot area, minimum	10	acres/Unit
Road frontage, minimum per curb cut	200	feet
Lot depth, minimum	400	feet
Public road setback, minimum	400	feet
Private road setback, minimum	20	feet
Boundary line setback, minimum	200	feet

Lot coverage, maximum	2	percent
Building height, maximum	35	feet

In addition to the specific standards above, all applications shall be subject to other applicable specific standards contained within these Regulations, including specific review requirements (e.g., conditional use review , site plan review, subdivision review, or planned unit development review), or specific regulations like those governing signs or parking.

Section 2.4.8 FLOOD HAZARD OVERLAY AREAS

A. Objectives and Guidelines –
It is the purpose of these regulations to promote the public health, safety, and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods by establishing zoning regulations governing areas of special flood hazard in the Town of Salisbury, as authorized pursuant to 24 V.S.A. 4411 and 4424. The purposes for these Regulations include:

- Restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or cause excessive increase in flood heights or velocities;
- Requiring that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction;
- Protecting individuals from buying lands that are unsuited for their intended purposes because of flood hazard.

The regulation of this Section shall apply to all land areas which would be inundated by a 100-year flood level, which are depicted as "Zone A" flood hazard areas on the Flood Insurance Rate Maps (FIRMs) prepared under the auspices of the National Flood Insurance Program for the Town of Salisbury by the Federal Emergency Management Agency (FEMA), sheets 5, 10, 15 and 20 of 20, dated 1 November 1985. The FIRM Map shall constitute the official flood hazard area map. The Official Flood Hazard Area Map, and the information it contains is hereby adopted by reference and declared to be part of these Regulations. Tracts of land within the Official Map shall be referred to herein as "flood hazard areas".

The regulations governing the flood hazard overlay area shall act as an additional regulatory layer for any district that it overlays. The stricter regulations shall govern.

B Permitted Conditional Uses -
Upon approval of a conditional use by the DRB, the following open space uses, if otherwise allowed under these regulations, shall be permitted within the area of special flood hazard unless:

- they are prohibited by any other ordinance; or
- they require the erection of structures or storage of materials or equipment; or
- they involve borrowing fill from outside the flood hazard area; or
- they modify or relocate the channel, obstruct flood flows or otherwise affect the water carrying capacity of the regulatory floodway or channel; or
- they increase offsite flood damage potential.

1. Agricultural uses, such as general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, and forestry.

2. Recreation uses, such as parks, camps, picnic grounds, tennis courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas, and boat launching sites.
3. Accessory residential uses, such as lawns, gardens, parking areas, and play areas.

C. Prohibited Uses -
Notwithstanding the allowances of the zoning district regulations of these Regulations, the following uses shall be prohibited in all flood hazard areas:

1. All residential, commercial, industrial, and other buildings intended for human occupancy or employment, excluding recreational, agricultural and non-residential temporary uses.
2. All landfills, junkyards, sand and gravel extraction and quarrying sites, and storage of flammable liquids.
3. Sewage disposal and water supply facilities.

Article VII contains the provisions for securing a permit for permitted uses within the Flood Hazard Overlay Area.

ARTICLE III: ADMINISTRATION AND ENFORCEMENT

SECTION 3.0 APPLICATION OF REGULATIONS

Except as hereinafter provided, no land development shall occur unless it is in conformity with these Regulations as specified for the district in which it is located. Development or uses exempt or partially exempt from the Regulations are listed in the Act and Section 3.0.2 of these Regulations.

Section 3.0.1 FEES

The Town of Salisbury Select Board (the "Select Board") shall establish all fees to be charged with respect to the administration of these Regulations, including those portions of these Regulations addressing subdivisions and floodplains, with the intention of covering the costs of administering the same.

In addition to the process fees noted above, the DRB of the Town may require an applicant of any proposed development subject to their review to bear the costs incurred by the Town for any professional reviews and inspections which are reasonably required by the Town in connection with such application, or in connection with the ongoing development, including, but not limited to, fees and disbursements charged to the Town for engineering, legal or hydrological services rendered on behalf of the Town in connection with the development . This regulation stems from the authority granted under 24 V.S.A. § 4440(d).

Should the Town adopt capital budgeting, it may also propose impact fees supported by the capital budgets and enforced through these Regulations.

Lastly, should the nature of any proposed use or development cause the Town to incur documentable costs directly associated with the development or use proposed, in excess of the fair portion of the Town's costs attributable to that parcel and paid through property taxes, then as a permit condition the DRB may include fees necessary to cover those extraordinary costs.

Section 3.0.2 EXEMPTIONS

The following may be undertaken without a town permit, however, the zoning administrator must approve the location for structures that are required to meet setbacks as noted below.

1. Pursuant to 24 V.S.A. § 4413(b), public utility power generating plants including small "net metering" wind and solar operators or transmission facilities regulated under 30 V.S.A. §248. Also, temporary wind monitoring equipment and towers.
2. Pursuant to 24 V.S.A. § 4413(d) farm structures, excluding dwellings, accepted agricultural practices and accepted silvicultural practices are exempt from local permitting requirements. However, farmers intending to erect a farm structure must notify the municipality of the intent to build a farm structure, and abide by setbacks contained within these Regulations, unless they provide an approval of lesser setbacks by the Secretary of the Agency of Agriculture, Food and Markets. The notification to the municipality must contain a sketch of the proposed structure and include the setback

distances from adjoining property owners and the road right-of-way. Additionally, all farm structures within the Flood Hazard Overlay District must comply with the National Flood Insurance Program. Lastly, the municipality may report violations of Accepted Agricultural Practices or accepted silvicultural practices to the appropriate state authorities for enforcement.

3. Pursuant to 24 V.S.A. § 4413(e), but subject to 24 V.S.A. § 2295, these Regulations shall not restrict hunting, fishing, trapping and other activities under §2295.
4. Fences and stone walls no more than three (3) feet in height in the Lakeshore Districts or five (5) feet in height in other districts and fences that do not restrict the view such as wire strung between posts used for livestock. Such structures are also exempted from the setback requirements of the district in which they are located but they shall not be placed in the road right-of way-and they shall not interfere with visibility for vehicles traveling on public or private roads or sight distances at driveway intersections with public or private roads.
5. Uncovered porches and decks not more than three (3) feet above grade and aggregating one hundred (100) square feet or less in area, and entry shelters or steps aggregating fifty (50) square feet or less in area, any of which must meet the boundary line and road setback requirements of the district in which they are located.
6. Uncovered lakeshore decks, docks and boat landings not more than three (3) feet above grade and aggregating one hundred (100) square feet or less in area, which must meet the boundary line and road setback requirements are exempted from the lakeshore setback requirements of the Lakeshore district in which they are located. However, structures in or over the lake are regulated by the state.
7. Utility sheds, gazebos, tree houses and similar small detached structures, 120 square feet or less in area and not more than twelve (12) feet in height at the highest point. In combination, these structures may not exceed 250 square feet in area. These structures must meet all setback requirements of the district in which they are located. This exemption does not apply to outdoor wood-fired boilers, which are specifically addressed by Section 5.12 of these Regulations.
8. Attached or detached wood sheds less than 200 feet and not more than twelve (12) feet in height at the highest point, used only to store firewood.
9. Any sign erected by the Town or the State for traffic control purposes, or to provide directional information.
10. Posting signs restricting access to or use of private property, temporary signs related to political or social events, and real estate signs, all of which are smaller than 3 square feet.
11. Handicap ramps and walkways that do not obstruct the public rights-of-way.
12. Temporary roadside farm stands for the sale of agricultural products provided that:
    a. No stand shall be closer to any lot line than twenty feet;
    b. Off-road parking spaces shall be provided for at least two motor vehicles;
    c. Access to or egress from any stand shall not create a traffic hazard;
    d. The stand otherwise meets the definition of an agricultural structure noted above.
    e. At least 50% of the products sold are produced on the property.
13. Renovations to the interior of a building that do not alter or change its use.
14. Tag, yard, lawn, or garage sales, or similar types of sales, provided the sales do not last more than 4 days within a 30-day period.

15. Infrastructure integral to a permitted building or structure and located primarily underground, such as drainage, wells and waste water systems. (While these are exempt from zoning regulations, they may be subject to other regulations).
16. Certain government and community facilities, as described in Section 5.4 of these Regulations are exempt from the district regulations prescribing where they may be located, but shall be regulated by site plan review with respect to all aspects of the property within the parcel chosen to the maximum extent allowable under these Regulations.
17. One shelter with metal frame and vinyl/canvas cover aggregating less than 300 square feet that meets all setback requirements of the district.
18. One screen house with metal frame and screen/cloth cover aggregating less than 300 square feet that meets all setback requirements of the district.
19. Garden structures such as arbors, statuary, pergolas.
20. Wire animal pens or runs that meet boundary line setback standards.
21. Home occupations that do not alter the buildings or the grounds, that do not have signs advertising the business, that do not have employees other than residents of the dwelling, and that do not create more traffic than that associated with a residence.

SECTION 3.1 ZONING ADMINISTRATOR

A Zoning Administrator shall be nominated by the Planning Commission and appointed by the Select Board to administer these Regulations, as provided for in 24 V.S.A. §4448 of the Act. The Zoning Administrator shall literally enforce the provisions of these Regulations and in so doing may inspect developments, and shall maintain records and perform all other necessary tasks to carry out the provisions of these Regulations, including providing interested persons with forms and information necessary to obtain municipal permits and coordinating a unified effort on behalf of the municipality in administering its development review programs. The Zoning Administrator shall perform the following duties:

1. Issue Permits. Issue permits for development that conforms to the zoning regulations, and certificates of compliance for developments that conform to their permit, and other duties associated with issuance of permits as described in §4449 of the Act.
2. Assist Applicants. Provide the necessary forms and answer questions about the application review process. If the applicant is applying for a variance, conditional use permit,or waiver, the Zoning Administrator's duties also include, but are not limited to, providing the applicant with the criteria for conditional use and variance applications.
3. Make Inspections. Inspect structures or land of the development before the permit is issued to ensure site plan application is accurate as it relates to the development project and make other inspections as necessary to carry out his/her duties in the enforcement of this regulation.
4. Notify State Agencies. Notify State Agencies of development in the Municipality according to §4424 of the Act relating to flood hazards.
5. Maintain Records. Maintain up-to-date records of all applications for permits and Certificates of Compliance issued or refused with notations thereon of all special conditions involved.
6. File Copies. File copies of all plans submitted to the Zoning Administrator and keep the records of all action taken pursuant to these regulations.
7. Initiate Enforcement Actions. Initiate enforcement actions under these regulations.
8. Other Duties. Carry out other duties as apparent or assigned by the Planning Commission.

Section 3.1.1 ZONING PERMIT

Except as noted in Section 3.0.2 of these Regulations or as specifically exempted in the Act, a Zoning Permit issued by the Zoning Administrator as provided for in 24 V.S.A. § 4449 is required before commencing any land development; change of use of a structure; construction or alteration of a structure or subdivision. Qualifying non-commercial uses allowed "by-right" in a district, boundary line adjustments and single-lot subdivisions may be approved administratively by the Zoning Administrator. Uses listed as "conditional uses" in a district, uses or structures not meeting district guidelines and requiring a "waiver" or "variance" of those guidelines, most subdivisions, commercial development or conversion from seasonal use to year-round use requiring site plan review and other types of permit applications must be reviewed and approved by the DRB before a zoning permit will be issued.

A permit may be denied if the lot boundaries are not clear.

Section 3.1.2 APPLICATION FOR A ZONING PERMIT

Any person desiring to undertake any activity requiring a Zoning Permit, not exempt pursuant to Section 3.0.2 of these Regulations, shall complete an application for a Zoning Permit and submit it with all required information to the Zoning Administrator. The Zoning Administrator shall not issue a Zoning Permit unless a complete application is filed. The application shall include the following information:

1. A permit fee.
2. A completed Zoning Application identifying the applicant, the owner(s), the location of the parcel to be improved, the parcel identification number, the Zoning District(s), and a description of the improvements and uses proposed. The application shall also include a drawing sufficiently accurate to identify the location of the parcel and to depict the existing and proposed development and to allow the zoning administrator to determine that all dimensional standards will be met. An arrow should depict north. The drawing should depict the shape, design, size and height of the proposed structure, the lot lines, the location of existing structures on the parcel, the location of all infrastructure proposed to serve the structure, including driveways, parking areas, utilities, drainage and other proposed improvements.
3. Written approval by the Vermont Agency of Transportation for accesses to State highways or by the Select Board or their designated agent, regarding access plans to any Town road including the location of driveways, culverts, and, if required, drainage along Town roads.
4. Other Town or State permits necessary prior to construction of any proposed structure, including but not limited to State of Vermont Water Supply and Wastewater Permits or Stormwater Permits. (NOTE: State Water and Wastewater Permits are specifically required for the conversion of a seasonal cottage or dwelling to a year round dwelling.)

Section 3.1.3 SPECIAL ADMINISTRATIVE REVIEW BY ZONING ADMINISTRATOR

These Regulations grant the Zoning Administrator the ability to conduct administrative reviews, as authorized pursuant to 24 V.S.A. § 4464 (c), and, assuming conformance with the applicable requirements of these Regulations, grant zoning permits authorizing the following actions:

1. boundary line adjustments
2. single-lot subdivisions

Applicants for boundary line adjustments and single-lot subdivisions shall be responsible for providing the Zoning Administrator with a complete zoning application as required in 3.1.2 and a supplemental letter or map containing information necessary for the Zoning Administrator to make a decision on a proposed boundary line adjustment or single-lot subdivision. The additional information required by the Zoning Administrator for each type of special administrative permit and the review requirements necessary for the

Zoning Administrator to issue those permits are listed in the next two sections of these Regulations.

Section 3.1.3.1 Review Criteria for Boundary Line Adjustment

Application Requirements. Applicants must submit a fully-completed application, any applicable fees or other permits required for a permit in 3.1.2. In addition to the regularly required information, the applicant shall submit a sketch plan not smaller than 8.5" x 11", which must be based either on the town's tax map or a professionally prepared survey, showing all the elements below to the Zoning Administrator for an initial review.

1. Date, north arrow, legend;
2. Scale;
3. Project boundaries and property lines;
4. Existing and proposed lot lines, and dimensions;
5. Adjoining land uses;
6. Zoning district designations and boundaries;
7. Existing and proposed roads or driveways; and
8. Existing and proposed water and wastewater infrastructure, easements, rights-of-way or utilities.

Review Requirements. The Zoning Administrator may review and administratively approve boundary adjustments that meet all of the criteria below.

1. Neither lot is, or will become, if the proposed adjustment is approved, nonconforming based on the standards of the zoning district(s) in which it is located;
2. The boundary adjustment will not alter the development potential of either lot to allow for more than one new lot based on the standards of the zoning district(s) in which it is located (by increasing the acreage to allow for further subdivision or by increasing the road frontage to allow for further subdivision, for example);
3. The applicant has secured a State Subdivision Permit or waiver of permit; and.
4. The applicant has demonstrated they do not need any new access to the parcels or has secured either a State or Town Access permit.

The Zoning Administrator shall act on the application as specified in Section 3.1.4 below. Action may include referring any application to the DRB if the Zoning Administrator believes DRB review is appropriate.

Section 3.1.3.2 Review Criteria for Single-Lot Subdivisions

Application Requirements. Applicants must submit a fully-completed application, any applicable fees or other permits required for a permit in 3.1.2. In addition to the regularly required information, the applicant shall submit a sketch plan not smaller than 8.5" x 11", which must be based either on the town's tax map or a professionally prepared survey, showing all the elements below to the Zoning Administrator for an initial review.

1. Date, north arrow, legend;
1. Scale;
2. Project boundaries and property lines;
3. Existing and proposed lot lines, and dimensions;
4. Adjoining land uses;
5. Zoning district designations and boundaries;
6. Existing and proposed roads or driveways; and
7. Existing and proposed water and wastewater infrastructure, easements, rights-of-way or utilities.

Review Requirements. The Zoning Administrator may review and administratively approve single-lot subdivisions that meet all of the criteria below.

1. No other lots have been subdivided from the existing parcel, regardless of its ownership, for the previous 10 years;
2. Both new lots will comply with all of the standards of the zoning district(s) in which they are located;
3. The applicant has secured a State Subdivision permit; and
4. The applicant has secured either a State or Town Access permit.

The Zoning Administrator shall act on the application as specified in Section 3.1.4 below. Action may include referring any application to the DRB if the Zoning Administrator believes board review is appropriate.

Section 3.1.4 ACTION BY THE ZONING ADMINISTRATOR ON AN APPLICATION

Within 30 days after submission of a complete application, the Zoning Administrator shall act with regard to the application for a permit presented and either pass it to the DRB for its review, or, if authorized, conduct a review of the project. The Zoning Administrator shall make a decision on the request for a by-right use, boundary line adjustment or single-lot subdivision by applying the facts presented in the application to the criteria, listed above, and incorporating all into a decision. If the Zoning Administrator approves an application, the Zoning Administrator shall issue a permit with appropriate conditions, if any. The nature of any conditions attached to the Zoning Permit shall be entered on the face of the Zoning Permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these Regulations. If the application is denied, the Zoning Administrator shall state such denial and the reasons therefore in writing and shall immediately mail notice of such denial to the applicant at the address indicated on the application. Failure to act on a complete permit application, which the Zoning Administrator has the authority to review, for a period of greater than 30 days shall result in a permit's deemed approval.

Section 3.1.5 EFFECT OF ISSUANCE OF A PERMIT

The decision of the Zoning Administrator regarding the permit, or the application for boundary line adjustment or single-lot subdivision is appealable to the DRB pursuant to criteria and procedure outlined in Sections 3.5 – 3.5.5.

No permit issued or administrative action taken by the Zoning Administrator shall take effect until the time for appeal authorized in 24 V.S.A. § 4465 has passed (15 days), or in the event that a notice of appeal is properly filed, no such permit or administrative action taken shall take effect until adjudication of that appeal by the DRB is complete and the time for taking an appeal to the Environmental Court has passed without an appeal being taken (30 days from the date of decision). If an appeal is taken to the Environmental Court, the permit or administrative action shall not take effect until the Environmental Court rules in accordance with 10 V.S.A. § 8504 on whether to issue a stay, or until the expiration of 15 days, whichever comes first.

Section 3.1.6 POSTING OF A ZONING PERMIT

Each Permit issued or administrative action taken under this section shall contain a statement of the period of time within which an appeal may be taken. The **Applicant** shall post a Notice of Permit or Action on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal (15 days) has passed. Within 3 days of issuing a decision, the Zoning Administrator shall deliver a copy of the permit to the listers and post the Zoning Permit at the Town offices until the time for appeal (15 days) has passed.

Section 3.1.7 EXPIRATION OF PERMITS ISSUED BY THE ZONING ADMINISTRATOR

Activities authorized by the issuance of a Zoning Permit shall be completed within two years of its date of issue, or the Zoning Permit shall become null and void and reapplication to complete any activities shall be required.

However, administrative approval by the Zoning Administrator on a boundary line adjustment or a single-lot subdivision shall not become effective until after the recording of a final subdivision plat as specified in 6.4.2. If the applicant fails to record an executed final subdivision plat within 180 days of its approval by the Zoning Administrator the approval granted by the Zoning Administrator shall automatically expire. Upon recording of a final subdivision plat pursuant to the requirements of Section 6.4.2, the boundary line adjustment or subdivision will run with the land and will not expire.

Section 3.1.8 CERTIFICATE OF COMPLIANCE

Upon completion of any work or change in use requiring a permit under these Regulations and prior to its occupancy, the permittee shall request a Certificate of Compliance from the Zoning Administrator. Within seven days after notification that a building, structure, premises or part thereof is staked and about to have its footings poured and again when the building or structure is completed or ready for occupancy or use, the Zoning Administrator shall make inspection of it. Upon determining that the structure conforms to the provisions of these Regulations the Zoning Administrator shall issue a Certificate of Compliance.

If local confirmation is required by the applicant to obtain approval from any other governmental agency or body, the Zoning Administrator may issue a letter certifying that the proposed project or structure is exempt from these Regulations, complies with these Regulations or complied with the regulations in effect at the time the use began or the structure was constructed. Such a letter does not constitute a Zoning Permit.

Section 3.1.9 PENALTIES

Once a violation has been identified, a Notice of Violation shall be issued by the Zoning Administrator giving the landowner an opportunity to come into compliance with the bylaw or permit conditions. No action may be brought unless the alleged offender has had at least seven days warning notice by certified mail. After the time to comply has expired, the violator may be fined up
to the amount listed in the statute at the time of the offense (currently up to $100 per day, per offense, doubled in the event of default). An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding 12 months. (24 V.S.A. §4451-4452).

As an alternative, the Town may choose to enforce some zoning violations in accordance with the procedures set out in 24 V.S.A. §1974a. A Zoning Administrator, however, cannot pursue enforcement using both procedures simultaneously.

SECTION 3.2 DEVELOPMENT REVIEW BOARD

Pursuant to the resolution of the Select Board, these Regulations acknowledge and incorporate the establishment of a Development Review Board, which shall be referred to as the "DRB." The DRB shall consist of not fewer than five nor more than nine members, all of whom shall be appointed by the Select Board and whose members may consist of the members of the Planning Commission. The Development Review Board shall adopt rules of procedures and rules of ethics. Any member of the DRB may be removed for just cause by the Select Board upon written charges and after a public hearing. All other matters governing the function of the Development Review Board shall be established as provided by the Act and as set forth in this article of these Regulations. The Development Review Board shall constitute the appropriate municipal panel in the Town of Salisbury responsible for all development review functions within the Town of Salisbury not delegated to the Zoning Administrator by these Regulations (by-right uses, boundary line adjustments and single-lot subdivisions). It shall be the duty of the DRB to hold hearings, to hear testimony and to establish facts which form the basis of its decisions. The DRB shall carry out these duties in its review of the following applications or appeals:

1. Review of proposed conditional uses;
2. Appeals from a decision of the Zoning Administrator;
3. Reviews of requests for variances;
4. Reviews of requests for waivers;
5. Site plan review;
6. Review of proposed subdivisions, including proposed planned unit developments;
7. Review of rights of way or easements for land development without frontage;
8. Review of wireless telecommunications facilities;
9. Any other form of land use request for which it is the appropriate panel as authorized by these Regulations and 24 V.S.A. §4460.

If more than one review is required, for a project, the DRB may conduct the reviews concurrently to the extent feasible.

SECTION 3.3 APPLICATION, PUBLIC NOTICE AND REVIEW PROCEDURE

For all applications or appeals subject to review by the DRB, the applicant or appellant shall submit its application or appeal for review by delivering copies, for the DRB clerk and each DRB member, of those materials required by the appropriate section of these Regulations governing the type of action requested to the Zoning Administrator at least 25 days prior to the regular meeting of the DRB:

Conditional Use: See Section 3.4
Appeal of Zoning Administrator's Action: See Section 3.5
Variance: See Section 3.6
Waivers: See Section 3.7
Site Plan and Other: See Section 3.8
Subdivision: Article VI

1. Application procedure:

   The applicant shall submit to the Zoning Administrator, by filing an application in the Town Clerk's office, at least 25 days prior to the regular meeting of the DRB, copies of an application or letter, including a map, summarizing the proposal which addresses all elements of this article, and all other information necessary to illustrate compliance with these Regulations and for the DRB to make its decision. At a minimum, the application shall include the information listed below; additional information may be required depending on the specific type of DRB review, as specified in the section of these regulations pertaining to the type of review. The applicant shall provide copies of the application for the DRB clerk and each DRB member.

The application shall include:

a. Property identification information, including property identification numbers of the property taken from the latest tax records; name and address of the owner of record and the owners of adjoining lands; and zoning district(s).

b. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.

c. A description of energy utilization and conservation measures for each heated structure.

d. Other information required for the specific type of review (see appropriate section of these regulations for more information).

e. Other information as requested by the DRB.

f. Initial payment to cover DRB review expenses.

g. An accurate map, with a scale of at least 1"=200', a north arrow, the date of preparation and the name and address of the person or firm preparing it. It should show:

   i. Existing features, including existing property boundaries, contours, structures, large trees, roads, utility easements, rights-of-way, land use and deed restrictions.

   ii. Proposed uses, including proposed structure locations and land use areas, roads, driveways, traffic circulation, parking and loading spaces and pedestrian walks,

landscaping plans including site grading, landscape design, and screening, including depicting distances from structures to property lines.

2. **Notice procedures:** All development review applications or appeals before the DRB shall require notice for a warned public hearing as follows:

   a. Public Notice of hearings for conditional use review, variances, appeals of decisions of the Zoning Administrator, and final plat review for subdivisions shall be given not less than 15 days prior to the date of the public hearing by all the following:

      i. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected. The clerk of the DRB shall place the notice in the paper.

      ii. Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made. The clerk of the DRB shall post notices two places within town. **The applicant shall be responsible for posting the property.**

      iii. Written notification to the applicant or appellant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. The clerk of the DRB shall be responsible for notifying all adjoining landowners. Prior to the first hearing, the clerk shall demonstrate compliance with this provision by producing a copy of the letter sent and a list of those it was sent to. (The clerk need only demonstrate that the letter was sent, not that it was received). If the clerk fails to reasonably demonstrate that they sent notice to the adjoiners and any other interested party, the DRB may postpone the hearing.

   b. Public Notice of Hearings on **all other types of development review**, including waiver and site plan review shall be given not less than **15 days** prior to the date of the public hearing and shall include, at a minimum, all the following:

      i. Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in compliance with the notice requirements for special meetings contained in 1 V.S.A. § 312(c)(2); The clerk of the DRB shall post notices two places within Town. **The Applicant shall be responsible for posting the property.**

      ii. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. The clerk of the DRB shall be responsible for notifying all adjoining landowners. Prior to the first hearing, the clerk shall demonstrate compliance with this provision by producing a copy of the letter sent and a list of those it was sent to (The clerk need only demonstrate that the letter was sent, not that it was received).

3. **Review Procedures.** Pursuant to the requirements of 24 V.S.A. § 4461, for development review and § 4468 for appeals, the DRB shall set a date and place for a public hearing of an application or an appeal under this chapter that shall be within 60 days of the filing of

a complete application or the notice of appeal with the DRB. The DRB shall give public notice of the hearing pursuant to the procedure described in Subsection 1 of this section and shall mail to the applicant, or in the case of appeals, the appellant, a copy of that notice at least 15 days prior to the hearing date. Any person or body empowered by §4465 of the Act to participate as an interested party or to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. The DRB may adjourn the hearing from time to time provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings shall be open to the public, and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. § 810.

4. **Decisions.** The DRB shall issue a written decision, which shall include findings of fact, any conditions, and provisions for appeal within 45 days after completing the hearing and shall within that period send the applicant or appellant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every "interested person" who appeared and was heard at the hearing. A copy of the decision shall be filed with the Zoning Administrator and the Town Clerk who shall record the decision as a public record. If the DRB fails to make a decision within 45 days, on the 46th day the DRB shall be deemed to have rendered a decision in favor of the applicant or permittee in the case of an appeal.
5. **Conditions and Enforceability.** Decisions by the DRB may contain any conditions that it deems necessary to ensure the applicant complies with these Regulations on an ongoing basis. The nature of any conditions attached to the decision shall be written into the decision and any permit issued and shall be enforceable by the Zoning Administrator pursuant to 3.1.9 in the same manner as all other applicable requirements of these Regulations.

SECTION 3.4 CONDITIONAL USES

Section 3.4.1 GENERAL STRUCTURE

The Zoning Administrator shall not issue a Zoning Permit for any use or structure that requires conditional use approval or for the expansion or enlargement or change in use of an existing conditional use until the DRB grants such approval. Uses requiring conditional use approval are listed in Article II in the sub-sections governing each zoning district. The DRB shall make findings on general and specific standards, hold hearings and attach conditions, if any, as provided for in 24 V.S.A. § 4414(3) and all applicable sections of these Regulations. Per §4414(3) of the Act, in any district certain uses may be permitted only by approval of the DRB, if the DRB after public notice and public hearing determines that the proposed use will conform to general and specific standards contained in these Regulations.

Section 3.4.2 PRE-EXISTING CONDITIONAL USES

Pre-existing land development projects that would be considered conditional under the current regulations and uses listed as conditional uses which existed prior to the effective date of these Regulations shall conform to all requirements herein with respect to a change in use, expansion or contraction of land area, or alteration of structures. Any change shall require a new conditional use permit.

Where the Administrative Officer finds that a project or application is minor in nature and would not have an undue adverse effect under any of the review standards, he or she may grant exemption from hearing 15 days after public notice as provided in Section 3.3.(2) (b). The exemption may be granted subject to conditions to address the standards in these regulations. However, exemption shall not be made administratively where the project involves new land subdivision or development, new building construction or substantial changes/increases in use.

Section 3.4.3 APPLICATION FOR CONDITIONAL USE APPROVAL

In addition to the information specified in Section 3.3, the application should include any supplemental information that would allow the DRB to review the proposal against the Conditional Use criteria in Sections 3.4.5 and 3.4.6 below.

Section 3.4.4 PUBLIC NOTICE AND REVIEW PROCEDURE

The DRB shall give public notice of hearing as specified in Section 3.3(1)(a) of these Regulations. The DRB shall review this application pursuant to the review procedure established in Section 3.3(2) of these Regulations and pursuant to any rules of procedure it adopts.

Section 3.4.5 GENERAL CRITERIA FOR REVIEW

In order for a conditional use to be approved, the DRB shall determine that the development or use will not result in an undue adverse impact on any of the following:

1. Capacity of Community Facilities. The capacity of existing or planned community facilities. A conditional use shall not overburden or exhaust existing or planned municipal facilities or services.
2. Character of the Area. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan. A conditional use may not, by its nature, scale, or conduct, cause an undue adverse change to the character of the area, as the area would exist if fully developed in accordance with the Town Plan.
3. Traffic Impacts. The estimated traffic generated by a conditional use shall not, in combination with other uses, exceed the road capacity. The DRB may require a traffic study to determine whether the capacity of the road will be exceeded. Where the capacity of the road to accept increased traffic is limited, the conditional use shall not exhaust or exceed the remaining capacity of the road unless the applicant agrees to a condition requiring the applicant to upgrade the road.
4. Compliance with Regulations. A conditional use must comply with regulations in effect at the time of submission of the application.
5. Renewable Energy Resources. A conditional use shall not excessively inhibit or restrict access to or the use of renewable natural resources (including, but not necessarily limited to, water and sunlight) for energy generation.

Section 3.4.6 SPECIFIC CRITERIA FOR REVIEW

In addition to any conditions stemming from its review of the general criteria listed in Section 3.4.5, the DRB may make such additional requirements as it deems necessary with respect to the specific standards below:

1. Increase to Minimum Setbacks. Where the DRB determine that the minimum setbacks for the applicable zoning district are inadequate to permit the proposed conditional use without negative impacts to neighboring uses, it may increase the minimum requirements.
2. Design and Location of Structures and Service Areas. The DRB may require such reasonable changes in the design or location of structures and service areas as it deems necessary to ensure that the conditional use will be compatible in scale, design and use with neighboring uses in the area.
3. Grading. No grading, cut or fill shall be carried out which leaves the slope of the finished grade in excess of one to two (50 percent), unless a soil erosion and sediment control plan is submitted and found to be acceptable by the DRB.
4. Impacts to Adjoining Uses. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot shall not be generated.
5. Sufficient Water and Sewage. The DRB shall determine, where applicable, that the proposed project will have sufficient water and sewage disposal capacity available for its needs.
6. Fire, Explosive or Other Safety Hazards. No fire, explosive, or safety hazard shall be permitted which, in the judgment of the DRB, after consideration of the advice of the Town fire officials, significantly endangers other property owners or emergency personnel.
7. Site Plan Criteria. If the DRB determines that the conditional use is appropriate in the district as proposed by the applicant, the DRB may also review the proposal pursuant to

the Site Plan Criteria for review contained in 3.8.4 of these Regulations and impose any additional conditions upon the applicant as may be necessary to satisfy the Site Plan Review Criteria.

8. Other Applicable Criteria. In addition to these specific criteria, the applicant shall also demonstrate that their proposed use and/or development complies with all other applicable sections of these Regulations, including the general regulations of Article IV (like signs or parking)and the Specific Regulations of Article V (like gravel extraction).

In order to demonstrate compliance with the requirements above, the DRB may require the applicant to submit studies by qualified experts to document the potential impact or cost of the proposed use to the Town, or require that the applicant pay to for the Town's experts to analyze the project.

Section 3.4.7 DECISION

Upon the close of the hearing, the DRB shall issue its decision, and any conditions included therein, pursuant to the procedure outlined in Section 3.3(3) of these Regulations. Without limitation, conditions that may be imposed by the DRB may include one-time or ongoing fees calculated to compensate for reasonably anticipated adverse effects of the proposed use on municipal facilities or services pursuant to the review criteria, including but not limited to Town roads and highways. Such fees shall be in addition to and separate from any impact fees assessed under any impact fee ordinances adopted by the Town under the authority of 24 V.S.A. Chapter 131. Fees under this section shall be calculated by the DRB based on evidence and findings of fact as to the actual additional burden (minus any taxes anticipated to be paid by the applicant) to be imposed on municipal facilities and services by the proposed use, actual costs of the additional burden to the municipality, and an allocation of the applicant's fair share of additional cost as compared with costs of normal maintenance of such facilities and services, so that the fee will bear a rational relationship to the additional cost to the municipality created by the proposed use and will be proportionate to the costs attributable to the proposed use as compared with other uses.

Section 3.4.8 PERFORMANCE BONDS

As a condition of its decision, the DRB may deem it necessary to require a performance bond on any improvements benefiting the municipality. If the DRB determines a bond is necessary, it may require applicant to either file a certified check or performance bond with the Town Clerk in an amount the DRB deems necessary to safeguard the interest of the Town up to the full amount of the required improvements. Any such bond shall be satisfactory to the legislative body and municipal attorney as to form, sufficiency, manner of execution and surety. The DRB shall fix the term of the bond up to three years. The check or bond may include the costs of an inspection fee to cover the costs of inspection of the improvements created or be based upon the recommendations of a professional architect/engineer hired by the Town at the expense of the applicant pursuant to 24 V.S.A. § 4440(d).

SECTION 3.5 APPEALS TO THE DRB

Appeals of any decision of the Zoning Administrator shall be made to the DRB. The DRB shall conduct hearings on appeals pursuant to the authority derived from and the procedures contained in 24 V.S.A. §§ 4465, 4466, 4468, 4469 and 4470.

Section 3.5.1 DEADLINE FOR APPEAL

An appeal taken with respect to an act or decision of the Zoning Administrator must be filed within 15 days of such act or decision.

Section 3.5.2 INTERESTED PERSONS

Only an "interested person" as defined in Article VIII of these Regulations and by 24 V.S.A. § 4465(b) may appeal the decision or action of the Zoning Administrator under these Regulations.

Section 3.5.3 NOTICE OF APPEAL

The appellant shall file a notice of appeal or request for reconsideration in the Town Clerk's office with the clerk of the DRB or with the Town Clerk if no such clerk has been elected. The following information shall be included as part of the submittal:

1. Name and address of the appellant;
2. Names and addresses of the applicant, co-applicant or any person party to the original application;
3. A brief description of the property from which the appeal is taken;
4. A reference to the regulatory provisions applicable to that appeal;
5. The relief requested (What action is the appellant requesting the DRB to take?);
6. The grounds as to why the relief requested is proper under the circumstances.
7. Names and addresses of the owner of record and of the owners of adjoining lands.

Section 3.5.4 PUBLIC NOTICE AND REVIEW PROCEDURE

Generally, Public notice of hearing shall be given as required by Section 3.3 of these Regulations and the DRB shall review appeals pursuant to the procedure established in Section 3.3(2) of these Regulations. However, the DRB may reject an appeal or motion for reconsideration without a hearing and render a decision, which shall include findings of fact, within ten days of the date of filing of the notice of appeal, if the DRB considers the issues raised by the appellant in the appeal have been decided in an earlier appeal or based substantially or materially on the same facts given by or on behalf of the earlier appellant. Such decision shall be rendered, in writing to all interested parties as in the case of a decision of the DRB under Section 3.3(3) of this Regulation (24 VSA 4470), and shall constitute a decision of the DRB for the purpose of appeal to the Environmental Court.

Section 3.5.5 DECISIONS

Upon the close of the hearing, the DRB shall issue its decision pursuant to the procedure outlined in Section 3.3(3) of these Regulations.

SECTION 3.6 VARIANCES

A variance constitutes a special request to the DRB in which an applicant effectively appeals the Zoning Administrator's decision that a structure does not meet the standards of the zoning district. The applicant does not challenge the finding that they do not meet the dimensional requirements, instead they request that the DRB amend the requirements of the district for this specific parcel because of "special circumstances." In order to demonstrate those special circumstances the applicant must meet all review criteria contained in Section 3.6.3. Requests for variances shall be made to the DRB pursuant to the procedure outlined below.

Section 3.6.1 APPLICATION

In addition to the information specified in Section 3.3, the application should include any supplemental information that would allow the DRB to review the proposal against the variance criteria in Section 3.6.3 below.

Section 3.6.2 PUBLIC NOTICE AND REVIEW PROCEDURE

Public notice of hearing shall be given as required by Section 3.3(1)(a) of these Regulations. The DRB shall review this application pursuant to the review procedure established in Section 3.3(2) of these Regulations and pursuant to any rules of procedure it adopts.

Section 3.6.3 REVIEW CRITERIA

The DRB shall review all variance requests to determine if they meet **all** of the following standards:

1. There are unique physical circumstances or conditions, including irregularity, narrowness, topography or other physical conditions and that the hardship is due to these conditions and not the circumstances or provisions of the bylaw in the district in which the property is located;
2. Because of these conditions or circumstances, there is no possibility that the property can be developed in strict conformity with the bylaws and that therefore a variance is necessary to enable the reasonable use of the property;
3. Unnecessary hardship has not been created by the applicant;
4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located; substantially or permanently impair the appropriate use or development of adjacent property; reduce access to renewable resources or be detrimental to the public welfare;
5. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the Town Plan and these Regulations.

Please see 24 V.S.A. § 4469 for more information or for matters dealing with variances relating to renewable energy resource structures.

Section 3.6.4 DECISION

The DRB shall make its decision on the request for variance by applying the facts presented in the application and at the hearing to the criteria, listed above, and incorporating all into its decision. Upon the close of the hearing, the DRB shall issue its decision pursuant to the procedure outlined in Section 3.3(3) of these Regulations.

Section 3.6.5 CONDITIONS

In approving a project the DRB shall act to ensure, and may impose conditions requiring, that the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from these Regulations and from the Town Plan. The nature of any variance and any conditions attached to it shall be entered on the face of the Zoning Permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these Regulations.

SECTION 3.7 WAIVERS

As an alternative to the variance procedures noted above, applicants may apply for site waivers of setback requirements pursuant to the criteria below.

Section 3.7.1 APPLICATION

In addition to the information specified in Section 3.3, the application should include any supplemental information that would allow the DRB to review the proposal against the waiver criteria in Section 3.7.3 below.

Section 3.7.2 PUBLIC NOTICE AND REVIEW PROCEDURE

Public notice of hearing shall be given as required by Section 3.3(1)(b) of these Regulations. The DRB shall review this application pursuant to the review procedure in Section 3.3(2) of these Regulations and pursuant to any rules of procedure it adopts.

Section 3.7.3 REVIEW CRITERIA

The DRB may grant waivers to reduce setback requirements, if the waiver will represent the minimum variance that will afford relief and will represent the least deviation possible from the Town Plan and these regulations, and if the applicant can satisfy the following standards:

1. The waiver requested accommodates structures providing for disability accessibility, fire safety and other requirements of land or energy conservation or renewable energy structures, or

2. The waiver requested is for a use permitted within the district in question as by right use (as opposed to a conditional use); and
3. The waiver requested is in conformance with the Town Plan and the goals set forth in 24 V.S.A. 4302; and
4. The waiver requested is designed to conform to the character of the land use area in which it lies as defined in the Plan and further designed to reasonably limit impact or the potential for impact upon ones neighbors; and
5. The design used incorporates design techniques (restricted height, lack of windows) screening (fencing or plantings) or other remedies to reasonably limit impact or the potential for impact upon ones neighbors.

Section 3.7.4 DECISION

The DRB shall make its decision on the request for waiver by applying the facts presented in the application and at the hearing to the criteria, listed above, and incorporating all into its decision. Upon the close of the hearing, the DRB shall issue its decision pursuant to the procedure outlined in Section 3.3(3) of these Regulations.

Section 3.7.5 CONDITIONS

In approving a project seeking a waiver the DRB shall act to ensure, and may impose conditions requiring, that the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least deviation possible from these

Regulations and from the Town Plan. The nature of any waiver and any conditions attached to it shall be entered on the face of the Zoning Permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these Regulations.

SECTION 3.8 SITE PLAN REVIEW AND OTHER APPLICATIONS

Section 3.8.1 GENERAL CONDITIONS

Any site plan review or other applications or uses that require approval of a DRB, but are not specifically listed in Section 3.2 of these Regulations shall be reviewed under the procedure immediately below. Site plan approval by the DRB shall be required for the conversion of seasonal dwellings or cottages to year-round dwellings in the Lakeshore Districts and for proposed commercial uses allowed "by right" within any given zoning district. Additionally, the Site Plan Review criteria and procedures shall be used for all public facilities exempt from other provisions of these Regulations pursuant to 24 V.S.A. §4413. Lastly, commercial development subject to subdivision or conditional use review should, at the discretion of the DRB, also be subject to the site plan review criteria as part of the subdivision or conditional use review. The DRB conducting those reviews will proceed under the criteria and procedure required for each of them, but should also include the criteria noted below in their review of the project and may impose appropriate conditions within any permit it chooses to grant under those reviews. Unlike conditional use approval, site plan approval assumes that the use proposed is appropriate for the district in which it is located. As such, site plan review focuses solely on proper development within the site, not its compatibility or lack thereof with the surrounding area. Site plan review cannot be used to deny a project in the same way that conditional use or subdivision criteria would. However, the DRB may use site plan review to place conditions on any approval it gives to implement the objectives of the municipal plan as contemplated in the criteria below.

Section 3.8.2 APPLICATION FOR SITE PLAN OR OTHER APPROVALS

In addition to the information specified in Section 3.3, the application should include any supplemental information that would allow the DRB to review the proposal against the waiver criteria in Section 3.8.4 below. It should also include:

1. A description of the hours of operation.
2. A description of signs, lighting and steps taken to mitigate against noise created by the proposed use

Section 3.8.3 PUBLIC NOTICE AND REVIEW

Public notice of hearing shall be given as specified in Section 3.3(1)(b) of these Regulations if conducted independently or under Section 3.3(1)(a) if conducted as a portion of a conditional use or subdivision review. The DRB shall review this application pursuant to the review procedure established in Section 3.3(2) of these Regulations and pursuant to any rules of procedure it adopts.

Section 3.8.4 REVIEW CRITERIA

The DRB may impose appropriate conditions and safeguards with respect to the adequacy of traffic access, circulation and parking for vehicles and pedestrians, landscaping and screening, exterior lighting, signs, hours of operation, design criteria for the exterior of the building proposed and protecting the utilization of renewable energy resources and other matters specified in the bylaws. The DRB shall review the site plan map and supporting data, with specific attention given to the following:

1. Applicant shall demonstrate that the circulation between the site and the road network is adequate to accommodate the traffic proposed. Parking and loading facilities should conform to the standards contained in Section 4.2 of these Regulations. Within the High Density Residential District, the Medium Density Residential District, the Lake Shore District and Commercial District, parking shall be located to the rear or interior side (side not fronting on a public road or public waters) of buildings, unless otherwise permitted by the DRB due to site conditions which would prevent the reasonable use of the property if this standard were strictly enforced. Large, uninterrupted expanses of parking shall be avoided.
2. Within the High Density Residential District, the Medium Density Residential District and Lake Shore Districts and Commercial District, safe pedestrian connections to on-site parking areas, and to existing or planned pedestrian facilities located on adjacent properties and/or along public roads, shall be provided. Access points at property edges shall be coordinated with existing and planned development to provide pedestrian connections between uses.
3. Applicant shall demonstrate that they have incorporated landscaping features (trees, shrubs, fences, walls, gardens, open space or other features) into a design to reduce any impacts their use of the property might have on neighboring properties and that will enhance the appeal of the use proposed. Within the High Density Residential District applicant shall incorporate street trees along the highway frontage to establish a canopy and provide traffic calming.
4. Building design. The applicant should demonstrate how the structure they are proposing fits within and adds to the character of the area in which it is proposed.
    a. Historic structures should be renovated and reused, including any significant architectural features such structures may exhibit. Renovations and re-use may include adaptive renovations, but the burden shall be on the applicant to demonstrate why any significant features (windows, roofing, cornices, doors, siding) are being concealed or eliminated.
    b. New construction should be compatible in design, scale, mass, height and architectural features of the significant historic buildings within the immediate area. Buildings need not be replicas of 19th century architecture, but should complement the features of neighboring architecture.
    c. Within the High Density Residential District, buildings, and associated site design, shall reinforce, rather than destabilize, a defined streetscape by being located as close to the road as practical; with buildings oriented to front upon the road; and, where the placement of a building along the front setback is not practical due to preexisting site conditions, the site plan should incorporate

landscaping features, such as low walls and planting materials, along the setback line to create a transition between the public right-of-way and the site. The mass of new buildings shall not distract from historic buildings of civic or cultural significance within the Village.

d. Applicants should demonstrate that they incorporated reasonable energy conservation measures for commercial structures into the structures proposed.

5. Hours of operation should be limited to standards for similar enterprises and are generally encouraged to be between 7:00 a.m. and 7:00 p.m. The burden will be on the applicant to demonstrate why longer hours are necessary.

Section 3.8.5 DECISIONS

Upon the close of the hearing, the DRB shall issue its decision pursuant to the procedure outlined in Section 3.3(3) of these Regulations. In approving a project with conditions, the DRB may require specific modifications to the design, scale or layout of the project.

SECTION 3.9 APPEALS TO THE ENVIRONMENTAL COURT

An "interested person" who has participated in a proceeding before the DRB may appeal a decision rendered in that proceeding to the Environmental Court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. An appeal from a decision of the DRB shall be taken in such a manner as the Supreme Court may by rule provide for appeals from State agencies governed by 3 V.S.A. §§ 801 - 816. Notice of the appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the municipal clerk or the administrative officer, if so designated, who shall supply a list of "interested persons" to the appellant within five working days. Upon receipt of the list of "interested persons," the appellant shall, by certified mail, provide a copy of the notice of appeal to every "interested person," and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

ARTICLE IV: GENERAL REGULATIONS

Applications subject to these Regulations shall comply with the following applicable general regulations:

SECTION 4.0 REQUIRED REGULATIONS

This subsection contains general regulations required to be included in all zoning pursuant to 24 V.S.A. 4412 (Please also see Article V, Sections 5.1, 5.2 and 5.3 for sections containing required specific uses of accessory dwelling units, childcare homes and group homes.)

Section 4.0.1 EQUAL TREATMENT OF HOUSING

1. No provision of these Regulations will have the effect of excluding mobile homes, modular housing or other forms of prefabricated housing from the Town of Salisbury except on the same terms as all other forms of housing are excluded. Mobile homes will be considered single-family dwellings and must meet the requirements for single-family dwellings in the district in which they are located, except when located in an approved mobile home park, sales establishment, or allowed as a temporary structure.
2. No provision of these Regulations should be interpreted to prevent the establishment of a mobile home park within any zoning district where it is an allowed use and where it meets all applicable requirements for such use.
3. No provision of these Regulations will have the effect of excluding group homes that meet all the applicable requirements for such use.
4. No provision of these Regulations will have the effect of excluding an accessory dwelling unit as accessory use to a principal dwelling that meets all the applicable requirements for such use.
5. No provision of these Regulations will have the effect of excluding multi-family dwellings entirely from the Town of Salisbury.

Section 4.0.2 EXISTING SMALL LOTS

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of these Regulations may be developed for the purposes permitted in the District in which it is located, even though not conforming to minimum lot size requirements or to frontage 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 and the development meets the other standards of the District and these regulations.

If a lot not conforming to the minimum lot size requirements in the district in which it is located subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot shall not be deemed merged with the contiguous lot

Section 4.0.3 REQUIRED FRONTAGE ON PUBLIC ROADS OR WATERS

No land development may be permitted on lots which do not have the minimum frontage required in the district on either a public road or public waters or, with the approval of the DRB, access to such a road or waters by a permanent easement or right-of-way at least

twenty (20) feet in width. The parcel granting the easement or right of way must have sufficient frontage for each curb cut.

Section 4.0.4 PROTECTION OF HOME OCCUPATIONS

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and that does not have an undue adverse effect upon the residential area in which the dwelling is located. A home occupation is allowed in any district in which residential uses are also allowed. Permits are required for Home Occupations unless they meet the requirements for exemption under Section 3.0.2.

Section 4.0.5 NON-CONFORMING USES AND STRUCTURES

The following provisions shall apply to all structures and uses legally created and existing on the effective date of these Regulations which do not conform to the requirements set forth in these Regulations and to all structures and uses that in the future do not conform by reason of any subsequent amendment to these Regulations.

Any non-conforming use or structure or parcel of land may be continued indefinitely, but:

1. Non-Conforming uses shall not be changed to another non-conforming use without approval by the DRB after a public hearing carried out pursuant to the provisions governing conditional use review in Section 3.4-3.4.8, hereof and then only to a use which, in the opinion of the Board, does not enlarge the nature of the non-conformance (i.e. Will not create greater cumulative impacts under the criteria used to evaluate conditional uses. Obviously the DRB shall not apply the criteria that caused the use to fall out of conformity with these Regulations when applying this review.).
2. Non-conforming structures shall not be moved, extended, or enlarged without approval by the DRB after a public hearing carried out pursuant to the provisions governing conditional use review in 3.4-3.4.8, hereof and then only to the extent that the proposed change, in the opinion of the Board, does not enlarge the nature of the non-conformance (i.e. Will not create greater cumulative impacts under the criteria used to evaluate conditional uses. For example, if the structure is non conforming because it does not meet the setback standards on the east side, it should not be enlarged on the east side. However, the Board may approve an application to enlarge it to the west if it can meet the setback requirements on that side. Obviously the DRB shall not apply the criteria that caused the structure to fall out of conformity with these Regulations when applying this review).
3. Non-conforming uses shall not be re-established if such use has been discontinued for a period of at least one (1) year or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so. The Zoning Administrator shall confirm that the non-conforming use was continued within the one year time frame. If a non-conforming use is not re-established within one (1) year, the future use of the lot or structure shall be in conformance with the provisions of these Regulations.
4. Structures shall not be restored or reconstructed for other than a conforming use after damage or destruction unless the non-conforming use is reinstated by the commencement of construction within one (1) year of such damage, and the construction and restoration of such structure is completed within two (2) years. The Zoning

Administrator shall confirm that the structure was "substantially improved" within the timeframes noted above, otherwise, the non-conforming use of such structure shall be deemed to have been discontinued, unless such non-conforming use is carried on uninterrupted in the undamaged part of the structure or the owner of the structure seeks and receives an extension form the DRB.

5. Changes of use in a non-conforming structure shall be governed by the review criteria regulating the use proposed within the district in which the structure lies.
6. Nothing in this Section shall be deemed to prevent normal maintenance and repair of a non-conforming structure, provided that such action does not increase the degree of non-conformity.

Section 4.0.6 CONSTRUCTION APPROVED PRIOR TO REGULATIONS

Nothing contained in these Regulations shall require any change in plans or construction of a structure for which a Building Permit has been issued, and which has been completed within two (2) years after the permit has been issued.

SECTION 4.1 GENERAL REGULATIONS GOVERNING LOTS

This section of these Regulations governs uses on lots. Generally, each lot, except for lots permitted as PUDs, shall have one primary use, but may have one or more accessory uses. Other specific exceptions to this regulation include home occupations and Home based businesses. Since farming is an activity that is exempt from these regulations, farm parcels that include the homestead are treated as residential parcels. At the discretion of the DRB, after a complete conditional use review, the DRB may allow additional primary uses of parcels provided applicant can satisfy all criteria of the conditional use review and other applicable criteria of this regulation.

Section 4.1.1 LOTS IN TWO (2) ZONING DISTRICTS

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. The specific standards of the district in which the primary structure is located shall apply.

Section 4.1.2 REDUCTION OF LOT AREA

No lot shall be so reduced in area, yards, frontage, coverage or other requirements of these Regulations that it does not conform or comply with the requirements herein prescribed for each district. The provisions of this Section shall not apply when a part of a lot is taken for a public purpose.

Section 4.1.3 REQUIRED AREA OR YARDS

Space required under these Regulations to satisfy area, yard, or other open space requirements for a particular building shall not be counted as part of the required open space for any other building on the same property.

Section 4.1.4 EROSION CONTROL AND GRADING

No grading, cut or fill shall be carried out in any district that leaves the slope of the finished grade in excess of one-to-two.

The owner shall control all surface drainage affected by excavation operations to prevent erosion debris and other loose materials from filling any drainage course, road or private property. No disturbance of sites with slopes in excess of 10 percent may be made without a plan for erosion control meeting state standards as noted below.

Applicant shall demonstrate that the project has been designed, and phased to control stormwater and erosion control both during and after construction. Projects of a significant enough size to trigger the State's stormwater regulations for either construction (Disturbing 1 or more acres of land and require at least a Construction General Permit 3-9020) or for permanent stormwater control measures (Creating 1 or more acres of impervious surface) may satisfy this criterion by procuring and complying with applicable state stormwater permits. Smaller development or subdivision proposals shall provide plans and information sufficient to demonstrate they have included

adequate provisions for the control of runoff and erosion, before, during and after construction, by following the requirements in section 2 of the "*Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control*" dated August 2006 and as subsequently revised.

Any construction that disturbs 1 or more acres of land, or is part of a larger development plan that will disturb an acre or more, requires a Vermont state stormwater permit.

Section 4.1.5 SITING STRUCTURES FOR AESTHETICS AND WILDLIFE

Homes, commercial buildings, driveways and other structures should be sited to blend in with the landscape wherever practical and safe;

1. Avoid ridgeline building locations by setting the structure back from the edges of ridges;
2. Locate structures and drives at the edge of existing wood lines, not in the middle of open fields;
3. Locate utilities underground, if economically reasonable, or adjacent to or within wood lines;
4. Site structures and infrastructure so they blend into the landscape and are not highlighted against the sky when viewed from roads or neighboring properties;
5. Conserve opportunities for wildlife movement by maintaining tree cover on both sides of roads at least every 200 feet to the extent possible.
6. Site structures away from known wildlife corridors, where possible.

Section 4.1.6 SETBACKS FROM RIVERS AND STREAMS

These regulations restrict development within a certain distance from the top of banks of all rivers, streams and the lake. The restrictions, and vegetated buffers created by the restrictions have several purposes relating to both riverine habitat preservation and limiting erosion listed as follows:

1. To promote the health, safety and welfare of the citizens of Salisbury by allowing its rivers and streams to move within their corridors;
2. To mitigate increases in downstream river erosion resulting from development in river and stream corridors;
3. To minimize property loss and damage due to river erosion and limiting land uses and development in river and stream corridors that may pose a danger to health and safety.
4. To protect water quality
5. To protect aquatic habitat
6. To protect terrestrial habitat
7. To maintain riverine wetlands

Accordingly, these Regulations prohibit development of structures within the following distances from the top of the bank of rivers and streams:

1. 25 feet from the mean high water line of Lake Dunmore
2. 50 feet from the mean high water line of rivers, brooks and streams that flow

year-round;
3. 25 feet from seasonal streams and brooks.
4. 50 feet from the boundary of Class II wetlands

SECTION 4.2 ACCESS, DRIVEWAYS AND PARKING

Section 4.2.1 CURB CUTS (ACCESS TO ROADS)

Access onto public highways is subject to the approval of the Salisbury Select Board, and for state highways, the approval of the Vermont Agency of Transportation. Zoning requirements generally require that the applicant secure an access permit, signed by the Road Foreman, the Zoning Administrator andthe Select Board or VTrans and to submit it as a part of their application. The access permit only addresses issues within the highway right of way and the impact the access might have on the safety or maintenance of the public highway. It does not confer or imply conformance with any other criteria of these Regulations. Standards in each district specify the minimum amount of road frontage required for a curb cut.

Section 4.2.2 DRIVEWAYS

The Zoning Administrator or DRB may attach conditions governing access to property subject to these Regulations with respect to the design, construction, landscaping, or location of such driveways in order to ensure safety, provide access by emergency vehicles, and minimize traffic difficulties.

1. Location of Driveways: All driveways will be constructed to within 100 feet of the structure they serve and are to be located at least 100 feet from a road line intersection and shall conform to the Vermont Department of Transportation Standard B-71. Required sight distances shall be based upon the highest prevailing speed limit on the road within 1,000 feet of the proposed driveway location.

2. Design Standards: In order to facilitate the access of fire fighting and other emergency vehicles, all driveways should conform to the following state standards:

   Roadbed Width – Minimum of ten feet.
   Roadbed Slope – Maximum of ten percent, short spans of the drive may include slopes of up to 16 percent.
   Turning Radius – Minimum of 35 feet on all bends and turns.
   Clear Width – Minimum of 14 feet.
   Clear Height – Minimum of ten feet.
   Turnaround Area – All driveways in excess of 300 feet shall have a turnaround area of at least 35 feet by 35 feet at the end.
   Road Base Material – A minimum of 12" of well-compacted gravel graded to provide positive drainage.
   Culverts and Drainage – Driveways shall be designed and constructed to provide positive drainage of surface waters away from roadways and driveways. Tubing and culverts shall be installed as required to maintain drainage and prevent erosion.

Individual criteria may be waived at the discretion of the Zoning Administrator or DRB provided the overall objective of providing safety is met. For any activity for which a zoning permit is required and which involves the construction or modification of a driveway intersecting with a road designated as a Class IV town road, the applicant shall improve the Class IV road to an appropriate level of service as the Select Board determines is necessary to support the development proposed. The minimum level of service should meet the requirements for a driveway described above. The Select Board requirement of improvements shall in no way obligate the Town of Salisbury to maintain the road so improved or to reclassify its status.

Section 4.2.3 OFF-ROAD PARKING SPACE REQUIREMENTS

For every building hereafter erected, altered, extended, or changed in use, there shall be provided off-road parking spaces at least as set forth below. A required driveway shall be at least fourteen (14) feet clear in width, except for one- and two-family uses.

1. Residential uses - Two (2) parking spaces for every dwelling unit.
2. Motor lodges and boarding houses - One (1) space for every guestroom.
3. Residential health care facility - One (1) space for every two (2) beds.
4. Community center - One (1) parking space for each two (2) fixed seats, or every two hundred (200) square feet of floor space, whichever is more.
5. Professional office - One (1) parking space for each person employed in the office, plus one (1) additional space for every three hundred (300) square feet of office space.
6. Commercial, business and other unspecified use - One (1) parking space for every motor vehicle used in business, plus one (1) parking space for each employee, plus one (1) parking space for every two hundred (200) square feet of floor area.

If the parking areas serve more than one use, the number of spaces shall be adequate to serve the maximum number of cars expected to be parked at the same time.

SECTION 4.3 STRUCTURES

Section 4.3.1 RESIDENTIAL BUILDINGS ON LOTS

There shall be no more than one (1) principal residential building and one accessory dwelling unit as defined in Section 5.1 (or definitions) on a lot, except for Planned Unit Developments (PUDs) reviewed as subdivisions, as authorized by 24 V.S.A. 4417.

Section 4.3.2 PROJECTION IN YARDS

Every part of a required yard shall be open from grade level to the sky unobstructed, except for the ordinary projections of sills, cornices, pilasters, chimneys, and eaves, provided that no such projections may extend more than two (2) feet into any required yard. Additionally, certain architectural features needed for the operation of active and passive solar energy systems, including but not limited to overhangs, detached solar collectors, reflectors, and piping may be permitted by the DRB to project into the required yard if compliance with yard requirements will cause undue expense or unusual difficulties.

Section 4.3.3 TEMPORARY STRUCTURES

Temporary permits may be issued by the Zoning Administrator for a period not exceeding one year for non-conforming uses 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 to exceed one year. A performance bond may be required to insure carrying out the provisions of this section.

Section 4.3.4 HEIGHT OF CERTAIN STRUCTURES

No structure shall exceed the maximum district height requirements except for specified exempt structures listed below or those as allowed hereunder:

1. Farm structures in accordance with Section 3.0.2;
2. Church steeples, spires and belfries;
3. Water towers;
4. Utility structures regulated by the Vermont Public Service Board;
5. Utilities not regulated by the Vermont Public Service Board, including wind generation towers and equipment reviewed under 5.4.;
6. Telecommunication towers reviewed under Section 5.9.
7. The following accessory uses provided they do not exceed the district maximum height by more than 10 feet:
   a. HAMM radio antennas;
   b. Flag poles;
   c. Chimneys and weathervanes

SECTION 4.4 SIGNS, LIGHTING, OUTDOOR DISPLAYS AND STORAGE

Section 4.4.1 SIGN GENERAL REQUIREMENTS

In order to prevent the indiscriminate use of outdoor advertising, and except as provided for in Section 3.0.2 of these Regulations, the following sign regulations are adopted.

No sign shall be permitted that is or detrimental to surrounding properties or not in the public interest. Any sign that is permitted shall be of a character, size and location that is in harmony with the orderly development of the district in which it is located.

No sign shall be designed or sited in such a way as to create a hazard or an obstruction, to prevent free access to any door, window or fire escape, to restrict clear vision between a sidewalk and a road, to become confused with any traffic sign or signal, or to otherwise impair public safety.

Signs may be illuminated by a steady light source provided that such lighting will not illuminate or reflect onto other properties. All illuminated signs must be turned off by 10:00 p.m. or at the closing time of the business, whichever is later. Exterior neon signs will not be permitted. Flashing, oscillating, or revolving signs will not be permitted, unless they are deemed necessary for public safety or welfare.

All signs shall be securely anchored to withstand wind pressure loads.

Under no circumstances shall a sign be permitted for location in a public right of way without the approval and written consent of the Select Board.

Certain small signs do not need a permit (See section 3.0.2).

Section 4.4.2 OFF-PREMISE SIGNS

Any sign which is located other than upon the lot containing the subject of the sign shall conform to these regulations and also to State statutes and regulation (Title 10 V.S.A. Chapter 21).

Section 4.4.3 ON-PREMISE SIGNS

On-premise signs may include wall-mounted or projecting signs that are affixed to structures on the property and free-standing, detached ground-based signs. Roof-mounted signs are not permitted in any district.

1. **Wall-Mounted Signs.** No wall-mounted sign (or signs) shall have an aggregated area larger than sixteen (16) square feet, nor shall any such sign project above the extended roof line of the structure on which it is mounted.
2. **Projecting Signs.** No projecting sign (or signs) shall have an aggregated area larger than sixteen (16) square feet, nor shall any such sign project more than four (4) feet from the

surface of the structure on which it is mounted. No such sign shall project into the area above a public right-of-way, nor shall it extend into the area above a publicly-accessible walkway, unless it is mounted ten (10) feet or more above the surface of the walkway.

3. **Ground-Based Signs.** No ground-based sign(or signs) shall have an aggregated area larger than sixteen (16) square feet, nor shall any such sign be higher than twelve (12) feet from the ground to the highest point on the sign.

Section 4.4.4 GLARE, LIGHTS, AND REFLECTION

Applicants shall protect dark skies at night and ridgelines by minimizing exterior lighting or obtrusive glare by implementing the following measures:

1. Limiting the amount of exterior night lighting;
2. Installing, constructing and maintaining all outdoor lighting and illuminated signs to minimize the intrusion of light across property lines, eliminate upward illumination and reduce glare and to maximize the effectiveness of site lighting by limiting light to a target area within a building envelope;
3. Installing any pole lights to be smaller than the building whose area they illuminate or not greater than 15 feet, whichever is less;
4. Requiring internal illuminated or externally lit commercial signs to be fully shielded or lit from the top down;
5. Requiring all building lighting for security or aesthetics to shielded and targeted;
6. Prohibiting wall pack lights.
7. Requiring all outdoor lighting fixtures, including display fixtures, to be turned off after the close of business, unless needed for safety or security, in which case the lighting shall be minimized;
8. Encouraging motion detectors to limit use;
9. Using non-reflective material for roofs or siding;
10. Limiting excessive windows;
11. These Regulations shall not apply to solar or other energy generating structures.

Section 4.4.5 OUTDOOR DISPLAYS OF ITEMS FOR SALE

Retail stores shall not have outside displays of merchandise, except those that are brought in at the end of the business hours and are the actual product of the business, except as specifically permitted in the district regulations.

Temporary sales such as tag sales and lawn sales are exempt. See the definitions and Section 3.0.2.

Other items for sale may be displayed outside providing:

- Only one large item, such as a car or a boat, is displayed at a time in the Lake Districts and the High Density Residential District. In other districts, only two large items may be displayed at a time.
- The items are not inventory from a commercial operation

Section 4.4.6 STORAGE OF GOODS OR TRASH

Storage of goods, parts, supplies, vehicles or machinery being worked on or finished or partially finished shall be required to be inside a building or behind an approved screen. The outdoor storage of trash shall be screened or hidden from public view. Any other outdoor storage, with the exception of stacked firewood, must meet setback requirements.

Section 4.4.7 FENCES

Fences and walls more than three (3) feet in height in Lakeshore Districts or more than five (5) feet in height in other districts require a zoning permit and must meet the setback standards of the district.

Fences and stone walls no more than three (3) feet in height in the Lakeshore Districts or five (5) feet in height in other districts and fences that do not restrict the view such as wire strung between posts used for livestock are exempt. Such structures are also exempted from the setback requirements of the district in which they are located, but they shall not be placed in the road right-of way-and they shall not interfere with visibility for vehicles traveling on public or private roads or sight distances at driveway intersections with public or private roads

SECTION 4.5 PERFORMANCE STANDARDS

No land or building shall be used or occupied in any manner so as to create dangerous, noxious, or otherwise objectionable conditions in such a manner or in such amount as to affect adversely the reasonable use of the surrounding area of adjoining properties. The following standards are set forth to implement this purpose. The burden of proof that the following standards are met shall be on the applicant.

Section 4.5.1 NOISE

No noise which violates the Town noise ordinance in effect at the time of the application, if any, or which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area shall be permitted.

Section 4.5.2 FIRE, EXPLOSIVE, AND SAFETY HAZARDS

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. All storage for flammable liquids shall comply with applicable State and Federal regulations.

SECTION 4.6 FREEDOM TO FARM

The Salisbury Town Plan and these Regulations specifically support farming and agricultural activity. Agricultural activities are exempt from these Regulations. Additionally, agricultural activities conducted on farmland consistent with good agricultural practices are presumed to be reasonable and are presumed not to constitute a nuisance under these Regulations. The burden shall be on the complainer to demonstrate that the activity has a substantial adverse effect on the public.

SECTION 4.7 PLANNED UNIT DEVELOPMENT

In accordance with the provisions set forth in §4417 of the Act, the modification of the district regulations by the DRB is permitted simultaneously with approval of a subdivision plan under the following procedures:

1. Purpose: The purpose of the Planned Unit Development (PUD) provisions is to encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic provision of roads and utilities, to preserve the natural and scenic qualities of open land, to provide a mixture and variety of housing types at different densities, to aid and encourage development of affordable housing and to allow the development of existing lots which because of physical, topographic, or geological conditions should not otherwise be developed.
2. Application Procedure: The applicant shall submit a statement to the DRB notifying it of their request to treat the application as a PUD and setting forth the nature of all proposed modifications of these Regulations. Additionally, the applicant should submit plans showing the location, height, and spacing of buildings, open spaces and their landscaping, roads, driveways, and off-road parking spaces, water systems and sewage disposal plans, unique natural or man-made features, and physical conditions of the site. Lastly the applicant shall include copies of any appropriate agreements for the ownership or management of common or protected open space or restrictive covenants shall be included.
3. Public Hearing: The DRB shall hold all public hearings on PUDs in conjunction with the hearing it holds under the Subdivision Regulations.
4. General Standards for Review:
   a. The PUD is consistent with the Salisbury Town Plan,
   b. Generally, the overall density of the project will not exceed the number of dwelling units that could be permitted, in the DRB judgment, if the land (excluding the area within the boundaries of any proposed road) were subdivided into lots in accordance with the district regulations. However, the DRB may approve density bonuses increasing the overall density of a project provided the DRB determines that the project meets the purpose of PUDs set forth in subsection 1 hereof, and in accordance with the following:
      i. Within the Medium Density Residential (MDR) District, the DRB may approve up to a 2:1 density bonus, provided the development meets the definition of an Affordable Housing Development.
      ii. Within the Low Density Residential (LDR) District, the DRB may approve a density of up to one dwelling unit per two (2) acres, provided the development meets the definition of an Affordable Housing Development and the PUD is designed so that a minimum of 70% of the predevelopment parcel is designated open space in accordance with subsection 7.
   c. The uses proposed for the project may be of varied types, including one-family, two-family, or multiple-family construction or commercial uses appropriate for the district in which the proposed project lies.
   d. The PUD is an effective and unified treatment of the development possibilities of the project site, and the development plan makes appropriate provision for preservation of streams and stream banks, steep slopes, Class II wetlands, and unique natural and man-made features. Buildings, building envelopes, roadways, sewage disposal sites,

and sewer and water lines will be located to minimize impacts on significant natural resources designated in the Town Plan and those protected under State law.

e. The development plan is proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.

f. Where possible, buildings shall be sited so as to take advantage of southeast, south, or southwest orientations.

g. Any modification of these Regulations approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk, and spacing of buildings and the sizes of lots and open spaces which shall be noted on or appended to the application.

5. Specific Standards for Review: The DRB should approve applications for PUDs if the applicant satisfactorily addresses the following general standards:

   a. District regulations on height and spacing between main buildings shall be met unless otherwise waived by the DRB.

   b. To ensure adequate privacy for existing or proposed uses adjacent to the PUD, structures on the perimeter of the PUD shall be set back 50 feet from the lot line, and screening may be required. The DRB may waive this criterion in the event the PUD is located within the HDR, MDR or Lake Districts and the adjacent land is (1) located within the same District and (2) is configured so that an extension of the existing development pattern and road and path network onto the adjacent parcel(s) would reinforce the purpose of the district.

   c. Shared Utilities. The applicant shall coordinate the PUD design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the PUD. Such plan shall be integrated with a systematic program for distribution of service to the area around the subdivision. Common rights- of-way shall be utilized whenever possible, and the DRB may require underground utilities where economically reasonable and necessary to preserve views and open spaces. The DRB may establish the location of the placement of the utilities in relation to the road. Where inclusion of utilities in the road right-of-way is impractical, perpetual, unobstructed easements at least twenty (20) feet in width shall be provided with satisfactory access to the road.

   d. Roadway and Pedestrian Circulation. The applicant shall demonstrate they have provided for adequate roadway and pedestrian circulation.

   e. Road/Pedestrian Network. The PUD will promote and contribute to a logical road and pedestrian network. Such a network should be designed to include logical connections with existing or planned roads and/or recreational or walking trails.

   f. Lot Layout. Lot layout shall reinforce the existing pattern of buildings described in the Town Plan. In the HDR and MDR Districts, they should continue and add to the village character, lining public roads, ways and spaces, and shall enable building sites and setbacks to be consistent with current village patterns. In the Lake Districts, LDR and For Districts they should be clustered to blend new development into the historic or rural, agricultural landscape and maintain important natural, scenic and cultural resources as open space.

6. Village Neighborhood Standards: In addition to the standards set forth in subsections 4 and 5, PUDs located within the HDR and MDR Districts shall meet the following standards. In the event that one of the standards under this subsection is in conflict with a standard under subsection 4 or 5, the standards set forth below shall apply.

a. Lot & Road Configuration: Roads shall be designed to establish an interconnected network of roads of a scale designed to slow traffic and ensure pedestrian and vehicular safety. The use of traffic calming devices, including on-road parking and street trees, is strongly encouraged. Lots, buildings and roads shall be configured to create a compact, pedestrian scale neighborhood with well-defined streetscapes characterized by consistent building setbacks, sidewalks and street trees.

b. Access. Roads or driveway shall be designed with a minimum of two connections to public (State or Town) roads or, where two connections is not practical, a right-of-way shall be created to provide future connection to one or more adjacent parcels. Such right-of-way shall be located to provide the best practical opportunity for extending the road network and integrating future development within the PUD.

c. Parking: Parking shall be designed to incorporate and maximize the use of parallel or angled on-road parking and shared parking areas. Parking areas, with the exception of on-road parking and driveways serving single-family dwellings, shall be located to the side or rear of buildings and shall be screened from view of adjacent roads and properties.

d. Landscaping: Landscaping shall be designed to emphasize the screening of parking areas and the establishment and the reinforcement of a roadside tree canopy along roads and driveways.

e. Pedestrian Circulation: Provision shall be made for year-round pedestrian circulation within the site and for pedestrian access to adjacent properties. Pedestrian circulation should include a network of pathways and sidewalks connecting existing land uses in and adjacent to the project, and as needed to provide direct pedestrian access from adjacent sidewalks and parking areas to building entrances.

f. Front Yards: Use of the area between structures and the road line shall be limited to landscaping, pedestrian paths and associated pedestrian amenities (e.g., street furniture, pedestrian scale lighting and signs) and driveways.

g. Building Orientation: Buildings shall front toward and relate to roads, both functionally and visually, and not be oriented toward parking lots. The front facade shall include one or more pedestrian-scaled entry-ways.

h. Garages & Accessory Structures: Garages and other accessory structures shall not be the dominant feature viewed from the road. Front-loading (entrance facing road) garages shall be set back from the front building line a minimum of six feet from the front façade of the dwelling and shall not comprise more than 40% of the total front facade. Side-loading garages (entered from the side yard) visible from the road must have some architectural treatment facing the road, such as a window or door.

i. Mix of Building Styles: In any PUD with four (4) or more single-family or two-family dwellings, buildings should reflect a diversity of floor plans, garage orientation, building facades, color and rooflines to better integrate the development into the surrounding area and avoid a homogeneous or monolithic appearance.

j. Density Bonus: PUDs that meet the definition of Affordable Housing Development located within the MDR District and the "Plains Region" of the LDR District, and designed in accordance with this Section, may have a density bonus of 2:1 over that generally allowed in the district, exclusive of any portion of a parcel necessary to provide the minimum lot area for a non-residential use.

7. Open Space: If the PUD results in lands available for parks, recreation, open space, or other community purposes, the DRB as a condition of its approval may establish such

conditions as to the ownership, use, and maintenance of such land as it deems necessary to assure the preservation of such lands for their intended purposes. Restrictions on common spaces to implement or protect intended purposes may include:

a. Protection of Resources: Setbacks from specific resources;

b. Shape and Size of Open Space: The location, shape, size and character of the open space land is suitable for its intended use.

c. Relation to Adjoining Open Space: Open space land shall be located so as to conform with and extend existing and potential common open space land on adjacent parcels.

d. Additional Protection Measures: Additional measures may be imposed to protect resources identified on the parcel, such as restrictions on building sites through designation of building envelopes and clearing limits.

e. Town as a Party for Protection: The DRB may require that the Town be a party to any legal mechanisms for the protection of open space.

f. Community Agreements: When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities may be required by the DRB. A prospectus shall be submitted by the developer describing this organization, its financing and membership, which must meet the requirements of the DRB. Approval will be contingent on the DRB's receipt and acceptance of final drafts of documents to be executed that will form such organization.

g. Open/Conserved Space Management Plan: In addition to demonstrating that an organization exists to operate and maintain common areas or areas set aside for open space, recreation or the preservation of natural resources, the DRB may require that the applicant provide a management plan describing how the resources preserved will be maintained.

h. Village Open Space: Within the HDR, MDR and Lake Districts, open space or common areas should serve as a central organizing feature within the PUD, such as a green, park or playground; or should be designed to maintain a contrasting edge between the village and surrounding countryside by protecting agricultural land adjacent to the district boundaries.

i. PUDs on Two or More Parcels. Two or more contiguous parcels under the ownership or control of the applicant may be combined for review as a PUD. The permitted number of dwelling units on one parcel may be increased as long as the overall number of units for the combined parcels does not exceed that which could be permitted in the DRB's judgment if the land were subdivided into lots in conformance with the district regulations. Parcels separated by a public or private road or right-of-way may be considered contiguous by the DRB for the purposes of this section provided:

   ii. Their property boundaries coincide for at least 50% of the length of one side on each side of the right-of-way.

   iii. The PUD promotes the protection of significant natural resources and unique features in the Town.

j. PUDs in Two Districts. The DRB may treat the entire parcel as a PUD by determining the total number of Units that could be created on the entire parcel

pursuant to conventional zoning and then allowing the PUD anywhere on the lot for the same number of units.

ARTICLE V: SPECIFIC USE STANDARDS

SECTION 5.0 SPECIFIC STANDARDS

Applications subject to these Regulations proposing the specific uses noted below shall comply with the applicable specific regulations.

SECTION 5.1 ACCESSORY DWELLING UNITS

Accessory dwelling units that meet the standards below will be a by-right use in all districts where single-family dwellings are by-right uses or in any owner-occupied single-family principal dwelling legally in existence as of the effective date of these Regulations.

1. The unit must be an efficiency or one-bedroom apartment;
2. The area of the apartment cannot exceed 30 percent of the total habitable floor area of the principal dwelling;
3. The unit must be within the principal dwelling or in an accessory building to that dwelling that meets all the applicable standards for the district in which it is located;
4. Off-road parking for two vehicles must be provided in accordance with the standards in Section 4.2.3 of these Regulations; and
5. A copy of the state Potable Water and Wastewater permit for the accessory apartment accompanies the application for a zoning permit.
6. Only one accessory dwelling unit is permitted for each primary dwelling structure.

SECTION 5.2 CHILDCARE HOME

A childcare home that meets all of the following standards will be a by-right use permitted in all districts where single-family dwellings are a by-right use or in any single-family dwelling legally in existence as of the effective date of these Regulations.

1. A resident of the dwelling in which the use is occurring operates the childcare home.
2. The childcare home will be operated under state licensing or registration.
3. The childcare home serves 6 or fewer full-time children and 4 or fewer part-time children.
4. One unlit exterior sign is allowed in accordance with Section 4.4 of these Regulations.
5. The childcare activities will occur primarily within the single-family dwelling. This should not be interpreted to prohibit use of other parts of the home or property such as porches, decks or yards for children's play areas as is customary in residential areas.

A childcare home that serves more children may be granted a conditional use permit in some districts,

SECTION 5.3 GROUP HOME

A group home that meets all of the following standards will be a by-right use in all districts where single-family dwellings are a by-right use or in any single-family dwelling legally in existence as of the effective date of these regulations.

1. The group home will be operated under state licensing or registration;

2. The group home will not serve more than 8 people who have a handicap or disability as defined in 9 V.S.A. § 4501; and
3. The group home is located more than 1,000 feet from any other existing or permitted group home.

SECTION 5.4 SPECIAL PUBLIC USE EXCEPTIONS

Pursuant to 24 V.S.A. § 4413 the following uses may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-road parking, loading facilities, traffic, noise, lighting, landscaping or screening requirements and only to the extent that these Regulations do not have the effect of interfering with the intended functional use:

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

It is the intent of these Regulations to regulate these facilities to the maximum extent allowable under law. The uses noted above shall be subject to review by the DRB pursuant to the applicable procedure and criteria governing Site Plan Review under Article III of these Regulations and any other portion of these Regulations that pertain to aspects of the project that may be regulated.

SECTION 5.5 COMMERCIAL CAMPING AREA STANDARDS

Commercial camping areas are no longer permitted uses within the Town of Salisbury. However, two campgrounds currently exist and will continue to exist as non-conforming uses. The standards contained in this section shall be applied to the existing campgrounds in addition to the conditions contained in Section 4.0.5 of these regulations governing non-conforming uses, should they desire to make changes to their businesses.

The following regulations shall apply in respect to all commercial camping areas:

1. A camp area shall have no less than fifteen (15) acres.
2. Camping areas shall provide for individual vehicles, access driveways and parking.
3. Each camping site shall provide at least three thousand six hundred (3,600) square feet in area for each vehicle it plans to accommodate, with minimum frontage being forty (40) feet on access road.
4. All access roads within such area must be at least thirty (30) feet in width and have a compacted gravel surface at least twenty (20) feet in width (or other type of all-weather road).

5. Each campsite shall have an attachment for water supply. The State Department of Environmental Conservation or other appropriate agency must approve the water supply source.
6. Each campsite, including any designating tenting lots or areas shall have provisions for public toilets and sewage disposal approved by the Department of Environmental Conservation.
7. A strip of land at least twenty-five (25) feet in width shall be maintained as a landscaped area (with coniferous trees/shrubs) abutting all public roads and property lines.
8. The area shall be closed to the public for a period of not less than thirty (30) days a year.

SECTION 5.6 CAMPERS, RECREATIONAL VEHICLES, TRUCK TRAILERS

It shall be unlawful for any person to park a camper or truck trailer on any public or private property, except:

1. In an approved or pre-existing commercial campground parking facility.
2. In an approved sales lot.
3. If a camper or truck trailer is parked on private property for more than 45 days, it must meet the setback standards of the district, and be parked behind the front face of the principal building (unless site conditions prohibit such parking). There may be only one trailer or camper on the parcel. A camper so parked will not be occupied more than ninety (90) days in one (1) calendar year. A camper occupied for any length of time must have an acceptable documented method of disposing of human wastes either on or off the property.
4. If a camper, truck trailer or recreational vehicle is occupied more than 90 days, it must meet the camp or dwelling requirements of the Zoning District.

SECTION 5.7 EXTRACTION OF SOIL, SAND OR GRAVEL

In accordance with 24 V.S.A.4414(3) of the Act, the removal of soil, sand or gravel for sale, except when incidental to construction of a building on the same premises or for sale to the Town of Salisbury, may be allowed in designated districts as a conditional use subject to the provisions of Sections 3.4-3.4.8 (Conditional Uses) of these Regulations, other relevant sections of these Regulations and the specific conditions enumerated below.

Stripping or removal of topsoil for sale or for use on any parcel other than the parcel from which it was stripped or removed shall be prohibited, unless such topsoil was removed for the construction of a building on the premises in accordance with an approved site plan or zoning permit and is not needed on the site.

In order to find that any soil, sand or gravel operation will satisfy the general and specific standards required for issue of a Conditional Use Permit, the DRB shall specifically determine, where applicable, that the proposed project will also satisfy the criteria listed below.

1. Before approval of any new soil, sand or gravel operation, or extension of an existing soil, sand or gravel operation, conditions shall be imposed as necessary to ensure that

upon completion of the extraction operations the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this end.

2. After excavation activities have been completed, the excavation site shall be graded smooth and left in a finished condition. Cut slopes and spoil banks must be finished in restored areas so they shall not exceed 25 percent (1:4), unless it can be demonstrated by the applicant that a steeper grade can be adequately vegetated and stabilized. Under no circumstances shall a finished slope exceed 50 percent (1:2). Finally, the entire excavation site shall be fertilized, mulched and reseeded, subject to inspection by the Zoning Administrator, so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion.
3. All surface drainage affected by excavation operations or stockpiles shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, road, or private property. All provisions to control drainage of water shall meet with the approval of the Zoning Administrator.
4. No excavation or blasting shall occur within three hundred (300) feet of any road or other property line. In addition, no excavation, blasting, or processing activities shall be undertaken outside of reasonable operating hours, as determined by the DRB. More restrictive operating limitations may be established if residential structures are located in close proximity to the excavation site.
5. No power-activated sorting machinery or equipment shall be located within three hundred (300) feet of any road or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
6. All excavation slopes in excess of 50 percent (1:2) shall be adequately fenced, as determined by the Zoning Administrator.
7. Extension of an existing non-complying operation shall only be permitted, if at all, after review pursuant to and findings of compliance with the provisions of these Regulations.
8. The minimum lot size required for the approval of a soil, sand or gravel extraction operation shall be fifteen (15) contiguous acres. No excavation activities shall be permitted to occur on more than ten (10) acres of the entire excavation site at any one time. Excavation of additional five (5) acre sites shall be permitted only after the applicant has demonstrated to the Zoning Administrator that the exhausted site has been restored to a natural state (except those portions of slopes of the exhausted site which are immediately adjacent to the next excavation area and would be affected by the proposed future excavation activities) in accordance with the conditions of Section 5.7(2), above.
9. The DRB may attach any additional conditions they deem necessary for the safety and general welfare of the public, including limiting hours of operation, limits on the size and weight of trucks, specified and prohibited routes, limits on the number of trips, and compensation for necessary municipal services or maintenance costs.

SECTION 5.8 MOTOR VEHICLE SERVICE STATIONS

Motor vehicle service stations shall comply with the following:

1. A motor vehicle service station lot shall not be located within three hundred feet of any lot occupied by a school, hospital, library, or religious institution.
2. Service devices shall be located at least fifty feet from the road line and side and rear lot lines.
3. All hazardous material storage shall conform to applicable State and Federal regulations.

4. All automobile parts and dismantled vehicles are to be stored within a building, and no repair work is to be performed outside a building.
5. The storage of vehicles or equipment is not permitted except in an area which is landscaped as required in Section 4.4.6.

SECTION 5.9 TELECOMMUNICATIONS FACILITIES

The purpose of this provision is to preserve the character and appearance of the Town of Salisbury and to regulate the location of commercial wireless telecommunications services. Small-scale devices for personal use (satellite dishes, antennas, etc.) are exempt from this regulation. Commercial structures shall comply with the following provisions:

1. The use of existing structures to locate wireless telecommunications antennas is encouraged and will be subject to only Site Plan Review by the DRB.

   a. Wherever possible, communications antennas must be mounted on existing structures, such as silos or water towers, and camouflaged to blend with their existing surroundings.

   b. Siting of structures and antennas must be accomplished in a manner designed to limit the visual impact on Salisbury's countryside and ridgelines.

   c. Structures and antennas must be camouflaged to blend in with their surroundings to the greatest extent possible.

   d. The DRB will conduct its review pursuant to the site plan criteria contained in these Regulations. Applications submitted must meet the requirements for site plan review. Additionally, at the discretion of the DRB and pursuant to 24 V.S.A. § 4440, the DRB is authorized to hire qualified professionals, to be paid by the applicant, to determine an application's compliance with these Regulations.

2. A new telecommunications tower will be allowed as a conditional use in the Low Density Residential District and Conservation District only.

   a. It will be allowed only after the applicant has demonstrated that no existing structure is suitable for their proposed use within a 30-mile radius of the proposed site and the applicant has agreed to allow reasonable opportunities for co-location of multiple antennas on the new structure.

   b. Pursuant to 24 V.S.A. § 4440, the DRB is authorized to hire qualified professionals, to be paid by the applicant, to determine an application's compliance with these Regulations.

3. The installation of freestanding dishes and non-commercial antennas (Not exempt pursuant to Section 3.0.2) shall meet the minimum setback, lot coverage, and height requirements for the district in which it is located, and shall be permitted only in the rear yard of a dwelling or other building served. Alternative siting will be permitted by the DRB if the following criteria are met:

   a. Quality reception requires alternative sighting.
   b. Screening that does not impair reception is used to minimize the visibility of the installation from the public right-of-way and neighboring properties.

All telecommunications structures and antennae must be maintained in accordance with the requirements of permits granted. Abandoned or unused structures or antennae must

be removed from the property within 180 days of cessation of their use and the DRB may require a bond or other guarantee be posted with the Town to cover such removal.

SECTION 5.10 SOLAR AND WIND ENERGY SYSTEMS

Any energy generation system connected to the grid and utilizing net-metering is exempt from these Regulations and subject to 30 V.S.A. 248.

For all others, these Regulations shall apply. Solar panels installed on the surface of an existing roof and free-standing solar panels smaller than 120 square feet in total are exempt. Other solar systems and wind energy conversions systems are conditional uses in all districts except in Lake District 1 where they are prohibited. In reviewing the conditional use application, the DRB shall consider visual and noise impacts in addition to the following special criteria:

1. Climbing access to the tower shall be restricted;
2. The tower shall be located far enough from all lot lines so that if it falls, the entire structure will remain on the parcel on which it is located, plus 20 feet. (As an example, a tower that stretches 100 feet from its base to the tip of the rotor at its highest point shall be located 120 feet from all property lines.)

SECTION 5.11 FARM LABOR HOUSING

A conditional use permit may be granted in any district for Farm Labor Housing if all of the following restrictions and requirements are met:

1. The structure must be located on, or adjacent to and in the same ownership as, a parcel that is being actively farmed and meets the State definition of farming. The structure must be used to house employees (and their families, if appropriate) working as farmhands on the farm.
2. The structure may be a single or multi-family dwelling or a "bunkhouse" but the size and type of structure must conform reasonably to the size and scope of the farming activity. It may not be a temporary structure, R.V., camper, or the like.
3. The proposed structure will have the same setback, frontage and access requirements as any other dwelling in its zoning district. It must meet State Water Supply, Wastewater and Public Building regulations, and must meet all other applicable State and Town regulations.

SECTION 5.12 OUTDOOR BOILERS

The installation and use of an outdoor wood-fired boiler is a conditional use and requires a permit in all Zoning Districts, with the exception of Lake District 1 and the High Density Residential District in which outdoor wood boilers are prohibited. The permit will require the installation and use be in compliance with all state and federal regulations and laws. Setback requirements shall be specified by either the state or federal regulations or the specific standards for the Zoning District, whichever is greater.

ARTICLE VI: SUBDIVISION STANDARDS AND REVIEW

SECTION 6.0 APPLICATION OF REGULATIONS

It is the policy of the Town of Salisbury to regulate all subdivision of land, and subsequent development of the subdivided plat, in accordance with these Regulations. No subdivision of land will be made and no land in any proposed subdivision may be sold or transferred until the Zoning Administrator or DRB approves a final plat prepared in accordance with these Regulations and the Applicant records the properly executed plat in the Salisbury Land Records.

Section 6.0.1 DESCRIPTION OF THE HEARING PROCESS

The hearing procedure and application requirements required for any subdivision will vary depending upon the type and size of subdivision proposed and the probable impact of that subdivision upon the Town and neighbors in its immediate vicinity. Salisbury recognizes four (4) types of subdivisions: Boundary Line Adjustments, Single-Lot Subdivisions, Minor Subdivisions and Major Subdivisions. Each are described as follows:

1. Boundary Adjustments. Any adjustment to a lot line between two adjoining parcels, which does not result in the creation of any additional lots and meets the remainder of the review criteria under Section 3.1.3.1 of these Regulations will be considered a boundary adjustment. Applications for and review of boundary adjustments will be performed administratively by the Zoning Administrator following the procedures outlined in Section 3.1.3.1 of these Regulations. Boundary Adjustments that fail to meet the review requirements contained in Section 3.1.3.1 will be reviewed as single-lot or minor subdivisions.
2. Single-lot Subdivision. Single-lot subdivisions constitute the first lot divided from a larger parcel (creating two parcels) within a ten year period which also meets the remainder of the review criteria under Section 3.1.3.2 of these Regulations. Applications for and review of single-lot subdivisions will be performed administratively by the Zoning Administrator following the procedures outlined in Section 3.1.3.2. Single-lot subdivisions that fail to meet the review requirements contained in Section 3.1.3.2 will be reviewed as minor subdivisions.
3. Minor Subdivision. A minor subdivision is the creation of not more than two new lots (making a total of three lots) from a parcel over a ten-year period, regardless of any change in property ownership. A minor subdivision may include a shared driveway but shall not require the installation of a road. Minor modifications to approved subdivision plans that will not substantially change the nature of any previous subdivision or conditions of approval will also be reviewed as minor subdivisions. Minor Subdivisions involve an informal review of the project by the DRB in the Sketch Plan phase and a final plat review. Applications for and review of minor subdivisions follow the procedures outlined in Sections 6.3– 6.3.4. Applications that fail to meet the criteria for minor subdivisions will be reviewed as major subdivisions.
4. Major Subdivision. Major subdivisions include: (i) the creation of three or more new lots (making a total of four or more lots) from a parcel over a ten-year period regardless of any change in property ownership; (ii) any subdivision or re-subdivision of land that requires the installation of a new road or shared facilities such as community water or

wastewater systems; (iii) modifications to approved subdivisions that will substantially alter the nature of the subdivision or conditions of approval; (iv) any subdivision that includes one or more commercial lots; or (v) subdivisions proposed as Planned Unit Developments (PUDs). Major Subdivisions are generally complicated and will involve an informal discussion with the DRB in the sketch plan phase followed by formal hearings on the preliminary and final plat. Applications for and review of major subdivisions must follow the procedures outlined in Sections 6.1 – 6.2.2.

Section 6.0.2 COORDINATION WITH OTHER REVIEWS

The DRB will use its best efforts to coordinate any additional reviews, such as site plan review or conditional use review, required by these Regulations with the subdivision review.

Section 6.0.3 DRB WAIVER OF APPLICATION OR REVIEW CRITERIA

These regulations recognize that the size and scope of Subdivision applications can vary dramatically. Accordingly, the impacts they may cause also vary significantly. In order to provide the DRB with the flexibility to match the application and review criteria with the size and scope of the development proposed, these regulations give the DRB the ability to waive certain application and review criteria as follows:

1. Where the DRB finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, or where there are special circumstances of a particular plat, it may vary the application and/or review requirements of these Regulations so that substantial justice may be done and the public interest secured.
2. The DRB may grant a waiver of the survey requirement for a parcel over 100 acres in size when the area to be subdivided off is less than 15 percent of the total acreage of the original parcel. Should the DRB grant this waiver the smaller parcel(s) created must be surveyed; the remaining "original" parcels need not be surveyed.
3. Where the DRB finds that, due to the special circumstances of a particular plat, the provision of certain required documentation or improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.
4. In granting variances and modifications, the DRB shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied.
5. No waivers or variance may be granted if it would have the effect of nullifying the intent and purpose of the Salisbury Town Plan, the Official Map, the Capital Budget and Program, or these Regulations.
6. Any waivers or variance granted shall become part of the record.

Section 6.0.4 ZONING ADMINISTRATOR ASSISTANCE

Prior to going before the DRB with a proposed subdivision of any kind, the applicant is encouraged to meet with the Zoning Administrator and provide the Zoning Administrator with some basic information about the type and scale of a subdivision for which they intend to apply. The Zoning Administrator will handle the subdivision administratively if applicable. If the subdivision must go before the DRB the Zoning Administrator will work to help the applicant to understand the regulatory and procedural requirements and

to put together a sketch plan application that will provide the DRB with the information needed to begin the process of reviewing the request.

Section 6.0.5 SKETCH PLAN REVIEW- MAJOR AND MINOR SUBDIVISION

1. **Initial Meeting**: The applicant shall request a meeting with the DRB to discuss the proposed subdivision and submit the sketch plan information as described in 6.5.1 of these Regulations. Sketch plan review constitutes an informal public meeting between the applicant and DRB. It is open to the public, but need not be warned as a formal hearing. The applicant shall be guided by the DRB as to the need for further meetings and the advisability of entering into the preliminary and final plan stages of the application process.
2. **Classification of Project**: At this meeting, the DRB will classify the project as a Major Subdivision or Minor Subdivision. The DRB shall specify what the additional submission requirements for subsequent review will be. The DRB shall determine whether the project meets the purposes of these Regulations and may make specific written recommendations for changes.
3. **Technical Review Fee:** The DRB of the Town of Salisbury may require an applicant of any proposed subdivision to bear the costs incurred by the Town for any professional reviews and inspections which are reasonably required by the Town in connection with such application, or in connection with the ongoing development of the approved subdivision, including, but not limited to, fees and disbursements charged to the Town for engineering, legal, hydrological or other professional services rendered on behalf of the Town in connection with the development of such subdivision. The DRB may set the amount that the applicant gives to the Town in escrow for these purposes at the end of the Sketch Plan phase. This new regulation is in accordance with the authority granted under 24 VSA § 4440 (d).

SECTION 6.1 MAJOR SUBDIVISION APPLICATION AND REVIEW PROCEDURE

Section 6.1.1 PRELIMINARY PLAN APPLICATION

Within one hundred and eighty (180) days after classification of the project as a Major Subdivision by the DRB, the applicant shall submit an original and ten copies (11 total) of the subdivision application to the Zoning Administrator. The complete application must arrive at the Zoning Administrator's offices at least 25 days prior to the regular monthly meeting of the DRB for it to proceed at the next hearing for approval of a preliminary plan. The application shall conform to the requirements set forth in Section 6.5.2 of these Regulations and shall conform to the layout shown on the sketch plan plus any recommendations made by the DRB. If the applicant fails to file a complete subdivision application within 6 months from the conclusion of the Sketch Plan phase, the DRB may require the applicant to resubmit the application to the DRB for another Sketch Plan review.

Section 6.1.2 PUBLIC NOTICE AND REVIEW PROCEDURE

Public notice of hearing shall be given as required by Section 3.3(1)(a) of these Regulations. The DRB shall review this application pursuant to the review procedure established in Section 3.3(2) of these Regulations and pursuant to any rules of procedure it adopts.

Section 6.1.3 REVIEW CRITERIA

The DRB shall review all subdivision requests to determine if they meet all of the standards contained in Sections 6.6 – 6.14.14 of these Regulations.

Section 6.1.4 DECISION ON PRELIMINARY PLAN

The DRB shall make its decision on the request for subdivision by applying the facts presented in the application and at the hearing to the review criteria listed in Section 6.6 – 6.14.14, and incorporating all into its decision. Within 45 days of the close of the hearing, the DRB shall issue its decision pursuant to the procedure outlined in Section 3.3(3) of these Regulations. When granting approval of a Preliminary Plat, the DRB shall state the preliminary conditions of such approval, if any, including but not limited to:

1. The specific changes which it will require in the Preliminary Plat,
2. The character and extent of the required improvements for which waivers may have been requested,
3. The amount of improvement or the amount of all bonds that the DRB will require as prerequisite to the approval of the Final Plat,
4. Any required phasing of the project to insure compliance with Town Plan or conformance with these Regulations or any capital budget adopted by Salisbury at the time of the application.

The action of the DRB and any conditions attached thereto shall be noted on three (3) copies of the Preliminary Plat. One copy shall be returned to the applicant, one retained by the DRB, and one forwarded to the legislative body. At the option of the DRB, should it determine that no other hearings are necessary and the information provided in the preliminary hearing has satisfied all issues allowing the DRB to reach a final determination, it may waive the necessity of a final plan hearing and issue a final decision.

Section 6.1.5 VALIDITY OF PRELIMINARY PLAN APPROVAL

Unless specifically adopted by the DRB as a final plan as allowed immediately above, approval of the Preliminary Plan shall not constitute approval of the subdivision plan. Prior to approval of the final subdivision plan, the DRB may require additional changes as a result of further study. Subsequent to the approval of the Preliminary Plan, the applicant shall submit the approved plan to any other local officials having jurisdiction over the project (e.g. Select Board and Health Officer). Upon receipt of evidence of approval of the Preliminary Plan by said officials, the applicant may apply to the DRB for Final Plan approval. The approval of a Preliminary Plan shall be effective for a period of six (6) months from the date of the written notice of approval. The Applicant must submit its final Plat Plan application to the DRB within that timeframe.

SECTION 6.2 FINAL PLAN APPLICATION

Within six (6) months of Preliminary Plan approval, the applicant shall submit copies for the DRB clerk and each member of the DRB of an application for approval of a final subdivision plat. If the applicant fails to do so, the DRB may require the applicant to resubmit a new plat for Preliminary Plan approval subject to any new zoning and subdivision regulations, unless the DRB determines that lengthy delays are beyond the applicant's control. The final application must conform to the requirements set forth in Section 6.5.3 of these Regulations, and shall conform to the layout shown on the Preliminary Plan plus any recommendations made or conditions required by the DRB. Copies of the application for Final Plat review for the DRB clerk and each member of the DRB shall be presented to the clerk or Chair of the DRB at least 25 days prior to a regular monthly meeting of the DRB. The date of such meeting following receipt of the required materials shall be the official submission date of the application for approval of a Final Plat.

Section 6.2.1 FINAL PLAN HEARING

A public hearing shall be held by the DRB within 60 days after receipt of the final subdivision application, pursuant to Section 3.3(2). Said hearing shall be warned in accordance with the requirements of Section 3.3(1)(a)(i) and (ii).

Section 6.2.2 FINAL PLAN DECISION

The DRB shall within forty-five (45) days from the adjournment of the Final Plan hearing approve, modify, or disapprove the Final Plan pursuant to the procedure outlined in Section 3.3(3). When granting approval of a Final Plan, the DRB shall state the conditions of such approval, if any, including but not limited to:

1. The specific changes which it will require in the Final Plat,

2. The character and extent of the required improvements for which waivers may have been granted,
3. The improvement or the amount of all bonds or other financial conditions that the DRB will require to secure work on public infrastructure as prerequisite to the approval of the Final Plat,
4. Any required phasing of the project to insure compliance with Town Plan, or conformance with these Regulations or any capital budget adopted by Salisbury at the time of the application,
5. Any conditions requiring the applicant to secure final State or Federal permits, should the DRB grant final approval of the plat prior to applicant's securing of all required final State and or Federal permits.

SECTION 6.3 MINOR SUBDIVISION APPLICATION AND PROCEDURE

Section 6.3.1 FINAL PLAN APPLICATION

Within six (6) months of the classification by the DRB of the project as a Minor Subdivision, the applicant shall submit an application for approval of a subdivision plan according to the requirements set forth in Section 6.5.4 of these Regulations. The plan shall conform to the layout presented to the DRB at the Sketch Plan review, plus any recommendations made by the DRB. The DRB may require, where necessary for the protection of public health, safety, and welfare that a Minor Subdivision comply with all or some of the submission requirements or the general and specific standards for major subdivisions.

Section 6.3.2 NOTICE REQUIREMENTS

The applicant shall provide notice in the same manner as that required for all other quasi-judicial proceedings as outlined in Section 3.3(1) of these Regulations.

Section 6.3.3 FINAL PLAN HEARING

The DRB shall conduct its hearing in the same manner as that required for all quasi-judicial hearings as outlined in Section 3.3(2) of these Regulations.

Section 6.3.4 FINAL PLAN DECISION

The DRB shall within forty-five (45) days from the adjournment of the Final Plan hearing approve, modify, or disapprove the Final Plan pursuant to the procedure outlined in Section 3.3(3). When granting approval of a Final Plan, the DRB shall state the conditions of such approval, if any, including but not limited to:

1. The specific changes which it will require in the Final Plat,
2. The character and extent of the required improvements for which waivers may have been granted,
3. The improvement or the amount of all bonds or other financial conditions that the DRB will require to secure work on public infrastructure as prerequisite to the approval of the Final Plat,
4. Any required phasing of the project to insure compliance with Town Plan, or conformance with these Regulations or any capital budget adopted by Salisbury at the time of the application,
5. Any conditions requiring the applicant to secure final State or Federal permits, should the DRB grant final approval of the plat prior to applicant's securing of all required final State and or Federal permits.

SECTION 6.4 PUBLIC ACCEPTANCE OF ROADS OR OTHER AMENITIES

Approval by the DRB of a subdivision plat shall not be deemed to constitute acceptance by the municipality of any road, easement, utilities, park, recreational area, or other open space shown on such final subdivision plat. As noted in Section 6.4.2 below, the DRB may require the applicant to file a written agreement between the applicant and the legislative body covering all terms upon which the Town will accept the proposed improvements including deed, title and dedication conditions, and provisions for the cost and maintenance of any such improvements.

Section 6.4.1 IMPROVEMENTS AND PERFORMANCE BOND

As a condition of its decision, the DRB may deem it necessary to require a performance bond on any improvements benefiting the municipality. If the DRB determines a bond is necessary, it may require applicant to either file a certified check or performance bond with the Town Clerk in an amount the DRB deems necessary to safeguard the interest of the Town up to the full amount of the required improvements. Any such bond shall be satisfactory to the legislative body and municipal attorney as to form, sufficiency, manner of execution and surety. The DRB shall fix the term of the bond up to three years. The check or bond may include the costs of an inspection fee to cover the costs of inspection of the improvements created or be based upon the recommendations of a professional architect/engineer hired by the Town at the expense of the applicant pursuant to 24 V.S.A. § 4440(d).

Section 6.4.2 RECORDING OF APPROVED FINAL SUBDIVISION PLAT

All final subdivision plats must be recorded in the office of the Town Clerk within one hundred and eighty (180) days of the date of final plan approval or the approval expires, except that the Zoning Administrator may grant an additional 90 day filing extension. The approved final subdivision plat shall be filed with the Town Clerk. The plat to be recorded shall meet all requirements required for the recording of a survey plat pursuant to 27 V.S.A. § 1403. Prior to recording, the final subdivision plat must be submitted to the Zoning Administrator for review of their compliance with the permit conditions and signed by the appropriate municipal officials. Final subdivision plats for Boundary Line Adjustments and Single-lot Subdivisions approved administratively shall be signed by the Zoning Administrator. All other plats must be signed by the Zoning Administrator and one authorized member of the DRB. For any subdivision which requires the construction of roads or other public improvements by the applicant, the authorized member of the DRB may not sign the approved plat until the applicant has:

1. Demonstrated that the proposed public improvements have been accepted by the Select Board and any other municipal official having jurisdiction over such improvements, pursuant to Section 6.4 of these Regulations.
2. Met the requirements of Section 6.4.1 of these Regulations regarding performance bonds, if any, or if required by the Select Board, constructed all public improvements to the satisfaction of the DRB.

Section 6.4.3 PLAT VOID IF REVISED AFTER EXECUTION

No changes, modifications, or revisions shall be made in any final subdivision plat after the DRB has issued its approval and executed the plat, unless the plat is first resubmitted to the DRB and the DRB approves any modifications.

SECTION 6.5 APPLICATION REQUIREMENTS

Section 6.5.1 SKETCH PLAN REVIEW

The Sketch Plan Review submission for both Major and Minor subdivision applications shall contain the following drawings and information:

1. Name and address of the landowner and/or applicant, names of all adjacent property owners, and name of project.
2. A drawing showing the location of the development parcel in the Town and all sites previously developed or subdivided by the applicant/owner in the Town within the past ten (10) years.
3. A drawing at a scale not to exceed one inch = one hundred feet (1" = 100') drawn on a contour map at no greater that 10 foot intervals showing the project boundaries, zoning district boundaries, adjacent land uses and ownership, significant natural and manmade features, existing easements, existing and proposed rows, and layout and size of the proposed lots, uses, and improvements.
4. A written description of proposed development plans, including the total parcel size, the number and size of lots, general timing of construction, and nature and extent of all improvements. The DRB may require additional information before recommending that the applicant proceed with the application.

Section 6.5.2 MAJOR SUBDIVISION –PRELIMINARY PLAN

The Preliminary Plan applications shall consist of one original and a copy for each member of the DRB of the following maps and information. Information may be preliminary. Maps shall be at a scale no greater than 100 feet per inch. Preliminary plan applications shall include:

1. A completed subdivision permit application form obtainable from the Town Clerk, the application fee and any funds the DRB has determined will need to be escrowed to cover Salisbury's technical review or inspection costs as established per Section 6.0.5(3) of these Regulations.
2. All information submitted from the Sketch Plan Review.
3. A statement of the compliance of the proposed subdivision with the Town Plan, Zoning Regulations and other bylaws in effect. If the applicant seeks a variance from any provision of the Zoning Regulations through the Planned Unit Development section of the Zoning Regulations or otherwise, the applicant shall submit a clear statement regarding the variance(s) requested and why the variance is appropriate under Salisbury's Zoning Regulations.
4. A complete survey of the boundaries of the subdivision parcel by a Vermont licensed surveyor including, but not limited to, information concerning the date, true north point and scale. In addition to the outside boundary survey, the map should depict a map of the proposed lots, building envelopes, easements and other infrastructure.
5. A statement and maps, if necessary, or other documents demonstrating that the applicant has considered the impact the development may have on Salisbury's waters and has designed the project to comply with the standards contained in Sections 4.1.5-4..18 of these Regulations.

6. Additionally, applicants proposing a subdivision or PUD containing commercial spaces shall describe the type and volume of any waste produced by any commercial entities and how the waste will be disposed of and steps the applicant has taken to screen the delivery/disposal area from the road and neighboring properties. (Applicants are advised to look to Section 3.8.4 of these Regulations.
7. Description of proposed water supply. A report from an engineer, hydrologist or other person qualified to render an opinion describing the type of system proposed and stating that the system will be designed to meet the State of Vermont Water Supply and Wastewater Rules, including a map depicting the approximate location of the infrastructure necessary for the system. If the source is a community water supply system, the applicant shall present evidence of the right to use such system and the adequacy of such a system to meet water supply requirements of the project.
8. Description of proposed sewage disposal system. A report prepared in conformance with state subdivision regulations from an engineer, hydrologist or other person qualified to render an opinion describing the type of system proposed and stating that the system will be designed to meet the State of Vermont Water Supply and Wastewater Rules, including a map depicting the approximate location of the infrastructure necessary for the system. If a community sewage disposal system is to be used, the applicant shall submit evidence of the right to use such system and an engineer's statement of the adequacy of the system to handle the additional sewage.
9. Description of stormwater systems. A report from an engineer, hydrologist or other person qualified to render an opinion describing the type of stormwater system proposed and stating that the system will be designed to meet the State of Vermont Stormwater Regulations governing both construction and permanent infrastructure and a map depicting the systems. Additionally, the applicant will supply preliminary grading plans showing areas of cut and fill and revised contours, at a contour interval sufficient to demonstrate the scope of the earthwork.
10. Description of transportation infrastructure and impact. A report and map from an engineer, or other qualified person, describing and depicting existing and proposed transportation infrastructure including road right-of-way lines, widths of roads, typical road, walkways, and other transportation infrastructure. For larger projects, or as deemed necessary by the DRB, in its sole discretion, applicant may be required to provide evidence that the traffic generated by the project will not cause the capacity of roadways and intersections in the area to be exceeded. Information to be provided should include but not be limited to current traffic volumes, current excess capacities or deficiencies, trip generation estimates and their impact on capacities, and sight stopping distances for new road intersections with Town highways.
11. Description of impacts on school and other municipal services. Applicant shall describe the municipal services that the project will impact and provide evidence demonstrating that any impact will be acceptable to the local officials responsible for providing the service. Applicants unable to provide letters from local officials shall provide any other evidence they or the DRB determines will be appropriate to satisfy the condition, including additional compensation the applicant will provide towards mitigating the impact created.
12. Description of Natural Resource impacts. A report describing and a map depicting the natural resources on the property and how the proposed application will impact each of the following:
    a. Describe the general character of the land as it currently exists and how it will exist after the development. Depict significant wetlands, floodplains, streams, brooks,

steep slopes, rock outcroppings, scenic areas, ridgelines, exceptional trees or other significant natural or historic features and describe methods used to preserve those features or otherwise reduce impacts, if any, to them.

b. Describe and depict the lot layout and configuration, building envelopes, if any, and why the applicant chose to configure the development in the manner depicted.

c. Describe the steps the applicant took to retain natural cover and limit impacts of construction.

d. Describe any landscaping proposed. Depict landscaping plans showing plant types, ground cover, lighting and signage, and existing features and trees to be maintained.

e. Describe any agricultural activities currently on or adjacent to the parcel proposed to be subdivided and depict any prime agricultural soils on the property. Describe any steps taken to minimize the impacts on the soils or operations in light of the requirements listed in Section 6.6.11.6 of these Regulations.

f. Describe steps the applicant has taken to reduce the visual impact of the proposal in light of the requirements listed in Section 6.6.11.3 of these Regulations.

g. Describe and depict any deer wintering areas on the property and, if they exist, any steps taken to mitigate impacts on them in light of the requirements listed in Section 6.6.11.4 of these Regulations.

h. Threatened and endangered species. Describe and depict any threatened or endangered species known to exist on the property and, if they exist, any steps taken to mitigate impacts on them in light of the requirements listed in Section 6.6.11.4 of these Regulations.

i. Describe and depict all land proposed to be dedicated to open or public uses or to be reserved for screening and buffer purposes and the methods for assuring and maintaining such dedication or reservation.

j. Provide any proposed covenants and/or deed restrictions which are intended to cover all or part of the subdivision.

k. Describe the homeowners' association or other form of management organization, if such is proposed, and provide copies of the association documents.

12. Description of utilities serving the project. A report and map from an engineer, or other qualified person, describing and depicting existing and proposed utilities infrastructure including utility easements, provisions for connections with municipal infrastructure, if any, location of electric telephone and cable infrastructure, and any energy conservation measures incorporated into the design

13. A description of the construction activities including hours of operation, hours of trucking, blasting, if any, or any other steps applicant has taken to reasonably reduce construction impacts.

14. Establish temporary markers on the site adequate to enable the DRB to locate and appraise the basic layout of the lots and infrastructure in the field. On the map, show an existing road intersection or provide the distance from one corner of the property to the nearest existing road.

Section 6.5.3 MAJOR SUBDIVISION – FINAL APPLICATION

The Final Application shall consist of copies for the DRB clerk and each member of the DRB of a surveyed Plat Plan and Project Description including the following information:

1. All information required for the Preliminary Submittal shall be submitted in final form, including any revision or additional detail requested by the DRB.
2. In the event of granting of easements to the Town of Salisbury, a written acknowledgment of the applicant's responsibility for maintenance of easement areas until such land has been legally accepted by the Town.
3. Written evidence of approval by all local officials having jurisdiction over the project, and written evidence or application for or approval of all State and Federal agency permits. Should the applicant move forward with only applications for State or Federal agency permits, and fail to secure such permits prior to final plan approval, the DRB may issue approval subject to the condition that the applicant must secure State or Federal agency permits substantially similar to those presented to the DRB prior to recording the final subdivision plat.

Section 6.5.4 MINOR SUBDIVISION

At the Sketch Plan Meeting the DRB shall specify which submission requirements stipulated for Major Subdivisions shall be required for a Minor Subdivision application approval. At minimum, information listed in Section 6.5.2, Sub-sections (1)-(4), (6) and (7) shall be required. Other criteria may be required at the sole discretion of the DRB. At the Sketch Plan meeting, the DRB will make an initial determination concerning which of the application materials it is willing waive.

SECTION 6.6 DESIGN REVIEW STANDARDS

In order to promote the thoughtful subdivision of property within Salisbury, the DRB will evaluate Major and Minor Subdivision applications it receives pursuant to all criteria listed below that the DRB has deemed relevant to applicant's proposed subdivision.

Section 6.6.1 CHARACTER OF THE LAND

Prior to the approval of a subdivision, the applicant must show the Board that the land to be subdivided is of such a character that it can be used for the intended purpose and density of use without undue adverse impact on public health and safety, the environment, neighboring properties, or the character of the community.

Section 6.6.2 CONFORMANCE WITH THE TOWN PLAN AND OTHER REGULATIONS

Subdivisions must conform to the town plan, zoning regulations, capital budget and program, and all other bylaws, ordinances and regulations of the Town of Salisbury currently in effect.

Section 6.6.3 LOT LAYOUT

All lots being created must meet the standards of the town's zoning regulations. The following guidelines apply to all subdivisions.

1. Lot Shape. Lots with irregular shapes (curves, jogs, dog-legs, etc.) should not be created unless warranted by conditions of topography, the location of natural features or existing road conditions.
2. Lot Size and Density. Lot sizes and densities in the zoning regulations are a minimum standard. The DRB may reduce densities based on prevailing site conditions and the potential impact on fragile features and natural and cultural resources. The DRB may increase densities only for Planned Unit Developments (PUDs) under the Salisbury Zoning Regulations.
3. Frontage Requirements. Lots must meet the minimum frontage requirements for the zoning district in which they are located; however, the DRB may reduce the frontage requirement if the change would further the purposes of this bylaw.

Section 6.6.4 MONUMENTS AND LOT CORNER MARKERS

Permanent monuments and corner markers must be placed in conformance with the Rules of the Board of Land Surveyors. At a minimum, monuments shall be placed at four perimeter points on all subdivided parcels and at road intersections and points of curvature. All monuments must be installed prior to the sale of any subdivided lot(s).

Section 6.6.5 LANDSCAPING, BUFFERS AND SCREENING

The preservation, planting and maintenance of trees, ground cover or other vegetation, of a size and type deemed appropriate by the Board, and complying with Sections 4.1.6-4.1.9 of these Regulations may be required in the following instances:

1. Buffers. To provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect water quality or other natural features. (See Section 4.1.8).

2. Screening. To provide screening of development; to increase privacy, reduce noise and glare; or to otherwise soften or lessen the visual impacts of development. (See Section 4.1.7).
3. Streetscape. To establish street trees along public or private roads to establish a canopy effect and maintain a pedestrian scale where the Board deems it appropriate.
4. Existing Vegetation. To preserve existing specimen trees, tree lines, wooded areas of particular natural or aesthetic value to the site, or critical wildlife habitat.

Section 6.6.6 ENERGY CONSERVATION

Clustered development should be considered wherever feasible. The sighting of buildings should maximize solar access where feasible, and landscaping should be effectively used to provide wind barriers and reduce heat loss or gain.

Section 6.6.7 WATER SUPPLY AND WASTEWATER DISPOSAL

1. **Water Supply.** Water supply systems must be designed and built to meet all applicable state requirements. The Board may require as a condition of approval, or as a condition of issuing zoning permits, that the applicant provide the results of water samples tested by the Vermont Health Department.
2. **Individual Wastewater Systems.** On-site sewage disposal systems must be designed in accordance with the applicable Vermont Department of Environmental Conservation regulations. In the event that an off-site disposal system is proposed, the location of the system must be secured through an easement or other form of legal conveyance.
3. **Community Water Supply or Wastewater Systems.** Proposed development may be serviced by private, community water or wastewater systems that must be designed and installed in accordance with all applicable state regulations and standards.

Section 6.6.8 UTILITIES

All utilities, existing and proposed, throughout the subdivision must be shown on the final plat, and be located as follows:

1. Utility corridors should be shared with other utility or transportation corridors, and be located to minimize site disturbance, the fragmentation of forest or farmland and other designated open space, and any adverse impacts to community resources (see Section 6.6.11 Community Character and Resources) and public health.
2. Utility easements of sufficient width must be provided to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements must be shown on the final plat.

Section 6.6.9 DEDICATION OF OPEN SPACE AND COMMON LAND

1. **Preservation of Open Space.** The preservation of open space is strongly encouraged, and will be required for Planned Unit Developments (PUDs) approved in accordance with the Salisbury Zoning Regulations. Designated open space may include the portion of a single-lot outside of the development envelope that is characterized by one or more of the features referenced in Section 6.6.11 Community Character and Resources or, where necessary, may encompass the contiguous boundaries of such features located on multiple lots. Open space should be designated in accordance with the town's PUD standards and the legal requirements set forth in Subsection (C), below.

2. **Creation of Common Land.** Land held in common for the preservation and maintenance of open space; the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies, recreation or community facilities, or recreation, including road and trails rights-of-way, may be held under separate ownership from contiguous parcels and will be subject to the legal requirements set forth below.
3. **Legal Requirements.** The DRB may require that protected open space be dedicated, either in fee or through a conservation easement approved by the Board, to the Town of Salisbury, a community association comprising all of the present and future owners of lots in the subdivision, or a non-profit land conservation organization. At a minimum, designated open space must be indicated with appropriate notation on the final plat. Land held in common will be subject to deed restrictions stipulating the permitted and restricted use of the property, and establishing the person or entity responsible for maintenance and long-term stewardship. All costs associated with administering and maintaining open space or common land will be the responsibility of applicant and subsequent landowners.

Section 6.6.10 DISCLOSURE OF SUBSEQUENT DEVELOPMENT PLANS

Whenever an applicant submits a proposal for development on a minor portion of a parcel, the Board may require a general indication of the intended uses of the remaining portion of land. Such an indication should include access, type of use, intensity of use, and phasing.

Section 6.6.11 COMMUNITY CHARACTER AND RESOURCES

To make a determination about the suitability of the land for subdivision, the Board may require that applicants provide a detailed site analysis identifying any of the resources described below, the impact of the proposed subdivision on those resources, and the protection measures proposed to avoid or mitigate those impacts.

Section 6.6.11.1 Establishment of Development Envelopes

The DRB may require the designation of development envelopes to protect the resources described below, and to ensure the maintenance or extension of district settlement patterns. Development envelopes, when required, must be configured to limit the location of site improvements on the subdivided lot, including principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements). In the event no development envelope is required, subsequent development on the subdivided lot must comply with all applicable zoning standards. The Board may require the identification of specific building footprints if, in their judgment, such information is required to meet the standards set forth in these regulations.

Section 6.6.11.2 Wetlands, Floodplains and Surface Waters

Subdivision boundaries, lot layout and development envelopes shall be located and configured to avoid any adverse impact to Class II wetlands, floodplains, lakes, ponds, streams and rivers. Methods for avoiding such impacts include the following:

1. Lot boundaries should be configured to prevent the fragmentation of floodplain or Class II wetlands unless appropriate legal mechanisms are put in place to ensure permanent protection.

2. Development envelopes and the layout of roads, driveways and utilities should be located and sized to avoid adverse impacts on wetlands, floodplains or surface waters. At a minimum, development envelopes and associated site improvements must be setback the minimum distance required under existing zoning regulations.
3. Shoreline, riparian areas and wetlands, and adjacent buffer lands, should be designated as open space.

Section 6.6.11.3 Steep Slopes, Prominent Hilltops and Ridgelines

Subdivision boundaries, lot layout and development envelopes should be located and configured to minimize disturbance to slopes greater than 10 percent, to avoid disturbance to slopes in excess of 25 percent, and to avoid the placement of structures on prominent hilltops and ridgelines. Methods for avoiding such adverse impacts include the following:

1. Development envelopes should be located to exclude steep slopes, prominent hilltops and ridgelines.
2. No development envelopes will be located on slopes in excess of 25 percent. In the event that development on slopes between 10 and 25 is necessary to achieve the most desirable subdivision design for a site, the Board shall limit clearing, excavation, filling on such lands to the greatest extent practical. The Board may require the preparation and implementation of an erosion control plan for the property as a condition of approval.
3. Development envelopes should be located and configured so that the height of any structure placed on the site after subdivision will not visually exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure, and shall be located down-slope of ridgelines and prominent hilltops.
4. Access roads, including the conversion of logging roads to private roads or driveways, and utility corridors, should use or share existing accesses and rights-of-way where feasible; follow existing contours to achieve angled ascents, and avoid areas of steep slope.
5. Land characterized by steep slopes, shallow soils, prominent knolls and ridgelines should be designated as open space.
6. Applicant shall also demonstrate compliance with Sections 4.1.5, 4.1.6, 4.1.7 and 4.1.9 of these Regulations

Section 6.6.11.4 Wildlife Habitat and Natural Areas

Subdivision boundaries, lot layout and development envelopes should be located and configured to minimize adverse impacts on critical wildlife habitat, including travel corridors, and natural areas identified in the Salisbury Town Plan, by the Vermont Department of Fish and Wildlife, or through site investigation. Methods for avoiding such adverse impacts include the following:

1. Development envelopes should be located to exclude identified natural areas and wildlife habitat, including deer wintering areas and other critical habitats. A buffer area of adequate size, as recommended by existing Vermont Agency of Natural Resources guidelines where possible, should be established to ensure the protection of critical habitat.
2. To avoid the fragmentation of natural areas and wildlife habitat, including large tracts of forest land and undeveloped corridors that allow wildlife to travel between larger tracts of core habitat, the Board may require the submission of a wildlife habitat assessment, prepared by a wildlife biologist or comparable professional, to identify the function and relative value of impacted habitat and provide recommended management strategies to

maintain or enhance those values and function. The Board may also consult with Vermont Fish and Wildlife Department staff prior to issuing a decision.

3. Roads, driveways and utilities should be designed to avoid the fragmentation of identified natural areas and wildlife habitat.
4. Identified natural areas and critical wildlife habitat should be designated as open space.
5. Conserve opportunities for wildlife movement by maintaining tree cover on both sides of roads at least once every 200 feet.

Section 6.6.11.5 Historic and Cultural Resources

Subdivision boundaries, lot layout and development envelopes should be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the Salisbury Town Plan, by the Vermont Division for Historic Preservation, or through site investigation. Methods to minimize adverse impacts include the following:

1. Historic features, including stonewalls and cellar holes, should be preserved and integrated into the subdivision design (driveways or lot lines may follow stone walls, for example) to the extent practical.
2. Prior to development on sites that have been identified as being archaeologically sensitive in the Town Plan, the DRB may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource or recommend strategies for its protection.
3. The subdivision of land should be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

Section 6.6.11.6 Farmland

Subdivision boundaries, lot layout and development envelopes should be located and configured to avoid the encroachment of development onto prime and statewide agricultural soils and other open farmland. Methods for avoiding such adverse impacts include the following:

1. Development envelopes should be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
2. Buildings and associated building lots should be clustered to avoid the fragmentation of productive farmland. Land characterized by prime agricultural soils should not be subdivided in a manner that will prevent agricultural use.
3. Vegetated buffer areas may be required to buffer agricultural operations from other uses to minimize land use conflicts.
4. Access roads, driveways and utility corridors should be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, should follow these to minimize the fragmentation of agricultural land and visual impacts.
5. Intact parcels of productive farmland should be designated as open space; conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required.

Section 6.6.11.7 Settlement Patterns

All subdivisions should be designed and configured to reflect the desired settlement pattern for the respective district(s) in which the subdivision is located, as defined by the Salisbury Zoning Regulations and the Salisbury Town Plan.

Section 6.6.12 STORM WATER MANAGEMENT AND EROSION CONTROL

In addition to the requirements in Section 4.1.5 of these Regulations regarding erosion control, applicants shall demonstrate they have controlled erosion sufficient to satisfy the following criteria:

1. Temporary and permanent storm water management and erosion control measures must be incorporated into subdivision design and layout to control surface runoff and prevent sedimentation and water pollution on-site and downstream from the proposed subdivision.
2. The DRB should require the preparation and implementation of storm water management and sedimentation and erosion control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, will not unduly impact neighboring properties or surface waters and shall require this information for subdivisions proposing development on slopes greater than 10% . The DRB may require that such plans be prepared by a licensed Vermont engineer and must include provisions for the long-term maintenance of storm water management and erosion control facilities. In approving a storm water management or an erosion control plan, the Board may consult with appropriate local and state officials.
3. When a storm water management plan is required, control of storm water runoff flows from all impervious surfaces must be accomplished by limiting the post-development peak discharge rate from the subdivision so that it does not exceed the pre-development peak discharge rate from the site for a 2-year, 24 hour event (2.4" of water within 24 hours). Additional control of treated storm water may be required if site specific considerations warrant the attenuation of larger storm events.
4. If a subdivision will result in changes in flow type, flow channel, increased storm water discharge or flooding in areas not owned or controlled by the applicant, the applicant must secure appropriately sized easements for all areas of flow or flooding on affected properties. Suitable land use restrictions will be included in easements to prevent any activity that may affect drainage across the area.
5. Areas of soil exposed during construction must be protected in accordance with standards of the Vermont Department of Environmental Conservation, the U.S. Natural Resource Conservation Service or other appropriate regulatory body. Permanent vegetation and erosion control measures must be established according to a schedule as required by the DRB. The Board also may require the phasing of construction to reduce the amount of land disturbed at any one time, and may stipulate deadlines for the installation of temporary and permanent erosion control or stabilization measures.

Section 6.6.13 MUNICIPAL FACILITIES AND SERVICES

1. **Capacity.** The proposed subdivision must not create an undue burden on municipal facilities or create an unreasonable demand for public services. The DRB may require the phasing of development to coordinate the anticipated demand for municipal facilities and services with the planned provision of those facilities and services, in accordance with a duly adopted capital budget and program. In determining whether a subdivision will place an undue burden on facilities or services, the Board may consult with the appropriate municipal body or officials.

2. **Emergency Service Facilities.** Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the DRB after consultation with the Fire Chief. The Board will require documentation from the Salisbury Volunteer Fire Department or other emergency service providers as to the adequacy of emergency access and fire protection facilities. Where required by the Board, fire ponds and dry hydrants shall be installed by the developer.

Section 6.6.14 ROADS, DRIVEWAYS AND PEDESTRIAN ACCESS

Section 6.6.14.1 Applicability

These standards apply to all proposed public roads and to private roads attendant to a subdivision serving three or more lots. In addition, these standards may be applied to private roads serving two or fewer lots attendant to a subdivision if the DRB determines such standards are necessary to provide suitable access or to accommodate anticipated future subdivision.

Section 6.6.14.2 Acceptance of Private Roads

Acceptance of private roads by the town is subject to the approval of the Salisbury Select Board pursuant to state law for the laying out of public rights-of-way. Construction of roads to these standards in no way ensures such acceptance. In the event the Salisbury Select Board agrees to accept a road associated with an approved subdivision, the terms of acceptance, including road construction standards, inspection, and maintenance, will be prescribed in an agreement approved by the Select Board. Such agreement may be included as a condition of subdivision approval, and such approval may specify the timing of development on subdivided lots to ensure coordination with the terms of the agreement between the Select Board and applicant.

Section 6.6.14.3 Road Design

All roads serving proposed subdivisions must be designed in accordance with applicable municipal road policies adopted and administered by the Select Board, and should generally conform to the dimensional and geometric design standards for local roads and roads contained within the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, dated October, 1997, or as most recently amended. Minimum design standards include the following:

1. Rights-of-way for all roads will be a minimum of 25 feet in width.
2. To ensure adequate safety and service, the width of travel lanes and shoulders will be based on average daily traffic (ADT) and design (anticipated posted) speeds.
3. Lower design and posted speeds may be considered to avoid or minimize impacts to historic, architectural, scenic, natural or other resources; to avoid excess costs of construction; or to better comply with the policies of the town plan.
4. Wider travel lanes or shoulders may be required as appropriate to road function (such as for on-road parking, emergency vehicle access, snow removal, or collector and arterial roads), or to safely accommodate shared use by bicycles.
5. Permanent dead end roads and cul-de-sacs will be discouraged unless deemed necessary by the Board due to physical site limitations or safety considerations. No dead end road will be permitted without a suitable turn around at its terminus. "T" or "Y" configurations suitable to topography are preferred, but a cul-de-sac with a radius of not less than 30 feet

may also be considered as appropriate. The DRB may require easements from the terminus of any dead end or cul-de-sac to the property boundaries to allow for future through road connections.

6. Roads should logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads. Road grades should be consistent with local terrain. Maximum road grade cannot, for any 50-foot section, exceed an average grade of 10 percent.
7. Techniques for the preservation of scenic road corridors and streetscapes should be employed for the construction and maintenance of roads within designated scenic or village areas, including but not limited to the selection of visually compatible materials, the preservation of existing features, and the management of vegetation within the road corridor.
8. The placement of structures or materials within the road right-of-way, including mail boxes, signs or landscaping, will be subject to the standards set forth in these regulations, the Salisbury Zoning Regulations, and municipal policies and ordinances regarding road and highway maintenance. No such structure or materials shall be placed in a manner that impairs visibility (sight distance) from any road or driveway intersection.

Section 6.6.14.4 Road Construction Standards

Road construction, including specifications relating to the crown, grade, sub-base and surfacing, must conform to the Vermont Agency of Transportation's *Standards for Residential and Commercial Drives* (B-71) as most recently amended. Driveway construction, including specifications relating to the crown, grade, sub-base and surfacing, must conform to the Vermont Agency of Transportation's Standards as most recently amended.

Section 6.6.14.5 Intersections

A new or relocated road, and any driveway, must be located so that:

1. A safe sight stopping distance is provided, as determined by probable traffic speed, terrain, alignments and climatic extremes. Generally, sight distance should be 11 times the speed limit;
2. The intersection intersects the existing road at an angle of between 70 and 90 degrees;
3. The intersection grade does not exceed plus or minus three percent, and;
4. No structure or planting is situated to impair visibility.

Section 6.6.14.6 Drainage and Stormwater

A storm water drainage system must be provided that is designed to control and accommodate storm water collected on all proposed roads and parking areas in accordance with Section 6.6.12 Storm Water Management and Erosion Control of these regulations. Roadbeds, shoulders, ditches and culverts should be designed and maintained in conformance with the *Vermont Better Backroads Manual*, as most recently amended.

Section 6.6.14.7 Coordination with Adjoining Properties

The arrangement of roads in the subdivision should provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection,

movement of traffic and construction or extension, presently or when later required of needed utilities and public services.

Section 6.6.14.8 Access Management

To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, the following access management standards will apply to all subdivisions:

1. All road access will be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Salisbury Select Board in the case of town roads. Access to all lots created by subdivision of any such parcel and to all buildings or other land development to be located upon them will be only from such permitted access road or driveway. .
2. Shared driveways and internal development roads should be used to reduce the number of access points from the subdivision to state or town roads.
3. If a subdivision has frontage on primary and secondary roads, access must be from the secondary road unless the Board determines that topographic or traffic safety conditions make such an access unpractical.
4. Where extensions of new roads could provide future access to adjoining parcels, a right-of-way shall be provided within the subdivision.
5. The creation of reserved strips will not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.
6. Lots shall be limited to a single access unless a second access would result in greater safety.
7. No access shall be constructed within 10 feet of a neighboring property unless the driveway will act as a shared access.
8. No access or intersection shall be within 100 feet from a road intersection or another driveway unless the driveways or roads oppose each other.
9. Sight Distance – All accesses and intersections must have a safe line of sight so as to prevent the construction of blind or hidden driveways and roads.
    a. A vehicle operator preparing to exit should be able to see unobstructed a minimum of 400 feet in either direction when entering a 50 mph zone. The sight distance drops to 275 feet for a 40 mph zone and 200 feet for a 30 mph zone. Nothing should be erected, placed, planted, or allowed to grow in the triangle of vision so as to impair the vision of the motorist.
    b. No access shall be constructed closer than 500 feet from a sharp curve, hill or blind area in a 50 mph zone. This minimum corner distance drops to 440 feet at 40 mph, and 330 feet at 30 mph.

Section 6.6.14.9 Traffic and Road Capacity

Traffic generated by the proposed subdivision must not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The Board may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, to be paid for by the applicant. The implementation of mitigation measures, including required road improvements necessitated by the subdivision, will be the responsibility of the applicant as follows:

1. Where an existing access road is inadequate or unsafe, the DRB may require the applicant to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards.
2. In situations where a development may require the realignment, widening or an increase in the capacity of an existing road, or where the town plan or capital program indicates that such improvements may be required in the future, the applicant may be required to reserve land for such improvements.
3. In the case of subdivisions requiring construction of new roads, any existing road that provides either frontage to new lots or access to new roads must meet these standards.
4. Where a subdivision requires expenditures by the town to improve existing road(s) to conform to these standards, the DRB may disapprove such subdivision until the Select Board certifies that funds for the improvements have been ensured. The applicant may be required to contribute part or all of the expenses involved with road improvements necessitated by the project.

Section 6.6.14.10 Road Names and Signs

Roads must be named in accordance with Salisbury road naming policies, as approved by the Select Board. Road names must be identified on signs designed and located in accordance with the town policy, and must be clearly depicted on the final plat. The town, at its sole discretion, may assume responsibility for providing and installing road name signs.

Section 6.6.14.11 Modification of Road Standards

In the case of unusual topographic conditions or other circumstances that would make the strict adherence to these standards a substantial hardship, the Board may modify the strict application of one or more of these standards providing the applicant can demonstrate that the proposed road:

1. Is accessible by emergency response vehicles;
2. Does not pose any threat to the safety of motorists or pedestrians;
3. Will not result in unreasonable maintenance requirements for landowners; and
4. Is designed in a manner that is consistent with other applicable standards of these regulations.

Section 6.6.14.12 Pedestrian Access

The DRB may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities.

1. The Board may require, in order to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least 20 feet in width. Easements must be indicated on the plat.
2. The Board may require sidewalks along internal subdivision roads. Sidewalks may also be required to connect to any existing sidewalks on adjoining properties.

Section 6.6.14.13 Maintenance

The Board may require documentation and assurance that all proposed roads and rights-of-way will be adequately maintained either by the applicant, a homeowners' association or through other legal mechanisms. Such documentation must be in a form approved by the Board and filed in the Salisbury Land Records.

Section 6.6.14.14 Upgrade to Existing Roads

Where an existing road is inadequate or unsafe, the DRB, in consultation with the Select Board, may require the applicant to upgrade the road to the extent necessary to serve emergency vehicles and additional traffic resulting from the subdivision, and to conform to the Town's highway standards. In situations where a development may require realignment, widening or otherwise increasing the capacity of an existing road, the applicant may be required to reserve land for such improvements. Any existing road that provides either frontage to new lots or access to new roads also shall meet these requirements. Where a subdivision requires expenditures by the municipality to improve existing roads to conform to these standards, the DRB may disapprove such subdivision until the Select Board certifies that funds for the improvements have been ensured; or the applicant may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

ARTICLE VII: FLOOD HAZARD REGULATIONS

SECTION 7.0 APPLICATION PROCEDURES

Development within the Flood Hazard Overlay Area shall only be allowed for those uses permitted within the Flood Hazard Overlay Area as described in Section 2.4.8 of these Regulations after review and approval of the proposed development following the requirements of a Conditional Use Review as required in Sections 3.4-3.48 of these Regulations.

Applicants for conditional use development in the Flood Hazard Overlay District, including the repair, relocation, or enlargement of a non-conforming structure within the Flood Hazard Overlay District, shall apply following the procedures for application Contained in Section 3.4.3 of these regulations and the following additional requirements:

1. A copy of the application is mailed or delivered by the Zoning Administrator or Clerk of the DRB to the Agency of Natural Resources; and
2. Either 30 days elapse following the mailing or the Agency delivers comments on the application.

SECTION 7.1 ADDITIONAL SPECIAL FLOOD HAZARD CRITERIA

In accordance with the provisions of 24 V.S.A. § 4424, the DRB may approve permitted development or the repair, relocation, replacement or enlargement of an existing non-confirming structure located within the Flood Hazard Area, subject to applicable state and federal regulations, if it finds that:

1. The repair, relocation or enlargement of a non-conforming structure is required for the continued economically feasible operation of a non-residential enterprise.
2. The repair, relocation or enlargement of a non-conforming structure or development will not result in increased flood levels in the designated regulatory floodway, increase the risk of other hazard in the area, or threaten the health, safety or welfare of the public or other property owners.
3. The permit granted states that the repair, relocation or enlargement of a non-conforming structure or new development is located in a regulated flood or other hazard area, does not conform to the bylaws pertaining to that area, or in the case of new development constitutes a very limited exception to these Regulations and will be maintained at the expense of the owner;
4. It has considered comments received from the Department of Environmental Conservation prior to taking action on the request for a permit.

SECTION 7.2 INTERPRETATION OF DISTRICT BOUNDARIES

The Zoning Administrator shall determine the boundaries of any designated area of special flood hazard by utilizing the official map.

SECTION 7.3 APPEALS

An "interested person," as defined in 24 V.S.A. §4465, may appeal a decision of the DRB to the Environmental Court in accordance with the provisions of 24 V.S.A. § 4471 as outlined in Section 3.9 of these Regulations.

SECTION 7.4 WARNING OF 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 Salisbury or any town official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made there under.

SECTION 7.5 PRECEDENCE OF REGULATIONS

The provisions of these regulations shall take precedence over any conflicting and less restrictive local laws.

SECTION 7.6 ANNUAL REPORT TO FEMA

1. The Zoning Administrator shall, to the extent possible, submit to the FEMA Administrator the information required by the FEMA annual report form with respect to the administration and enforcement of these flood hazard area regulations.
2. A copy of the annual report shall be submitted to the state-coordinating agency.

ARTICLE VIII: DEFINITIONS

These definitions define important words or phrases used in these Regulations. Words, phrases and terms not defined in these Regulations shall have their usual and customary meanings or meaning as defined in the Act, except where the context clearly indicates a different meaning. The Salisbury Planning Commission shall clarify doubt as to the precise meaning of any word used in these Regulations

ABUTTER: The owner of record of a parcel of land that is contiguous at any point to the parcel subject to an application by having a common border, or being separated from such a common border by a right-of-way, alley, easement, or public roadway wholly owned by a governmental entity.

ACCESS : The point at which a parcel intersects with and accesses a town road, state highway or public waters. New accesses to town roads shall require a permit from the Select Board. New accesses to state highways shall require a permit from VTrans.

ACCESSORY DWELLING UNIT: An accessory dwelling within a principal dwelling or structure accessory to it that meets the standards of Section 5.1. See definition of dwelling and principal dwelling.

ACCESSORY USE: A use which is: clearly and customarily related to the existing or proposed primary use or structure of the lot and clearly incidental and subordinate to the primary use or structure of the lot.

ACCESSORY STRUCTURE: A structure which is: clearly and customarily related to the existing or proposed primary use or structure of the lot and clearly incidental and subordinate to the primary use or structure of the lot.

ACT, THE: As used herein, the Vermont Municipal and Regional Planning and Development Act (Act 200), designated as Title 24 of the Vermont Statutes Annotated (V.S.A.), Chapter 117.

AGRICULTURAL USE: Land area of at least two acres that is used for agricultural purposes. The term "agricultural purposes" shall mean agriculture, farming, dairy, pasturing, silviculture, and animal and poultry husbandry. The term "agricultural purposes" shall not include the slaughtering of animals and/or poultry for commercial purposes. Agricultural Use shall include temporary housing for seasonal labor, not to exceed four months; or, as an accessory use, selling agricultural products of which more than 50% are raised on the property.

AGRICULTURE: As defined by the Vermont Secretary of Agriculture, to include the use of land or structures for the growing and harvesting of crops; raising of livestock, raising of horses, operation of orchards, including sugar bushes; and the sale of farm produce on the premises where it is produced.

ALTERATION: Exterior structural change, change of location or addition to a building.

APPLICANT: Any person, firm, corporation, partnership, association, unincorporated organization, trust or any other commercial or legal entity, including a joint venture of affiliated ownership which owns or controls the tract or tracts of land to be developed or subdivided, who shall lay out for the purpose of the sale or development any subdivision or part thereof as defined herein, either for himself or others.

APPROVAL: A written decision by the DRB or Zoning Administrator sent to the applicant and any interested parties stating that the final plan meets the requirements of these Regulations. Such approval may include conditions to be met by the applicant, which shall run with the land and be applicable to future owners.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain 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 FIRM or in the absence FIRM, on the FHBM. It does not include Zones B and C.

AUTHORIZED AGENT: A person or group of persons who have been duly authorized, in writing filed with the Zoning Administrator or DRB by the owner of record to act on his or her behalf.

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

BED AND BREAKFAST: A building or group of buildings in which up to eight of the rooms are used for the purpose of providing overnight lodging facilities on a short-term basis to the general public for compensation, with breakfast being the only meal served.

BOARD: The Salisbury Development Review Board (also referred to as DRB).

BOUNDARY ADJUSTMENT: Any adjustment to lot line between two adjoining parcels which creates no new building lots and which will have no impact on roads, right of way, or other public facilities.

BOUNDARY LINE SETBACK: Distance from the nearest point of a structure to the boundary line of the parcel.

BUFFER: A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen visual or physical impacts of development on surface waters, wetlands and other natural and scenic areas.

BUILDING: Enclosed or covered structure intended to house persons, animals or personal property.

BUILDING HEIGHT: Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof ridge.

BY-RIGHT USE: A use which is permitted by obtaining a permit from the Zoning Administrator.

CAMP, PRIMITIVE: A dwelling that has no supply of running water and no wastewater disposal system. A camp must have an acceptable documented method of disposing of human wastes either on or off the property as a prerequisite to its use for any length of time.

CAMPER: Any vehicle mounted on wheels and used as sleeping, camping or living quarters. This includes a camper body, which is mounted on a truck, or a motor home.

CEMETERY: Area set aside for interment of remains.

CHILDCARE HOME: A facility within a single-family dwelling for the care of children that meets the standards of Section 5.2. See definition of dwelling and single-family dwelling.

CLINIC: A facility used by members of the medical profession for the diagnosis and outpatient treatment of human ailments.

COMMERCIAL SUMMER CAMP: A facility offering recreational and/or educational experiences for children during the summer.

COMMISSION: The Salisbury Planning Commission.

COMMON LAND: Land within a development or subdivision that is not individually owned or dedicated for public use, but which is intended to be held in common, for use, enjoyment, management and maintenance by the residents of the development or subdivision. Such land may include but not be limited to open space areas, parking lots, pedestrian walkways, utility and road rights-of way.

COMMUNITY CENTER : Any meeting hall, place of assembly, museum, art gallery, literary school, church or other similar type of establishment which is not operated for profit.

COMMUNITY SEWAGE DISPOSAL SYSTEM: Any wastewater disposal system other than a municipal sewage disposal system, owned by the same person or persons, that disposes of sewage for domestic, commercial, industrial or institutional uses to two or more users or customers.

COMMUNITY WATER SYSTEM: Any water system, other than a municipal water system, owned by the same person or persons that supplies water for domestic, commercial, industrial, or institutional uses to two or more users or customers.

CUL-DE-SAC: A road intersecting another road at one end, and terminated at the other end by a vehicular turnaround.

CURB CUT: Access point to a public road.

DEER WINTERING AREA: Those areas identified and depicted on the Statewide Deer Wintering Area GIS layer and map produced by the Agency of Natural Resources, Department of Fish and Wildlife, as it may be updated or modified by direct field observations. A copy of the map for Salisbury is available at the Town Office or may be viewed on the Vermont Agency of Natural Resource's website.

DEVELOPMENT: See Land Development

DEVELOPMENT ENVELOPE: A specific area delineated on a lot within which all structures and other designated site improvements (e.g., parking area) are to be located, and outside of which no structures are to be located. The Board may, as a condition(s) of plat approval, limit other site development activities, such as altering ground cover by cutting, outside of the building envelope.

DRAWING: See sketch plan.

DRIVEWAY: A minor, private travel way, serving one parcel, which provides vehicular access from an adjoining road to a parking space, garage or other structure. See also Road.

DWELLING: Structure or part of a structure used as separate living quarters containing cooking, sleeping and sanitary facilities for one household. This definition specifically excludes bed and breakfast and lodging facilities. Also see definitions for single-family, two-family, multi-family, principal and seasonal dwellings.

DWELLING, MULTI-FAMILY: A structure containing three or more dwellings each inhabited by a single household living independently of the others.

DWELLING, PRINCIPAL: An owner-occupied, single-family dwelling.

DWELLING, SINGLE-FAMILY: A structure containing one dwelling inhabited by a household.

DWELLING, TWO-FAMILY: A structure containing two dwellings inhabited by two households living independently of each other. Also see definition of dwelling.

ENERGY GENERATING FACILITY: The use of land or structures for the generation of electric power through the conversion of thermal, steam, wind, solar or hydro energy. This definition specifically excludes any facility that requires state review under Act 248.

EROSION CONTROL: Measures to prevent the detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice and gravity.

EXISTING STRUCTURE: A structure that is substantially intact as of the date these regulations are approved.

EXCAVATION: Substantially changing the contour of the land or extraction of sand, soil or gravel or other natural resources from the ground.

EXTRACTION: Removal of sand, soil, gravel, or other natural resources from the ground.

FARMING: See the definition in 10 V.S.A. § 6001(22).

FARM STAND: A structure used to sell agricultural products, of which at least 50% are produced on the farm property.

FEMA: Federal Emergency Management Agency.

FENCE: Structure used primarily for enclosure or screening.

FHBM. FLOOD HAZARD BOUNDARY MAP: An official map of a community, on which the Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FHBM is issued before the FEMA has conducted a flood study of the community.

FINAL SUBDIVISION PLAT: The final drawings on which the subdivision is presented to the DRB for approval and which, if approved, shall be signed by the appropriate municipal official(s) and filed for record in the Town land records.

FIRM: FLOOD INSURANCE RATE MAP: An official map of a community, on which the Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM is issued after the FEMA has completed a flood study of the community.

FLOOD: Inundation of land that is normally dry. The base flood referred to in these regulations is the flood having a one percent chance of being equaled or exceeded in any given year.

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.

FLOODPROOFED OR FLOOD PROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which substantially reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FORESTRY: The use and management of timberland for the purposes of conservation or wood production and timber harvesting. This definition specifically excludes sawmills, lumber yards and other similar facilities used for the processing or manufacturing of wood and wood products, with the exception of portable sawmills and other temporarily located equipment used on site in association with timber harvesting activities.

FRONTAGE: The distance that a lot fronts a road, measured along the road right-of-way from the intersection of one property boundary to the intersection of the other property boundary. Where a lot fronts on public waters and not a public road, the distance will be

measured along the mean waterline. Interior lots shall demonstrate that they are served by a right-of-way approved by the DRB and that the lot line closest and roughly parallel to the public road or water includes enough frontage to satisfy the requirements contained in Article II for the district in which the lot is located.

FUEL STORAGE AND DISTRIBUTION FACILITY: A facility for storage and distribution of fuels including wood, wood chips, pellets, oil, gas.

GARAGE SALE: See tag sale.

GROUP HOME: The use of a single-family dwelling to house and care for up to eight people who have a handicap or disability or who are elderly in accordance with Section 5.3. See definition of single-family dwelling.

HISTORIC STRUCTURE: A structure that is at least 100 years old or a structure that is listed on the National Register or the State Register of Historic Places.

HOME OCCUPATION: Accessory use conducted within a minor portion of a dwelling by the residents thereof, which is clearly secondary to the residential uses, is customary in residential areas, and does not have an undue adverse effect upon the character of the area.

HOME-BASED BUSINESS: Salisbury desires to provide residents with reasonable economic opportunity by encouraging local enterprises of suitable size and scale for their location. The conditional use review process for home-based businesses is used to allow flexibility above the statutory floor set by home occupations while protecting the rights of neighboring property owners from undue adverse impacts. A home-based business must be operated by a resident of the dwelling and be operated within a space of less than 600 square feet in the dwelling or in an existing accessory building. There may not be more than one full-time-equivalent employee who is not a resident of the dwelling unit. Professional services and retail shops may be home-based businesses. Activities that may not constitute home-based businesses include, but are not limited to: smelters or blast furnaces; slaughterhouses, rendering plants, hide tanning or curing plants; manufacture or processing of fertilizer, bone, rubber, asphalt, ammonia and/or chlorine; manufacture or refining of petroleum, gas or explosives; bulk storage of wholesale fuel oil, butane, propane or gasoline; junkyards, machinery wrecking yards, and unenclosed manufacturing or processing of goods.

HOTEL: A building or group of buildings in which more than 24 rooms are used for the purpose of providing overnight lodging facilities to the general public on a short-term basis for compensation, with or without meals. A hotel may also include, as accessory to the principal use, dining, convention, meeting and recreation facilities that are open to the general public.

IMPERVIOUS SURFACE: Man-made surfaces including, but not limited to, paved and gravel roads, parking areas, roofs, decks, patios, driveways and walkways, from which precipitation runs off rather than infiltrates.

INN: A building or group of buildings in which 24 or fewer rooms are used for the purpose of providing overnight lodging facilities to the general public on a short-term basis for compensation, with or without meals. An inn may include common dining, meeting, event, recreation and service facilities for the use of guests. An inn may also include, as accessory to the primary use, dining, meeting and recreation facilities that are open to the general public.

INTERESTED PERSON: Any interested person means the applicant or any one of the following:

1. A person owning or occupying real property in the immediate neighborhood of a property that is the subject of any decision or act taken under these Regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
2. Any ten persons who may be any combination of voters or real property owners within the Salisbury who, by signed petition to the appropriate municipal panel of the municipality, the plan or bylaw of which is at issue in any appeal, allege that any relief requested by a person under these regulations, if granted, will not be in accord with the policies, purposes, or terms of the plan or these regulations. This petition must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
3. Any department and administrative subdivision of the state owning property or any interest in property within Salisbury, and the Vermont agency of commerce and community development.

An "interested person" who has participated in a proceeding before the DRB may appeal a decision rendered in that proceeding to the Environmental Court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. Please see 24 V.S.A. § 4465 for a more complete definition.

JUNK MOTOR VEHICLE: A discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, or one other than an on-premise utility vehicle, which is allowed to remain unregistered for a period of ninety (90) days from the date of discovery.

JUNK/SALVAGE YARD - any place of outdoor storage or deposit that is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap procession facility. Also, any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for the storing or keeping of junk, or materials that are customarily discarded. These are not permitted in any district.

LAKE SETBACK: Distance from the nearest point of a structure to the mean high water line of the lake.

LAND DEVELOPMENT: The construction, reconstruction, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill, or any road or driveway construction or paving, or any change in the use of any building or other structure or land, or extension of use of land.

LAWN SALE: See tag sale.

LICENSED JUNK YARD: Any place of outdoor storage or deposit licensed by the State of Vermont in accordance with the provisions of Title 24 V.S.A. Chapter 61.LOADING SPACE: Off-road space which is at least twelve feet wide, forty feet long, and at least fourteen feet high, not including access driveway, and having direct access to a road, used for the temporary location of one licensed motor vehicle.

LOT COVERAGE: The portion of a lot covered by man-made impervious surfaces, including but not limited to roofed buildings; covered or uncovered decks, patios or terraces; and paved or gravel roads, driveways and parking areas (expressed as a percentage).

LOT DEPTH: Mean horizontal distance from the road edge to the rear lot line. Where a lot fronts on public waters but not a public road, "mean high water line" shall replace "road edge" in this definition.

LOT FRONTAGE: See frontage.

LOT: Any parcel (see definition of parcel) of land whose boundary descriptions appear in a recorded deed or filed plat, or a portion of a parcel that is or will be subdivided according to these regulations .

MAJOR SUBDIVISION: Major subdivisions include: (i) the creation of three or more new lots (making a total of four or more lots) from a parcel over a ten-year period regardless of any change in property ownership; (ii) any subdivision of land that requires the installation of a new road or shared facilities such as community water or wastewater systems; (iii) modifications to approved subdivisions that will substantially alter the nature of the subdivision or conditions of approval; (iv) any subdivision that includes one or more commercial lots; or as otherwise determined by the DRB.

MAP: A map constitutes a document prepared to scale accurately depicting existing or proposed infrastructure. It need not be accurate to the degree of a final survey plat, but its scale should be much more reliable than a drawing.

MARINA: A facility offering repair, supplies, and services for boats and boaters.

MEAN HIGH WATER LINE: For the purposes of these Regulations, the mean high water line for Lake Dunmore shall be the place on the shoreline where vegetation visibly stops growing because of high water.

MINOR SUBDIVISION: The creation of not more than two new lots (making a total of three lots) from a parcel over a ten-year period, regardless of any change in property ownership. A minor subdivision may include a shared driveway but shall not require the installation of a road. Minor modifications to approved subdivision plans that will not substantially change the nature of any previous subdivision or conditions of approval will also be reviewed as minor subdivisions. (Also see Single-Lot Subdivision)

MOBILE HOME: A structure or type of manufactured home that is built on a permanent chassis, transportable in one or more sections, designed to be used as a dwelling with or without a permanent foundation, and meets the requirements of 10 V.S.A. §6201(1).

MOTOR VEHICLE SERVICE STATION: Any lot or area of land, including the building or buildings, which has commercial facilities for lubricating, washing, painting, repairing or servicing motor vehicles. Motor vehicle service stations do not include the retail sale of gasoline or fuel.

NEW CONSTRUCTION: Structures commenced on or after the effective date of these regulations.

NONCONFORMING LOT, USE, OR STRUCTURE: Lots, uses, or structures that do not conform to the present bylaws but were previously in conformance with all applicable laws, ordinances, and Regulations, including a lot, use or structure improperly authorized as a result of error by the Zoning Administrator as per 24 V.S.A. § 4303 (14).

OPEN SPACE: The undeveloped portion of any development parcel(s) which is not occupied by buildings, roads, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or for the protection of natural areas.

OUTDOOR WOOD-FIRED BOILER – A fuel burning device designed: (1) to burn primarily wood by hand-firing; (2) not to be located within structures ordinarily occupied by humans; and (3) to heat spaces or water by the distribution through pipes of a fluid heated in the device, typically water.

OUTER LIMITS: Boundaries depicting the maximum extent of Zone A (100-year flood level) areas as depicted on flood insurance rate maps (FIRMs) prepared by the Federal Emergency Management Agency (FEMA).

PARCEL: All contiguous land in one ownership. Land separated by a public road is not considered contiguous. Land separated by a river or stream is considered contiguous.

PARKING SPACE: An off-road space which is at least nine (9) feet in width and twenty-two (22) feet in length, not including any part of an access driveway, having direct access to a road or public right-of-way, to be used for the temporary location of one licensed motor vehicle.

PERFORMANCE BOND: A contractual obligation made by the applicant for the benefit of the Town protecting the Town against loss due to the inability of the applicant to install infrastructure, to repair infrastructure, to avoid damage to other property or to the environment, or to implement mitigation as may be required as a condition of a permit.

PERMANENT (YEAR-ROUND) DWELLING : A single-family, two-family or multi-family dwelling intended for occupancy and use ninety (90) days or more during the period between November 1st and April 30th of two consecutive calendar years, and during the remainder of both calendar years as well. A permanent dwelling has a supply of running water and a working wastewater disposal system.

PHASING: Development undertaken in a logical time and geographical sequence, typically to ensure that development is coordinated with the provision of services and facilities and will not result in adverse environmental impacts (e.g., erosion).

PLANNED UNIT DEVELOPMENT (PUD) : An area of land that is planned and developed as a single entity for a number of dwelling units or which may be combined with non-residential, institutional and/or industrial uses, either in a single development operation or in phased stages. Uses may be clustered to take advantage of site locations best suited for development and to preserve open space values. A Planned Unit Development includes both principal and accessory-use structures and uses substantially related to the character and purposes listed in Section 4.7(1). See §4417 of the Act and Section 4.7 of these regulations for a complete description of PUDs and the general and detailed plans, which are required for their approval. PUDs shall be reviewed pursuant to Article VI of these Regulations governing Subdivision concurrently with any other review necessary for the DRB to undertake.

PRELIMINARY PLAT PLAN: The preliminary maps for a major subdivision indicating the proposed layout of the subdivision to be submitted to the DRB for its consideration.

PRIMARY AGRICULTURAL SOILS: Soil types designated as "prime" or "statewide" by the United States Natural Resource Conservation Service.

PRIMITIVE CAMP: A dwelling that has no supply of running water and no wastewater disposal system. A camp must have an acceptable documented method of disposing of human wastes either on or off the property as a prerequisite to its use for any length of time.

PRIVATE ROAD: A road owned and maintained by anyone other than the Town or the State. (See ROAD)

PROFESSIONAL OFFICE: An office space intended for the conduct of business by persons such as architects, barbers, consultants, dentists, doctors, hair stylists, lawyers, accountants, realtors, or those engaged in other similar occupations.

PUBLIC ROAD: A road owned and maintained by either the Town or the State. (See ROAD).

QUARRYING: The removal of rock or minerals by means of open excavation to supply material for construction, industrial or manufacturing purposes. Quarrying includes any land development incidental to the removal of rock or minerals, and the enlargement of any existing quarrying operations.

REASONABLE USE: A use of real property that is allowed within the district in which the property is located that provides some (but not necessarily maximum) potential benefit to the owner and that does not lead to unreasonable interference with another's use of property. Reasonable use does not mean highest and best use; nor does it include accessory use, structures or additions that may be customary, but are not necessary, to the existing or intended principal use.

RECREATION, INDOOR: Bowling alley, theater, pool hall, arcade, skating rink, gymnasium, swimming pool, or other similar places of indoor recreation.

RECREATION, OUTDOOR: Low-impact dispersed outdoor commercial recreation including: a golf course or practice facility, outdoor educational facility, hunting preserve, skating rink, park, beach, swimming pool, cross-country skiing facility, playground, ball field, or other similar places of outdoor recreation.

RESIDENTIAL HEALTH CARE FACILITY: Any residential facility for the diagnosis or treatment of human ailments, including but not limited to hospital, sanitarium, nursing home, and convalescent home.

RESTAURANT: A public eating establishment in which the primary function is the preparation and serving of food.

RETAIL STORE : Any enclosed business concerned primarily with the sale of produce, products, goods, equipment, or commodities; excluding any drive-in facility, free-standing retail stand, gasoline or motor vehicle service station, motor vehicle sales facility, restaurant, or junk yard. Retail stores may serve food and beverage for on-premises consumption so long as less than 30% of the usable floor space of the store is devoted to that use.

RIDGELINE: The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps or elevations along the face of a slope.

ROAD: Any street, highway, avenue, road, lane or other way between right-of-way lines, commonly used for vehicular traffic and serving more than one lot. A road may be either public (owned and maintained by the town or the state) or private (owned and maintained by private owners).

ROAD SETBACK: Distance from the nearest point of a structure to the centerline of the road.

SEASONAL DWELLING OR COTTAGE: A single-family, two-family or multi-family dwelling intended for occupancy and use for a total of less than six months during the year. A seasonal dwelling has a supply of running water and a working wastewater disposal system.

SECRETARY : The Secretary of the Vermont Agency of Natural Resources.

SELL/SALE/SOLD: Actual performance of any agreement to sell whether or not a final deed has been delivered or recorded. Mere execution of a contract to sell shall not constitute a sale.

SETBACK: See boundary line setback, lake setback, or road setback.

SERVICE OR REPAIR FACILITY: Facility to provide services to residences or to commercial (not industrial) establishments. Examples include laundromat, dry cleaner, carpet cleaner, house or office cleaner, computer repair, appliance repair, or similar facilities.

SIGN: Any device, structure, building, or part thereof, for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

SINGLE-LOT SUBDIVISION: The division of one lot from a larger parcel, creating two lots. SILVICULTURE: The art and science of growing trees. See Forestry.

SKETCH PLAN: An informal sketch of the proposed subdivision, the purpose of which is to enable the sub-divider to reach general agreement with the DRB at the Discussion Phase as the form of the subdivision and objective and requirements of these regulations.

SLOPE: The deviation of a surface from the horizontal, usually expressed in percent or degrees.

SOLAR COLLECTOR: A device or structure, combination or part thereof, which transforms direct solar energy into thermal, chemical, or electrical energy.

SOLAR ENERGY SYSTEM: A complete design or assembly consisting of a solar energy collector, an energy storage facility, where used, and components for the distribution of transformed energy, to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems, those which use natural or architectural components to collect and store solar energy without using external mechanical power, are included in this definition.

STATE SOLID WASTE MANAGEMENT RULES: The Vermont Solid Waste Management Rules adopted pursuant to Title 10 V.S.A. Chapter 159.

STORM WATER MANAGEMENT: The collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating or filtering of surface water and/or runoff, together with applicable non-structural management techniques.

STREET: See ROAD.

STRUCTURE: Any assembly of materials for occupancy or use, including a building, trailer, sign, wall or fence. Any construction, or erection supported by piers, columns and/or walls, either open or enclosed, covered or uncovered, the use of which requires location on or in the ground, or attachment to something located on the ground. Above-ground and in-ground swimming pools and decks are considered to be structures. Exemptions are listed in Section 3.0.2 of these Regulations.

SUBDIVISION: The division of a lot, tract or parcel of land into two or more lots, tracts, sites, or other divisions of land for the purpose, whether immediate or future, of sale or land development. It includes re-subdivision and the division of a lot or parcel held in common ownership and subsequently divided into parts among the owners. PUDs and all other land development or structures on common interest ownership communities as defined in Title 27A of the Vermont Statutes Annotated shall be reviewed pursuant to Article VI of these Regulations.

SUBSTANTIAL IMPROVEMENT: 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 to a similar condition, 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 alternation of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TAG SALE: The temporary sale of miscellaneous personal items for not more than 4 days out of 30 consecutive days.

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

TELECOMMUNICATIONS FACILITY: Any device for transmitting and/or receiving electromagnetic waves and any and all other necessary supporting infrastructure including towers or control facilities.

TELECOMMUNICATIONS TOWER: A structure specifically designed to support telecommunications antenna. Pre-existing structures like silos or steeples adapted to serve as sites for telecommunications antenna shall not be considered towers for the purpose of this definition.

TOWN HIGHWAY, -see ROAD

TOWN PLAN: The *Salisbury Town Plan* as most recently adopted.

TOWN ROAD CLASSIFICATION: See 19 V.S.A. § 302.

USE: Any use of land or structures, including but not limited to any subdivision or development of land, construction, operation, repair, replacement or maintenance of any structures, facilities or infrastructure, and any other activities occurring upon or under any land or within any structures or facilities located on such land.

UTILITIES: Public service facilities for distribution/provision of electricity, telephone communications, data transmission, etc.

VARIANCE: A departure from the zoning bylaws which is granted or denied by the DRB. The conditions specified in 24 V.S.A. § 4469 must exist in order for a variance to be granted.

VETERINARY CLINIC/ANIMAL HOSPITAL: A building or premises for the medical or surgical treatment of domestic animals. The boarding of animals shall be limited to those animals whose overnight care is necessary for their treatment.

WAIVER: A departure from the dimensional standards of the zoning bylaws which is granted or denied by the DRB. The procedure and review criteria are specified in sections 3.7 – 3.7.5 of these Regulations.

WAREHOUSE: A structure or part thereof for storing goods, wares, and merchandise. A warehouse may include a wholesale establishment, discount house, bulk storage and bulk sales outlet.

WETLANDS: To include all wetlands identified on Vermont Wetlands Inventory maps as provided by the Vermont Agency of Natural Resources and/ or wetland areas identified through site analysis to be inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction pursuant to the Vermont Wetland Rules. A copy of the map for Salisbury is available at the Town Office or may be viewed on the Vermont Agency of Natural Resource's website.

WILDLIFE REFUGE: Area set aside for breeding and habitat for protected native wildlife.

WIND ENERGY SYSTEM: Any device such as a wind charger, windmill or wind turbine that converts wind energy to a form of usable energy.

YARD: Space on a lot not occupied by a building or structure.

YARD SALE: See tag sale.

ZONING ADMINISTRATOR: The officer charged with the administration of the Salisbury Zoning Regulations. Also referred to as the Administrative Officer.

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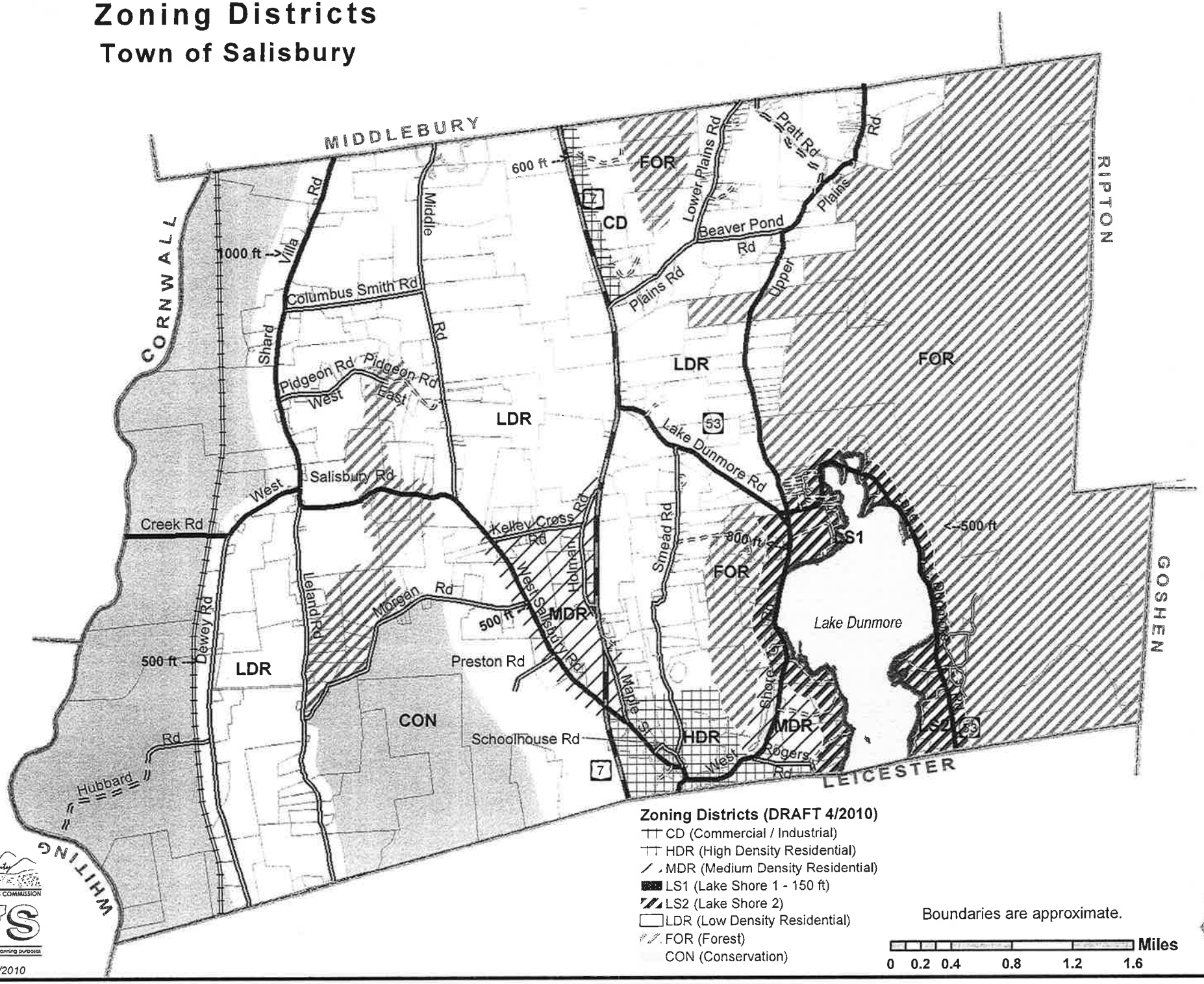
Zoning Districts
Town of Salisbury



Zoning Districts (DRAFT 4/2010)

- CD (Commercial / Industrial)
- HDR (High Density Residential)
- MDR (Medium Density Residential)
- LS1 (Lake Shore 1 - 150 ft)
- LS2 (Lake Shore 2)
- LDR (Low Density Residential)
- FOR (Forest)
- CON (Conservation)

Boundaries are approximate.

Miles
0 0.2 0.4 0.8 1.2 1.6

Addison County Regional Planning Commission GIS
This map intended for planning purposes

ACRPC 4/2010