DHCD Municipal Plan and Bylaw Intake

Submitted by: Anonymous user

Submitted time: Jul 31, 2025, 10:03:59 AM

Municipality Name

Starksboro

Municipality

Starksboro

County

Addison

Regional Planning Commission

Addison County RPC

Submitter Details

Submitter's Name

Danny Kuzio

Submitter's Title

Planning Commissioner

Submitter's Email

dan.kuzio@gmail.com

Select your Submission

Municipal Bylaw

Submission Type

Proposed

Bylaw Type

Zoning

Zoning Bylaw Submission

Base Zoning + Overlay

Date of Public Hearing

Aug 21, 2025

Upload Public Hearing Notice

PDF Second Notice of Public Hearing - 2025.pdf
81KB

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300.2KB

Upload Bylaw

PDF zoning-bylaws_draft-revisions-2025.pdf
3.2MB

Have you submitted the Bylaw to your Regional Planning Commission?

Yes

Town of Starksboro
Planning Commission
Notice Of Public Hearing
July 25, 2025

The Starksboro Planning Commission will hold a public hearing on August 21, 2025 at 6:30pm at Robinson Elementary School to receive further public comment on proposed changes to Starksboro's Land Use and Development Regulations. The purpose of the proposed changes are to comply with recent changes to State law, and to balance individual property rights with the needs of residents and the whole community.

This second public hearing comes after changes were made to certain sections, listed below, based on input received at the February 6, 2025 public hearing.

Copies of the proposed revisions, as well as a report on how the proposed changes comply with State Statute and the Town Plan, are available on the Town website (www.starksborovt.org), and/or by contacting Amanda Vincent (Town Administrator) at the Town Office or townadmin@starksborovt.org or 802-453-2639. Certain terms were updated simply for clarity throughout the entire document – i.e., non-substantive changes. A list of the section headings with substantive changes follows, as required pursuant to Title 24, Chapter 117 V.S.A. Section 4444 (b).

Sections warned for the February 6, 2025 hearing:

1. Chapter 210. Use, Density & Dimensional Standards
    a. 210.A - Use table changes to uses
    b. 211.A - Density and Dimensional Standards lot size and setback adjustments
2. Section 223 Special District Standards - removal of language
    a. 223.A - Architectural Standards
3. Section 233 - Special District Standards - removal of language
    a. 233.D - Architectural Standards
4. Section 243.C - Special District Standards - removal of language
    a. 243.C - Architectural Standards
5. Section 280. Flood Hazard Overlay District - removal of existing section
    a. Replace 280 with VT stand alone flood hazard bylaw
6. Chapter 290 Recreational Opportunity District - Creation of overlay district
    a. 290 - Purpose
    b. 291 - Density and Dimensional Standards
    c. 292 - Allowed Uses
    d. 293.A - Special District Standards
    e. 293.B - Modifications
7. Section 314 Application Requirements - removal of language and Brightness Comparison Chart

    a. 314. C - Application Requirements
    b. Figure 13 - removal of chart
    c. 314. D - Design Standards - adjustment of language
    d. 314.H - Pre Existing Lighting - removal of language
8. Chapter 320 Performance Standards - clarifying edits and adjustment of language
    a. 321.A - Noise removal of Noise Standards Table & adjustment of language
    b. 323 Dust, Odors and Air Pollution - clarifying language
    c. 326 Traffic - removal
9. Section 331 Stormwater Management - addition of language
    a. 331.A (1) - addition of language
10. Section 342.A Home-Based and On-Farm Businesses - removal of language
    a. 342.A&B - removal of language
11. Section 343 Cannabis Establishments - Added use
    a. 342.A-H - addition of section
    b. 342 - Additional conditions
12. Section 344 B&Bs and Inns - removal of language
    a. 344.A - Removal of language 2&3
13. Section 347 Recreation Facilities - New language & removal of language
    a. 347.A - adjustments of language
14. Section 412 Inspections - clarifying edits
    a. 412.A - clarifying edits
    b. 412.B - clarifying edits
15. Section 415 Minor Modifications to Approved Plans - removal of language
    a. 416 - removal of language
    b. 417 - removal of language
16. Section 428 Material Changes to Approved Plans - removal of language
    a. 428.A - removal of language
17. Chapter 510 Terms - addition of terms, clarifying language
    a. 510.C - 2-13
    b. 510.P - addition of term
    c. 510.R - addition of term
    d. 510.S - clarifying language

Sections with further changes based on initial feedback:

1. Section 210 (Use table)
2. Section 280 (River Corridor Bylaw added)
3. Section 290 (Further information added to Recreation Opportunity District Purpose)
4. Section 421 Noise - adjustment of language
5. Section 447 - addition of section covering Private Landing Areas
6. Chapter 510 Terms
    a. 510.C - addition of term

Notice Date – July 31, 2025

State of Vermont
Agency of Commerce & Community Development
Department of Housing & Community Development
Municipal Planning Commission Bylaw Reporting Form

Provisional Form pursuant to Act 47 of 2023, The HOME Act

This provisional form issued pursuant to the Act 47 of 2023 is subject to change.

The Department welcomes feedback on the form's implementation of the Act.

Published June 30, 2023

Contacts: Jenni Lavoie, Contracts & Grants Administrator

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Why is this form required?

Vermont's Municipal & Regional Planning & Development Act (24 V.S.A 4441) requires a municipal planning commission to prepare a report when considering an amendment to a bylaw. Act 47 of 2023 adds a requirement to the report to include findings on conformance with sections 4412, 4413, and 4414 of the Act. It also adds a requirement that the municipal planning commission provide the report to the Department of Housing and Community Development upon approval of an adoption or amendment. The report must be submitted with GIS (Geographic Information Systems) files, a complete bylaw, and information about municipal planning and governance and systems. The form will be published on the Vermont Planning Data Center, here: https://accdmaps.vermont.gov/MunicipalPlanningDataCenter/. Bylaw submission and posting supports the availability of Vermont's adopted municipal bylaws from a central digital source for statewide access and use.

How does a municipality submit the form?

Upon completion of the sections below, upload a saved version of the file here. The form must be submitted with the approved bylaw(s) and any GIS shapefiles (when adding or amending district boundaries of record on the Vermont Open Geodata Portal). The form can be saved as a Microsoft Word document (DOC) or converted to a Portable Document Format (PDF) file. If you need assistance completing the form, please reach out to the contact above or your municipality's regional planning commission.

Type of Bylaw Filing

Select all that apply.

☐ New bylaw(s)
☑ Amendment to existing bylaw(s)
☐ Repeal of existing bylaw(s)

Explain multiple selections.

Type of Bylaw(s)

Select all that apply.

☐ Unified Development *(select all bylaws included in the unified bylaws below)*
☑ Zoning

Does the bylaw add or change any zoning districts or boundaries?

☑ Yes
☐ No

☐ Subdivision
☐ Interim
☐ Flood Hazard
☐ River Corridor
☐ Shoreland Protection
☐ Other: (*explain)*

Vermont Municipal Bylaw Reporting Form

Date of Hearing(s)

Planning Commission Hearing(s) *(enter date[s])*

(Second public hearing) August 21, 2025

Legislative Body Hearing(s) *(enter date[s])*

TBD after Planning Commission Public Hearing

Date of Adoption

Skip this section if the bylaw is proposed for hearing.

Date of Popular Election *(enter date only if subject to a popular election/vote)*

Date of Last Action *(enter date of final approval action by voters or legislative body)*

Bylaw Summary & Statement of Purpose

Provide a brief explanation of the bylaw and a statement of purpose (per 24 V.S.A. 4441). Use as much space as needed.

The Starksboro Land Use and Development Regulations establish a comprehensive framework to guide and regulate land use and development within the town. The bylaws define zoning districts, outline standards for land use and development, and include provisions for specific uses, resource protection, and flood hazard mitigation. They also detail administrative processes for permits, development review, ensuring consistency with municipal and state policies. These regulations support the town's goals of sustainable growth while protecting natural, scenic, and historic resources.

Statement of Purpose (Per 24 V.S.A. 4441):
The bylaws implement the policies of the Starksboro Town Plan and the Vermont Planning and Development Act (24 V.S.A. Chapter 117). Their purpose is to:

Findings on Municipal Plan Furtherance

Explain how the bylaw conforms with or furthers the goals and policies contained in the municipal plan. Use as much space as needed.

The Starksboro Land Use and Development Regulations align with and further the goals and policies outlined in the Starksboro Town Plan by:

Protecting Natural and Scenic Resources:
The bylaws designate zoning districts such as the Agricultural, Scenic, and Rural Residential District (ASRR) and the Forestry & Conservation District (FC) to safeguard scenic views, forested lands, and agricultural areas critical to the town's identity and ecological health. Resource protection standards address erosion control, stormwater management, riparian buffers, and wetlands, ensuring environmental sustainability.

Promoting Sustainable Growth:
The bylaws encourage compact and higher-density development within the High-Density Residential and Commercial (HDRC) District while preserving low-density, rural areas.

Findings on Safe & Affordable Housing

Explain the effect of the bylaw on the availability of safe and affordable housing. Use as much space as needed.

The Starksboro Land Use and Development Regulations advance the availability of safe and affordable housing by integrating principles of efficiency, environmental sustainability, and thoughtful land use:

Efficient Land Use and Design:

Higher-density housing is promoted in the High-Density Residential and Commercial District (HDRC), minimizing land consumption and infrastructure costs while providing affordable options.

Accessory dwelling units (ADUs) are permitted in most districts, enabling affordable housing solutions within existing properties without significant additional land use or infrastructure expansion.

Findings on Required Provisions & Prohibited Effects

Explain how the bylaw conforms with 24 V.S.A. 4412. Use as much space as needed.

Include explanations on how the bylaws conform with these provisions (as applicable):

- *Mobile, modular and prefabricated housing*
- *Mobile home parks*
- *Duplex uses*
- *Multi-unit dwelling uses*
- *Accessory dwelling unit uses*
- *Residential care homes or group homes*
- *Hotels for emergency housing*
- *Existing small lots*
- *Required frontage*
- *Home occupations*
- *Childcare home or facility*
- *Heights of renewable energy structures*
- *Nonconformities*
- *Communications antennae and facilities*
- *Planting projects in flood hazards*
- *Accessory on-farm businesses*
- *Lot and dimensional standards for minimum dwelling unit density*
- *Density for affordable housing*

The zoning bylaw aligns with the requirements of 24 V.S.A. § 4412, addressing statutory provisions for land use and development in a manner that supports equitable, diverse, and sustainable community planning. Below is an explanation of the conformance for specific provisions:

Mobile Home Parks

Chapter 345 of the bylaw includes detailed provisions for mobile home parks, specifying density and dimensional standards that align with the Vermont Planning and Development Act.

These provisions ensure safe, accessible, and compatible development of mobile home parks.

Duplex Uses

Findings on Limitations on Municipal Bylaws

Explain how the bylaw conforms with 24 V.S.A. 4413. Use as much space as needed.

The Town of Starksboro's bylaws align with 24 V.S.A. § 4412 by ensuring equitable treatment of housing and supporting diverse, affordable, and sustainable development. The bylaws permit mobile, modular, prefabricated homes, and mobile home parks on equal terms as conventional housing and designate districts for multiunit and duplex housing with fair dimensional standards. Accessory dwelling units (ADUs) are permitted in most residential zones, and affordable housing developments may exceed density limits. Existing small lots can be developed under defined conditions, and adequate access is required for landlocked lots. Family child care homes, home occupations, and accessory on-farm businesses are protected uses. These bylaws reflect a commitment to inclusive, equitable, and sustainable community planning.

Include explanations on how the bylaws conform with these provisions (as applicable):

- *State- or community-owned and -operated institutions and facilities*
- *Public and private schools and other institutions*
- *Places of worship*
- *Public and private hospitals*
- *Regional solid waste management facilities*
- *Hazardous waste management facilities*
- *Emergency shelters*
- *Required agricultural practices*
- *Accepted silvicultural practices*
- *Solar energy devices*
- *Ancillary telecommunications improvements and lines*

Findings on Permissible Types of Regulation

Explain how the bylaw conforms with 24 V.S.A. 4414. Use as much space as needed.

The Town of Starksboro's zoning bylaws align with 24 V.S.A. § 4414 by providing clear and reasonable standards for specific land uses and developments to balance growth and environmental protection. Conditional uses undergo detailed review to ensure compatibility with district character, while site plan requirements address parking, landscaping, and stormwater management. Performance standards ensure developments do not negatively impact neighboring properties. Flood hazard regulations comply with state and federal requirements, minimizing risks while preserving natural floodplain functions. Provisions for Planned Unit Developments (PUDs) promote creative and efficient land use, while affordable housing density bonuses encourage mixed-income developments. Home occupations and accessory structures are protected and regulated to maintain neighborhood compatibility. Overall, the bylaws uphold public health, safety, and welfare while supporting sustainable development and equitable land use.

Select all regulations adopted by the municipality:

- ☑ Zoning (§4414)
  - ☑ Downtown, Village Center, and Growth Center Districts
  - ☑ Agricultural, Rural Residential, Forest & Recreation Districts
  - ☐ Airport Hazard Areas
  - ☐ Shorelands
  - ☑ Design Review Districts
  - ☐ Historic District/Landmark Bylaws
  - ☑ River Corridors and Buffers
- ☑ Overlay Districts (§4414)

List overlays:

Recreational Outdoor District

- ☑ Conditional Use Review (§4414)
- ☑ Parking & Loading Standards (§4414)
- ☐ Performance Standards (§4414)
- ☐ Energy Resource Standards (§4414)
- ☑ Inclusionary Zoning (§4414)
- ☑ Waiver Provisions (§4414)
- ☑ Stormwater Management Standards (§4414)
- ☐ Wireless Telecommunication Bylaws (§4414)
- ☑ Water/Wastewater Permit Sequencing Standards (§4414)
- ☐ Green Development Incentives (§4414)
- ☐ Solar Screening Standards (§4414)

Municipal Plan Future Land Uses & Density Compatibility

Explain how the bylaw is compatible with the proposed future land uses and densities of the municipal plan.

The Town of Starksboro's zoning bylaws are fully compatible with the proposed future land uses and densities outlined in the municipal plan, reflecting a cohesive vision for sustainable development, environmental conservation, and community needs. The bylaws designate zoning districts with density and use standards that align with the municipal plan's goals. High- and medium-density residential and commercial districts promote compact, village-centered development, encouraging efficient land use and supporting the availability of infrastructure such as water and sewer systems. Lower-density residential districts, such as the Agricultural, Scenic, and Rural Residential (ASRR) District and the Forestry & Conservation (FC) District, prioritize the conservation of rural character, working lands, and natural resources while permitting limited, low-impact development.

Planned Community Facilities

Explain how the bylaw carries out, as applicable, any specific proposals for any planned community facilities.

Recreational facilities, including outdoor spaces and trails, are supported as part of the town's commitment to enhancing quality of life and preserving open spaces. The bylaws also prioritize the protection of natural resources in areas designated for watershed protection or flood hazard mitigation, ensuring that community facilities in these areas do not compromise environmental integrity or public safety.

The inclusion of Planned Unit Development (PUD) provisions allows for the integration of community facilities into larger development projects, fostering mixed-use areas that meet residential, commercial, and public service needs. Additionally, density bonuses and flexible

Municipal Planning Implementation Information

Upon adoption of the bylaw(s), select all elements of the municipal planning program that apply in the municipality:

- ▣ Unexpired Municipal Plan
- ▣ RPC-Approved Municipal Plan & Confirmed Planning Process (§4350)
- ▣ Interim Bylaws (§4415)
- ▣ Site Plan Review (§4416)
- ▣ Planned Unit Development (§4417)
- ▣ Subdivision (§4418)
- ▣ Administrative approvals of minor subdivisions/boundary adjustments (§4463)
- ▣ Unified Development Bylaws (§4419)
- ▣ Local Act 250 Review of Municipal Impacts (§4419)
- ☐ On The Record Review/Adopted Municipal Administrative Procedures (§4471)
- ▣ Official Map (§4421)

Vermont Municipal Bylaw Reporting Form

☐ Public Facilities Phasing (§4422)
☐ Transfer Development Rights (§4423)
☐ Freestanding Shorelands Bylaws (§4424)
☑ Freestanding River Corridor Protection Areas (§4424)
☑ Freestanding Flood or Hazard Areas (§4424)
☑ Enrolled in the National Flood Insurance Program
☐ Other Special or Freestanding Bylaws (§4424)
List

☑ Capital Budget & Program (§4430)
☐ Impact Fees (Chapter 131, §4422)
☐ Judicial Bureau Ticketing Option for Enforcement (§4452 & 1974a of Title)
☑ Advisory Commissions/Committees (§4433(1))
☑ Historic Preservation Commissions (§4433(3))
☐ Design Review Commissions (§4433(4))
☐ Housing Commissions (§4433(5))
☑ Development Review Board (§4460)
☐ Zoning Board of Adjustment (§4460)
☐ Joint Board of Adjustment Development Review Board (§4460)
☐ Full-time Administrative Officer
☑ Part-time Administrative Officer
☐ Volunteer/stipend Administrative Officer
☐ Staff planner(s)
☑ Availability of planning Information on municipal website:
    ☑ Municipal plan and maps
    ☑ Bylaws
    ☑ Fee schedule
    ☑ Contact information for administrative officer
    ☑ Information about Planning Commission
    ☑ Information about the Appropriate Municipal Panel (ZBA/DRB)
Primary website URL:

https://starksborovt.org/

TOWN OF STARKSBORO, VERMONT

LAND USE AND DEVELOPMENT REGULATIONS

ZONING BYLAWS

ADOPTED 1/7/2020 AND EFFECTIVE 1/28/2020; REVISIONS ~~OCT 17 2024~~JUNE 2025

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The 2024 Bylaws were prepared by the Starksboro Planning Commission and municipal staff.

The 2016 Bylaws were p~~P~~repared with support of a Municipal Planning Grant from the Vermont Department of Housing and Community Development and technical assistance from PlaceSense.

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PART 1. GENERAL PROVISIONS

Enactment

Section 100. Title

100.A These are the Town of Starksboro Land Use and Development Regulations.

Section 101. Authority

101.A The *Vermont Planning and Development Act*, 24 VSA Chapter 117, provides towns with the authority to regulate land use and development. These regulations shall be adopted in accordance with and meet the requirements of state law.

101.B Any references to state statute in these regulations will be to the *Vermont Planning and Development Act* unless stated otherwise.

Section 102. Purpose

102.A These regulations implement the policies of the *Starksboro Town Plan* and the *Vermont Planning and Development Act*. They are intended to:

(1) Protect public health, safety and welfare;

(2) Protect and conserve natural, scenic and historic resources;

(3) Protect and conserve rural character, working land and open space;

(4) Ensure that the rate of growth and land development does not exceed Starksboro's ability to provide services and does not place an undue burden on taxpayers; and

(5) Allow for housing to meet the needs of residents as described in the *Starksboro Town Plan*.

Section 103. Applicability

103.A These regulations apply to all land development unless the land development is specifically exempted in 0~~Chapter 110~~. Land development means:

(1) Constructing, installing, reconstructing, converting, structurally altering, relocating or enlarging any building or structure;

(2) Mining, excavating, filling or grading land;

(3) Commencing, changing or extending the use of land or a structure;

(4) Adjusting or relocating the boundary between two parcels; or

(5) Dividing a parcel into two or more lots.

103.B See 0, if land development is occurring on land within the Flood Hazard Overlay district because additional activities on or changes to property may need a permit in that overlay district.

Section 104. Effective Date

104.A The Starksboro Selectboard voted to adopt these regulations on January 7, 2020 and they went into effect 21 days later on January 28, 2020.

104.B These regulations replaced Starksboro's prior zoning regulations.

Section 105. Amendment

105.A These regulations may be amended at any time in accordance with state law. The Planning Commission, Selectboard or any individual may propose a change to these regulations. If the change does not originate from the Planning Commission, the commission will review the proposed change, take public comment and make a recommendation to the Selectboard as to whether or not these regulations should be amended as requested.

Section 106. Severability

106.A If a court finds any part of these regulations unlawful, that decision will not affect the remaining portions of these regulations.

Exemptions

Section 107. Applicability

107.A A zoning permit is not required for the land uses and development listed in this chapter.

107.B Land development not requiring a zoning permit shall meet the same standards (such as setbacks) as land development that does require a permit unless otherwise stated in this chapter.

107.C Landowners are strongly encouraged to contact the ZA before commencing land use or development without a permit to confirm the activity is exempt.

107.D Portable structures, temporary structures, moveable structures, storage trailers and other similar structures that may not have a foundation are not automatically exempt; they shall be treated the same as permanently located structures with foundations under these regulations.

Section 108. Flood Hazard Areas

108.A These exemptions may not apply to land development within flood hazard areas.

Section 109. General Exemptions

109.A On any property, a zoning permit is not required for:

(1) Normal maintenance and repair of an existing structure as long as there is no change to its size, height or use.

(2) Minor grading, filling or excavating required for normal maintenance of roads, driveways, parking areas, yards, and personal or community gardens that does not require the movement of more than 50 cubic yards of material.

(3) Alterations to the interior of a structure.

(4) Emergency repairs needed to protect public health and safety.

(5) Construction or maintenance of roads, sidewalks, bridges, culverts, or related infrastructure within public rights-of-way. Contact the ZA prior to beginning work within a public right-of-way as town or state approval (ex. access permit) may be required.

(6) Fences or walls that are designed and installed in accordance with Section 3010~~Section 316~~ and the following:

(a) Fences and walls less than 6½ feet tall do not need to meet property line (side or rear) setbacks

(b) Fences and walls less than 4½ feet tall do not need to meet road (front) setbacks, but shall not be placed within public rights-of-way.

(c) If a fence will be located at a road intersection, see Section 306~~Section 312~~ for further guidance.

(7) Chimneys.

(8) Roof-mounted solar collectors that do not extend more than 10 feet above the height of the roof they are attached to.

(9) Signs listed in Section 3011~~Section 317~~.

(10) Garage sales, yard sales, auctions or similar special events lasting not more than 4 consecutive days and not occurring more than 12 days in any calendar year.

(11) A seasonal roadside stand for selling fresh produce, cut flowers, Christmas trees, maple syrup, honey or similar agricultural products grown or produced by the property owner operated not more than 6 months in any calendar year. A seasonal roadside stand does not need to meet the road setback, but it shall not be located within the public right-of-way. If a seasonal roadside stand will be located in a permanent structure that remains in place year-round, a zoning permit shall be required and the structure shall meet district setbacks.

Section 1010. Residential

1010.A On a single-family or two-family residential property, a zoning permit is **not** required for:

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(1) Dog houses, play houses, tree houses, woodsheds, chicken coops or similar structures that are used for personal storage and that are not larger than 100 square feet in area and that are not more than 10 feet tall.

(2) Patios and similar structures built at grade and without a roof.

(3) Uncovered entry stairs, handicap ramps and walkways. These do not need to meet road setbacks, but shall not obstruct public rights-of-way.

(4) Gardens and garden structures such as arbors, trellises, pergolas, fencing, raised beds and similar structures without a roof and not taller than 10 feet.

(5) Outdoor lights that are aimed downward, are cut-off or shielded, or are low-intensity and that do not cast light beyond the limits of the property and that meet the requirements of Section 308~~Section 314~~.

Section 1011. Communication Antennas

1011.A A zoning permit is not required for television antennas, radio antennas, satellite dishes or similar devices used to provide on-site communication service, if they meet the standards below. These devices may exceed district height requirements. These devices should be installed on the least visible location on the building or property where they can reasonably function.

(1) A roof-, wall-, or ground-mounted dish antenna with a face(s) not larger than 15 square feet in area.

(2) A roof- or wall-mounted antenna that does not extend higher than 12 feet above the roofline of the building it is attached to.

(3) A freestanding amateur radio antenna and its supporting structure that does not extend higher than 50 feet above the ground. The antenna and support structure shall be set back a distance equal to or greater than its total height from all property lines and road rights-of-way.

Section 1012. Agriculture & Forestry

1012.A A zoning permit is not required to farm or harvest timber if the activity conforms to the state's accepted or best management practices. Note that farming and forestry practices are not allowed within public rights-of-way, including but not limited to farm structures and fences.

1012.B A zoning permit is not required to build a farm structure but:

(1) The landowner shall complete an application so the ZA can confirm that the project is exempt. The ZA will not charge an application fee and will not issue a zoning permit for an exempt farm structure.

(2) The structure shall meet setback requirements unless the landowner provides the ZA with a written variance from the Vermont Secretary of Agriculture.

1012.C A zoning permit will be required before the structure may be used for a non-agricultural use.

1012.D Dwelling units on agricultural property, including farm worker housing, and signs are not exempt farm structures.

Section 1013. Energy Infrastructure

1013.A A zoning permit is not required if the project requires a Certificate of Public Good from the Public Service Board. This includes a small renewable energy system that is connected to the grid (net-metering).

Section 1014. Community Facilities

1014.A Unless specifically exempted in this chapter or by state law, the town, state and non-profit organizations are required to get a zoning permit and follow these regulations to the same extent as a private landowner.

1014.B Community facilities are allowed in all zoning districts. Community facilities shall meet the same standards as comparable types non-residential land development unless doing so will interfere with the intended function or use of the facility.

1014.C Community facilities include:

(1) Institutions and facilities owned and operated by the town or state;

(2) Schools and other educational facilities certified by the state;

(3) Places of worship and other religious facilities;

(4) Hospitals and healthcare clinics certified by the state; and

(5) Waste management facilities certified by the state.

Section 1015. Essential Services

1015.A A zoning permit and site plan review is required for essential services, unless the work will be occurring entirely within the right-of-way of a public road.

1015.B Essential services include underground, surface or overhead electrical, gas, steam, water, sanitary sewer, stormwater drainage, communication and similar utility systems and their associated infrastructure such as poles, wires, mains, pipes, drains, catch basins, storage tanks, conduits, alarm boxes, call boxes, pumps, lift stations, hydrants, etc. that are provided by public or private utilities for the general public health, safety, welfare and convenience.

Vested Rights

Section 1016. Prior Approvals & Pending Applications

1016.A If the ZA lawfully issued a zoning permit before these regulations were adopted or amended, the owner will not need a new or amended permit for the project except:

(1) If the use is not commenced or the structure is not substantially complete before the permit expires, the owner will need to apply for a new zoning permit under the current regulations.

1016.B If a landowner lawfully files an approved subdivision plan in the town land records, the plan will remain valid and will not expire irrespective of any change in these regulations.

1016.C A properly completed application will be reviewed based on the regulations in effect when it was submitted.

Section 1017. Existing Lots

1017.A A landowner can use or develop any lot that lawfully existed before these regulations were adopted or amended based on the allowed uses and standards for the zoning district(s) in which the property is located.

1017.B If the lot is smaller than the minimum lot size for the district(s) in which it is located, the landowner can still use and develop it as long as it is at least ⅛ of an acre in area and is at least 40 feet wide and deep.

1017.C The Development Review Board may approve the subdivision of any pre-existing lot that was lawfully developed with multiple single-family dwellings in order to create a separate lot for each dwelling irrespective of whether the resulting lots conform to the minimum standards of these regulations. If one or more of the proposed lots does not conform to all applicable requirements of these regulations, the applicant shall demonstrate to the satisfaction of the Development Review Board that the proposed subdivision minimizes the degree of nonconformity while creating reasonable lot boundaries given the existing land development, access and natural conditions on the subject property.

Section 1018. Nonconformities

1018.A If a lot, structure or use lawfully existed prior to the adoption or amendment of these regulations and it no longer meets one or more requirements of these regulations, it is non-conforming.

1018.B If a non-conforming lot, structure or use is located within a flood hazard area, see 0 of these regulations for further guidance.

1018.C A landowner will be able to develop and use a non-conforming lot as described in Section 1017~~Section 121~~ above. The landowner may be able to alter its size or boundaries (see Section 408~~Section 414~~), but the owner will not be able to subdivide it further except as specifically provided for in Section 1017~~Section 121~~ above.

1018.D The owner of a non-conforming structure:

(1) Will be able to repair and maintain the structure as long as the owner is not expanding the structure, which includes any increase to its footprint, floor area, or height.

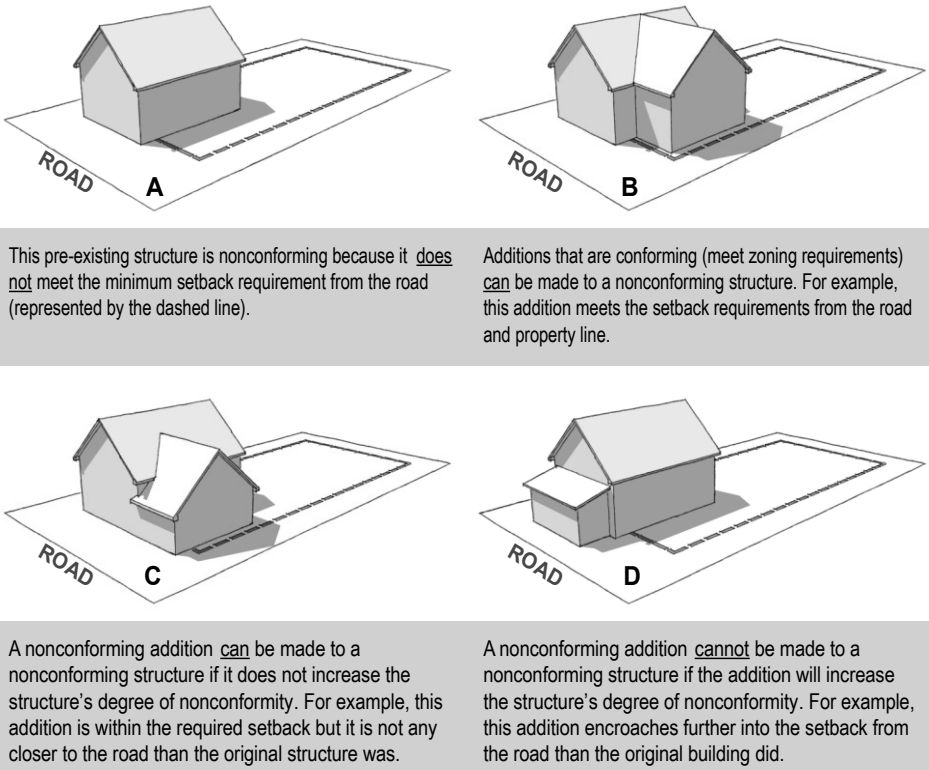
(2) Will be able to restore or rebuild the structure if it was damaged, returning it to the footprint, floor area and/or height that existed immediately prior to the damage (see Section 1019~~Section 123~~).

(3) Will be able to get a zoning permit to expand or move the structure, if the modification would not make the structure even more non-conforming (see Figure 1).

(4) Will be able to get a zoning permit to expand the structure, even if that would make the structure more non-conforming, if the modification is necessary to meet state or federal regulations and to allow continued use of the structure.

(5) May be able to get a variance or a waiver from the DRB to allow modification of the structure (see Section 4012~~Section 422~~ and Section 4013~~Section 423~~).

Figure 1. **Degree of Nonconformity**



This pre-existing structure is nonconforming because it does not meet the minimum setback requirement from the road (represented by the dashed line).	Additions that are conforming (meet zoning requirements) can be made to a nonconforming structure. For example, this addition meets the setback requirements from the road and property line.
A nonconforming addition can be made to a nonconforming structure if it does not increase the structure's degree of nonconformity. For example, this addition is within the required setback but it is not any closer to the road than the original structure was.	A nonconforming addition cannot be made to a nonconforming structure if the addition will increase the structure's degree of nonconformity. For example, this addition encroaches further into the setback from the road than the original building did.

1018.E Someone operating a non-conforming use:

(1) Will be able to continue operating the use as it was operated immediately prior to it becoming non-conforming.

(2) Will be able to sell or transfer the use to a new owner who may continue operating the use as it was operated immediately prior to it becoming non-conforming.

(3) Will not be able to expand the use beyond the pre-existing space it occupied in the building or on the lot.

(4) Will not be able to increase the intensity of the use above its pre-existing level (by extending hours of operation or increasing noise levels, for example) unless approved by the DRB as a conditional use.

(5) Will not be able to move the use from one location to another if it will still be non-conforming in the new location.

(6) Will not be able to resume the use if it is not operated for more than 36 months. See Section 1020~~Section 124~~ below for guidance on how to determine whether a use has been discontinued.

Section 1019. Repair or Replacement of Damaged Structures

1019.A If a lot or structure was damaged or destroyed by a fire, flood or other disaster, the owner may take whatever immediate actions are needed to stabilize or demolish it in order to protect public health and safety without getting a zoning permit.

1019.B The owner may rebuild or restore a damaged structure or lot to its prior condition without getting a zoning permit if work starts within 18 months after the damage occurred and is completed within 3 years after it occurred.

(1) If the owner wants to rebuild or restore a damaged structure or lot but make changes from how it existed prior to the damage, a zoning permit will be required. If the structure or lot is located within a flood hazard area, see 0.

1019.C Within 18 months after the damage occurs, the owner shall begin work to rebuild or restore a damaged lot or structure, or shall remove all the damaged structural elements and debris from the site and restore a natural grade and groundcover so that the land is safe and suitable for future use.

1019.D The ZA may grant a written extension(s) if factors beyond the owner's control have prevented the owner from beginning to rebuild or clean up the site within 18 months after the damage occurred.

1019.E The provisions of this section shall not be construed to restrict the Town of Starksboro's authority to abate or remove public nuisances, hazards or other threats to public health, safety or welfare.

Section 1020. Abandonment or Discontinuance

1020.A A zoning permit, and any associated DRB approvals as applicable, is valid for 2 years. A landowner who starts work during that time but does not substantially complete the project has two options:

(1) Request a one-year extension to the permit, and any associated DRB approvals as applicable, from the ZA (see Section 405~~Section 411~~); or

(2) Clean up the site by removing any unfinished structural elements and debris from the site and restoring a natural grade and groundcover so that the land is safe and suitable for future use.

1020.B If an owner discontinues or does not actively carry out a non-residential use on the

property for a period of more than 36 months, the owner shall obtain a zoning permit before re-opening or re-starting the use. Depending on the type of use and the location, the owner may also need site plan approval or conditional use approval from the DRB.

(1) If the use is no longer allowed under these regulations, the owner shall not resume the use after it has been discontinued for a period of more than 36 months unless the DRB grants an extension as described below.

1020.C The owner can request an extension from the DRB to extend the period of time that a use can be resumed after its discontinuance without requiring a new permit up to a maximum of 5 years. The DRB may grant an extension upon the applicant demonstrating that there are special circumstances that prevent the use from being carried out such as the owner is trying to sell the property, the property is being transferred to a new owner, the structure has been damaged and repairs are still ongoing, or similar reasons beyond the owner's control that actually prevent the resumption of the use. The owner will need to request an extension before the use has been discontinued for 36 months or longer.

1020.D The owner can demonstrate that a non-residential use has remained active and has not been discontinued by providing proof that two or more of the following activities or actions regarding the property's use have been maintained:

(1) Regular hours;

(2) Necessary equipment, supplies or stock in trade;

(3) Necessary utility services; or

(4) A license, certificate, registration or similar type of state or municipal recognition, if required for the type of use.

PART 2. ZONING DISTRICTS

General

Section 200. Establishment of Zoning Districts

200.A The Town of Starksboro is hereby divided into the following zoning districts as shown on the official Zoning Map.

(1) High density residential and commercial.

(2) Medium density residential and commercial.

(3) Low density residential and commercial.

(4) Agricultural, scenic and rural residential corridors.

(5) Forestry and conservation.

(6) Watershed protection.

~~(6)~~ (7) Recreational Opportunity District (ROD).

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Section 201. Establishment of Overlay Zoning Districts

201.A 0 establishes a Flood Hazard Overlay District, which supplements and/or supersedes the standards of the underlying zoning districts.

Section 202. Zoning Map

202.A The location and boundaries of the zoning districts are established as shown on the official Zoning Map.

202.B All decisions regarding zoning boundaries shall be determined from the official Zoning Map.

202.C The official Zoning Map shall be kept in the town office.

202.D The official Zoning Map is hereby made a part of these regulations, and a part of all future amendments to these regulations. An unofficial reproduction of that map is included in these regulations for convenience only.

Section 203. Interpretation of Zoning District Boundaries

203.A Boundaries indicated as approximately following streets, highways or alleys shall be construed as following the centerlines of such streets, highways or alleys.

203.B Boundaries indicated as following utility lines shall be construed as following the centerlines of the rights of-way of such utility lines.

203.C Boundaries indicated as following property lines or town limits shall be construed as following such lines or limits as they exist on the effective date of the regulations creating or amending the district boundary.

203.D Boundaries indicated as approximately following streams, rivers, or other bodies of water shall be construed to follow the centerlines such water features.

203.E Boundaries indicated as being parallel to or extensions of lines or features described above

shall be construed as parallel to or extensions of such lines or features. Distances not specifically indicated shall be determined by the scale of the map.

203.F Boundaries indicated as being perpendicular to lines or features described above shall be construed to proceed at right angles from such lines or features. Distances not specifically indicated shall be determined by the scale of the map.

203.G Boundaries indicated as following existing contour lines, at the time of adoption of this ordinance, shall be construed to follow the line of the elevation indicated as determined on the ground.

203.H The abandonment or relocation of a right-of-way or roadway, or the change in a line or feature which references a district boundary line, after the effective date of these regulations, shall not affect the location of such boundary line.

203.I When the ZA cannot definitely determine the location of a district boundary, the Planning Commission shall interpret the location of the district boundary with reference to the Zoning Map and the purposes set forth in all relevant provisions of these regulations. 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 204. Lots in Multiple Districts

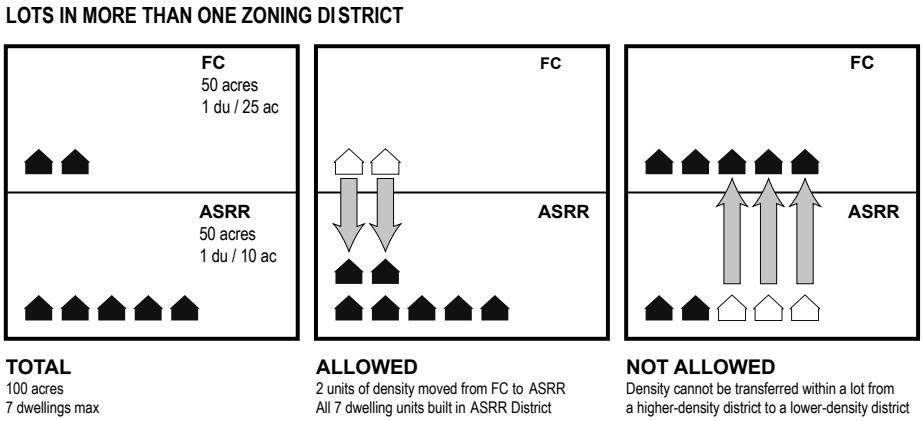
204.A When a lot is located in more than one zoning district, its residential density will be determined by calculating the maximum density for the portion of the lot in each district and totaling those amounts. Density may be transferred from the portion of the lot in a lower density district to the portion of the lot in a higher density district as shown below.

204.B When a lot is located in more than one zoning district, the applicant may:

(1) Extend the density standards for the higher density district up to 30 feet into the lower density district prior to calculating the maximum density for the lot; OR

(2) Extend the allowed uses and dimensional standards for the higher density district up to 30 feet into the lower density district to facilitate land development that crosses the district line.

Figure 2. **Density Transfer Diagram**



Use, Density & Dimensional Standards

Section 205. Allowed Uses

205.A The ZA may issue a permit for any use listed as permitted **(P)** within a zoning district in accordance with the standards of these regulations and any limitations referenced in the notes and additional standards section of Figure 3. The ZA may only issue a permit for a use requiring site plan review **(S)** or conditional use review **(C)** within a zoning district after the applicant receives approval from the DRB in accordance with all applicable provisions of these regulations. The ZA may only issue a permit for a use within the Flood Hazard Overlay District in accordance with 0. All uses not listed or expressly allowed ~~(–)~~ are prohibited ~~(–)~~.

SYMBOL	MEANING
P	Permitted
C	Requiring conditional use review
S	Requiring site plan review
-	Prohibited

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Figure 3. **Use Table**

	USE	HDRC	MDRC	LDRC	ASRR	FC	ROD	WS	NOTES AND ADDITIONAL STANDARDS
RESIDENTIAL USES	Single-family home, detached	P	P	P	P	C		C	
	Single-family home, attached	C	C	C	C	C		–	Also referred to as a condo or townhouse
	Two-family home	P	P	P	P	P		C	Also referred to as a duplex
	Multi-family home	S	C	C	C	C		–	
	Accessory dwelling or apartment	P	P	P	P	C		C	Within or ancillary to an existing single-family home in FC & WS
	Farm worker housing	P	P	P	P	C		C	Shall be located so that is could be legally subdivided under these regulations.
	Assisted living	S	S	S	S	C		–	
	Group home	P	P	P	P	P		P	Within or ancillary to an existing single-family home in FC & WS
	Home occupation	P	P	P	P	C		C	Within or ancillary to an existing single-family home in FC & WS
	Cottage industry	S	S	S	S	C		C	
	Accessory structure or use	P	P	P	P	P		P	Includes noncommercial storage buildings as the principal building on a lot.
	Seasonal camp for personal use	P	P	P	P	P		C	
	Electric vehicle charging station	P	P	P	P	C		-	Not permitted in flood zone(s).
	Private landing area	-	-	~~CP~~	~~CP~~	~~CP~~		-	

	USE	HDRC	MDRC	LDRC	ASRR	FC	ROD	WS	NOTES AND ADDITIONAL STANDARDS
PUBLIC AND CIVIC USES	Public or private education facility	S	C	C	C	C		–	
	Religious facility	S	C	C	C	C		–	
	Daycare facility	S	C	C	C	C		–	Shall be located on a state highway or Class 2 town road.
	Healthcare facility	S	C	C	C	C		–	Shall be located on a state highway or Class 2 town road.
	Noncommercial recreation and entertainment	S	C	C	C	C		–	
	Outdoor recreation facility	S	C	C	C	C	C	–	Example: trails, x-country ski
	Outdoor recreation trails	P	P	P	P	P	P	-	
	Nature preserve	S	S	S	S	S	S	S	
	Cemetery	C	C	C	C	C		–	
	Civic or highway maintenance facility	S	S	S	S	–		–	
	Telecommunications antenna	P	S	S	S	C		C	Mounted on or within an existing structure
	Telecommunications tower	–	–	C	C	C		C	
	Parking lot or transit facility	C	C	C	C	–	C	–	Example: park-and-ride, bus stop
COMMERCIAL USES	Animal services and agriculture-support	C	C	C	C	C		–	
	Eating and drinking establishments	S/C[1]	C	C	C	C	C	–	Shall be located on a state highway ~~or~~, Class 2 or Class 3 town road.
	Financial services facility	S/C[1]	C	C	C	–		–	
	Retail store	S/C[1]	C	C	C	–	C	–	Shall be located on a state highway or Class 2 town road.
	Fueling station	C	C	C	C	–		–	Shall be located on a state highway or Class 2 town road.
	Electric vehicle charging station	S/C	S/C	S/C	S/C	S/C		-	Not permitted in the flood zone(s).
	Vehicle and equipment sales or service	C	C	C	C	–		–	Shall be located on a state highway or Class 2 town road.
	Office	S/C[1]	S/C[1]	C	C	–		–	Shall be located on a state highway or Class 2 town road.
	Personal service facility	S/C[1]	C	C	C	–	C	–	Shall be located on a state highway, Class 2 or Class 3 town road.
	B&B or lodging with <5 guest rooms	S	S	S	S	–	C	–	Shall be located on a state highway, Class 2 or Class 3 town road.
	Inn or lodging with 5 or more guest rooms	C	C	C	C	–	C	–	Shall be located on a state highway, Class 2 or Class 3 town road.
	Rental cottages/camps	C	C	C	C	C	C	–	
	Campground ~~or retreat center~~	–	C	C	C	C	C	–	Shall be located on a state highway, Class 2 or Class 3 town road.
	Primitive camping	-	C	C	C	C	C	–	Shall be located on a state highway, Class 2 or Class 3 town road.
	Retreat center	C	C	C	C	-	C		Shall be located on a state highway, Class 2 or Class 3 town road.
	Commercial recreation and entertainment	C	C	C	C	C	C	–	
	Outdoor recreation facility	C	C	C	C	C	C	–	
IN	Manufacturing facility	C	–	–	C	–		–	Shall be located on a state highway or Class 2 town road.
	Warehouse or storage facility	S/C[1]	–	–	C	–		–	Shall be located on a state highway or Class 2 town road.

	USE	HDRC	MDRC	LDRC	ASRR	FC	ROD	WS	NOTES AND ADDITIONAL STANDARDS
	Construction related facility	C	C	–	C	–		–	Shall be located on a state highway or Class 2 town road.
	Wholesale sales facility	S/C[1]	–	–	C	–		–	Shall be located on a state highway or Class 2 town road.
	Crematorium	C	–	–	C	–		–	Shall be located on a state highway or Class 2 town road.
	Research and development facility	S/C[1]	–	–	C	–		–	Shall be located on a state highway or Class 2 town road.
	Artist/craftsperson work/sales facility	S/C[1]	–	–	C	–		–	Shall be located on a state highway or Class 2 town road.
WORKING LAND USES	Agriculture or Forestry	P	P	P	P	P		P	Shall follow state regulations and required or accepted practices.
	Extraction	–	C	C	C	C		–	
	Nursery-commercial retail	S	C	C	C	–		–	Shall be located on a state highway or Class 2 town road.
	Farm based business	S	S	S	S	S		–	
	Farm product sales	S	S	S	S	S		–	
	Wood processing	C	C	C	C	C		–	
	Slaughter house	–	C	–	C			–	Shall be located on a state highway or Class 2 town road.
	Mixed use	C	C	C	C	C		C	DRB may approve any mix of uses otherwise allowed in the district.

[1] *Site plan review required for uses occupying not more than 2,500 square feet. Conditional use review required for uses occupying a larger area or occurring primarily outdoors.*

Section 206.
Density and Dimensional Standards

206.A Land development within a zoning district shall conform to the specified density and dimensional standards unless specifically modified by the Development Review Board as authorized in 0~~Chapter 420~~.

Figure 4. **Density and Dimensional Standards Table**

	HDRC	MDRC	LDRC	ASRR	FC	WS
Residential Density *(dwelling units per acre)*	2 du/ac	1 du / 2~~.5~~ ac	1 du / 5 ac	1 du / 5 ac	1 du / 25 ac	1 du / 25 ac
Lot Size *(residential use)*	1 ac min	1 ac min	1 ac min	See Section 2021~~Section 252~~ 1 ac	1 ac min	25 ac min
Lot Size *(nonresidential use)*	1 ac min	2 ac min	5 ac min	2 ac min	5 ac min	25 ac min
Lot Frontage *(lot <2 acres)*	100 ft min	100 ft min	N/A	100 ft min	100 ft min	500 ft min
Lot Frontage *(lot 2 to <5 acres)*	100 ft min	100 ft min	100 ft min	100 ft min	100 ft min	500 ft min
Lot Frontage *(lot 5 to <10 acres)*	100 ft min	200 ft min	100 ft min	350 ft min	200 ft min	500 ft min
Lot Frontage *(lot 10 acres or more)*	150 ft min	200 ft min	100 ft min	100 ft min	200 ft min	500 ft min
Lot Coverage *(residential use, includes all impervious surfaces)*	no max	greater of 30% or 15,000 sf max	20% max	20% max	10% max	10% max

	HDRC	MDRC	LDRC	ASRR	FC	WS
Lot Coverage *(nonresidential use, includes all impervious surfaces)*	no max	greater of 20% or 15,000 sf max	lesser of 20% or 3 acres max	lesser of 20% or 3 acres max	lesser of 5% or 3 acres max	lesser of 5% or 3 acres max
Setback *(from road centerline)*	50 ft min	50 ft min	50 ft min	50 ft min	50 ft min	75 ft min
Setback *(residential use, from adjacent properties)*	10 ft min	20 ft min	20 ft min	10 ft min	10 ft min	20 ft min
Setback *(nonresidential use, from adjacent properties)*	10 ft min	10 ft min	10 ft min	10 ft min	10 ft min	40 ft min
Building Footprint *(single-family and two-family dwellings)*	5,000 sf max	no max	no max	no max	no max	no max
Building Footprint *(all other buildings)*	20,000 sf max	no max	no max	no max	no max	no max
Height	35 ft max	35 ft max	35 ft max	35 ft max	35 ft max	35 ft max

High Density Residential & Commercial District (HDRC)

Section 207. Purpose

207.A The High Density Residential and Commercial District encompasses Starksboro village, South Starksboro, and adjoining lands. It is the purpose of this district to promote a compact, traditional village development pattern with a higher density of residential, commercial and civic uses than other areas of town. There is limited potential for growth within Starksboro village, so use of developable land within this district should be maximized given the availability of infrastructure and soil capabilities. This district is also intended to promote the continued use and protection of historic buildings. Starksboro's centers have traditionally included agriculture. Town residents value the farms and farmland within and adjacent to the centers as critical components of the community's sense of place. While compact, higher density growth is the primary intent of the district, efforts should be made to integrate new land development with the historic buildings and traditional land uses that currently exist within and adjacent to Starksboro village and South Starksboro.

Section 208. Density and Dimensional Standards

208.A Density and dimensional standards are specified in Section 206~~Section 211~~.

Section 209. Allowed Uses

209.A Allowed uses are specified in Section 205~~Section 210~~.

Section 2010. Special District Standards

2010.A **Architectural Standards.** To achieve the purposes of this district, applicants shall demonstrate that they have incorporated the following design principles into their projects to the maximum extent feasible. The DRB during site plan or conditional use review shall consider these standards to determine whether proposed land development furthers the purposes of this district and the applicable goals of the Town Plan.

(1) Buildings shall ~~incorporate the features of and~~ be compatible with the Vermont vernacular architecture exemplified by many of the historic structures within Starksboro village and South Starksboro.

~~(2) Main building entrances shall face the road and be easily identifiable.~~

~~(3) Commercial and mixed-use buildings shall be designed with display windows and signs facing the road they front.~~

~~(4) Building facades shall include base, middle and top levels and coordinate the relative height of these facade elements with those of any adjacent or nearby buildings so to create visual interest and building that are compatible with one another in form and massing, and establish a regular building pattern typical of a village setting.~~

~~(5) Building designs shall have a sloped roof with a pitch of 6:12 or steeper. Large roof expanses shall incorporate features such as dormers, cupolas or cross-gables to give the facade the visual character of a building with more than one story. Gables should be parallel or perpendicular to the road.~~

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~~(6) Buildings shall be designed with varying setbacks, heights, roof treatments, doorways, window openings, and other structural, architectural or decorative elements to reduce apparent size and scale of the building as viewed from the road.~~

~~(7)~~(2) In addition to complying with the standards in Section 3011~~Section 317~~, signs shall be simple and integrated into the design of the building. Buildings intended for retail uses should provide sign panels (flat, often recessed areas above a storefront designed to accommodate a wall sign).

2010.B **Modification.** The DRB may waive or modify some or all of the architectural standards above upon the applicant requesting and demonstrating that a deviation is necessary to:

(1) Comply with federal and state requirements such as accessibility or building code;

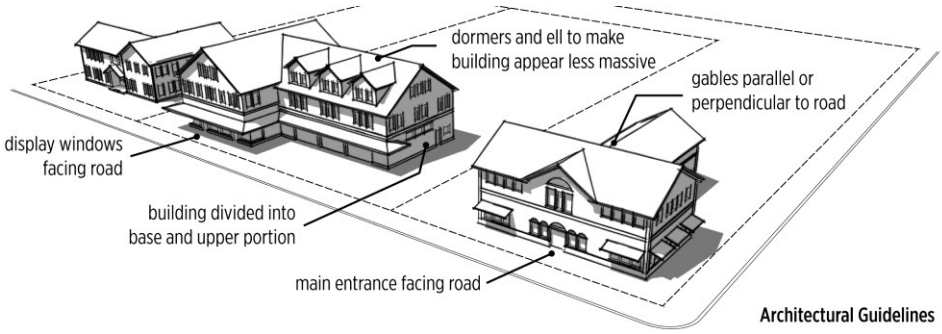
(2) Allow for a higher standard of energy efficiency;

(3) Adequately protect important natural resources;

(4) Appropriately preserve or rehabilitate a historic structure; or

(5) Address specific concerns of neighboring property owners.

Figure 5. **HDRC Architectural Guidelines**



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Medium Density Residential & Commercial District (MDRC)

Section 2011. Purpose

2011.A This district includes lands extending outward from Starksboro village and South Starksboro along the major highway corridors. It is the purpose of this district to provide an opportunity for appropriately scaled residential and economic development in proximity to those traditional centers.

Section 2012. Density and Dimensional Standards

2012.A Density and dimensional standards are specified in Section 206~~Section 211~~.

Section 2013. Allowed Uses

2013.A Allowed uses are specified in Section 205~~Section 210~~.

Section 2014. Special District Standards

2014.A **PUDs.** The subdivision of a parcel in this district into more than 4 lots shall be designed and reviewed as a PUD under Section 4017~~Section 427~~.

2014.B **Building Envelopes.** The DRB shall establish building envelopes on any lot created in this district in order to protect agricultural land and minimize loss of rural and scenic character. All above grade development shall occur within the designated building envelope, except for any approved roads, driveways and utilities needed to serve the lot. Building envelopes shall be located and designed to minimize the impact of land development on agricultural resources, the natural environment and scenic quality by:

(1) Having a logical relationship with the existing topography and surrounding natural and built landscape.

(2) Excluding significant natural and ecological resources such as wetlands, vernal pools, floodplains, steep slopes, surface waters and important natural areas.

(3) Minimizing fragmentation of working farmland or forestland.

(4) Using existing vegetation or landform to screen buildings.

2014.C **Curb Cuts.** To limit the number of additional curb cuts onto state highways, shared driveways are strongly encouraged. The DRB will require shared driveways to serve any new lots being subdivided whenever physically feasible.

2014.D **Architectural Standards.** To achieve the purposes of this district, applicants shall demonstrate that they have incorporated the following design principles into their projects to the maximum extent feasible. The DRB during site plan and/or conditional use review shall consider these standards to determine whether proposed land development furthers the purposes of this district and the applicable goals of the Town Plan.

(1) Buildings shall incorporate the features of and be compatible with the Vermont vernacular architecture found in historic homes and farm buildings throughout the district.

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~~(2) Building designs shall feature sloping roof structures. Large roof expanses shall incorporate features such as dormers, cupolas or cross-gables to give the facade more visual character. Gables should be parallel or perpendicular to the road.~~

~~(3) Buildings with a footprint of 4,000 square feet or greater shall be designed with varying setbacks, heights, roof treatments, doorways, window openings, and other structural, architectural or decorative elements to reduce apparent size and scale of the building as viewed from the road.~~

2014.E **Modification.** The DRB may waive or modify some or all of the architectural standards above upon the applicant requesting and demonstrating that a deviation is necessary to:

(1) Comply with federal and state requirements such as accessibility or building code;

(2) Allow for a higher standard of energy efficiency;

(3) Adequately protect important natural resources;

(4) Appropriately preserve or rehabilitate a historic structure; or

(5) Address specific concerns of neighboring property owners.

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Low Density Residential & Commercial District (LDRC)

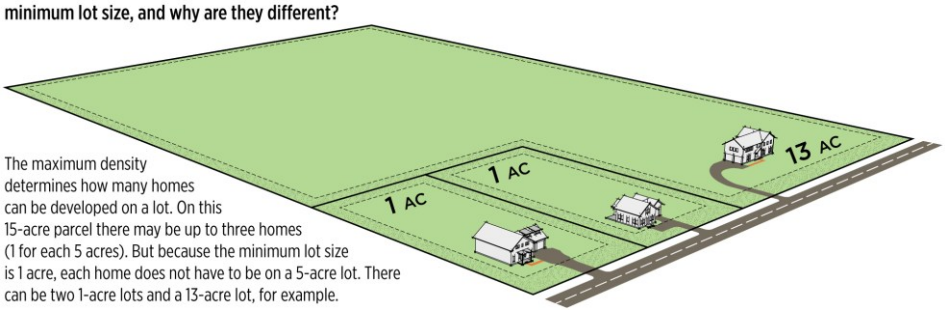
Section 2015. Purpose

2015.A This district is intended as a multiple use district, with the highest priority for being residential uses. Since these areas are for the most part accessible only by Class 3 dirt roads, particular care shall be taken to ensure that the proposed land development will be designed to have no adverse effect on such roads.

Section 2016. Density and Dimensional Standards

2016.A Density and dimensional standards are specified in Section 206~~Section 211~~.

Figure 6. **Density and Lot Size Diagram**
Why is there both a maximum density and minimum lot size, and why are they different?



Section 2017. Allowed Uses

2017.A Allowed uses are specified in Section 205~~Section 210~~.

Section 2018. Special District Standards

2018.A **PUDs.** The subdivision of a parcel in this district into more than 4 lots shall be designed and reviewed as a PUD under Section 4017~~Section 427~~.

2018.B **Building Envelopes.** The DRB shall establish building envelopes on any lot created in this district in order to conserve forest and agricultural land resources and minimize loss of rural and scenic character. All above grade development shall occur within the designated building envelope, except for any approved roads, driveways and utilities needed to serve the lot. Building envelopes shall be located and designed to minimize the impact of development on agricultural and forest resources, the natural environment and scenic quality by:

(1) Having a logical relationship with the existing topography and surrounding natural and built landscape.

(2) Excluding significant natural and ecological resources such as wetlands, vernal pools, floodplains, steep slopes, surface waters and important natural areas.

(3) Minimizing fragmentation of working farmland or forestland.

(4) Using existing vegetation or landform to screen buildings.

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2018.C **Architectural Standards.** To achieve the purposes of this district, applicants shall demonstrate that they have incorporated the following design principles into their projects to the maximum extent feasible. The DRB during site plan or conditional use review shall consider these standards to determine whether proposed land development furthers the purposes of this district and the applicable goals of the Town Plan.

(1) Buildings shall incorporate the features of and be compatible with the historic vernacular New England homes and farm buildings found throughout the district.

~~(2) Building designs shall feature sloping roof structures. Large roof expanses shall incorporate features such as dormers, cupolas or cross-gables to give the facade more visual character. Gables should be parallel or perpendicular to the road.~~

~~(3) Buildings with a footprint of 4,000 square feet or greater shall be designed with varying setbacks, heights, roof treatments, doorways, window openings, and other structural, architectural or decorative elements to reduce apparent size and scale of the building as viewed from the road.~~

2018.D **Modification.** The DRB may waive or modify some or all of the architectural standards above upon the applicant requesting and demonstrating that a deviation is necessary to:

(1) Comply with federal and state requirements such as accessibility or building code;

(2) Allow for a higher standard of energy efficiency;

(3) Adequately protect important natural resources;

(4) Appropriately preserve or rehabilitate a historic structure; or

(5) Address specific concerns of neighboring property owners.

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Agricultural, Scenic and Rural Residential District (ASRR)

Section 2019. Purpose

2019.A It is the purpose of this district to allow for the continued productive use of Starksboro's farmland, and to conserve the rural character and scenic quality of these corridors that offer views over open agricultural land to the forested hillsides and mountains beyond. Within this district, all feasible steps shall be taken to protect the agricultural and scenic qualities of the district in recognition of their multiple values to current and future residents. To that end, landowners subdividing house lots or constructing homes on existing lots are required to locate proposed land development off the best farmland and to minimize fragmentation of large parcels to the greatest extent feasible in order to conserve an adequate base of productive farmland for future generations. Land in this district shall be used primarily for rural residential and agricultural uses, including on-farm businesses that increase the economic viability of agriculture, and other uses shall be allowed only to the extent that they will not adversely affect those primary uses.

Section 2020. Density Standards

2020.A Density standards are specified in Section 206~~Section 211~~ for residential subdivisions.

2020.B The maximum lot yield for nonresidential subdivisions shall not exceed 1 lot per 10 acres.

Section 2021. Dimensional Standards

2021.A All dimensional standards except for lot size are specified in Section 206~~Section 211~~.

2021.B To discourage the conversion and fragmentation of agricultural land, any residential lot created under these regulations shall either be between ½ and 2 acres in size or shall be at least 25 acres in size except that:

(1) Any residential lot created by subdividing a pre-existing parcel that is up to 25 acres in size shall be at least ½ acre in size with no limitation on the maximum size.

Section 2022. Allowed Uses

2022.A Allowed uses are specified in Section 205~~Section 210~~.

Section 2023. Special District Standards

2023.A The subdivision of a parcel in this district into more than 4 lots shall be designed and reviewed as a PUD under Section 4017~~Section 427~~.

2023.B To the greatest extent feasible given site-specific conditions, residential lots, building envelopes and non-agricultural buildings in this district shall be:

(1) Located and configured in a manner that maximizes the use of the remaining area for agriculture.

(2) Placed within woodlands or along the edges of open agricultural fields or meadows adjacent to woodlands or hedgerows to reduce encroachment upon productive farmland, provide shade in summer and shelter in winter, and to enable new residential development to better blend into surrounding natural landscape features.

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2023.C The DRB shall establish building envelopes on any lot created in this district in order to conserve forest and agricultural land resources and minimize loss of rural and scenic character. All above grade development shall occur within the designated building envelope, except for any approved roads, driveways and utilities needed to serve the lot. Building envelopes shall be located and designed to minimize the impact of land development on agricultural and forest resources, the natural environment and scenic quality by:

(1) Having a logical relationship with the existing topography and surrounding natural and built landscape.

(2) Using existing vegetation or landform to screen buildings.

(3) Minimizing intrusions into open fields and meadows.

(4) Being positioned so that views from the public road remain as natural as possible with buildings and roadways occupying a small portion of the overall viewshed.

(5) Excluding significant natural and ecological resources such as wetlands, vernal pools, floodplains, steep slopes, surface waters and important natural areas.

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Forestry & Conservation District (FC)

Section 2024. Purpose

2024.A This district is intended to protect the natural qualities of land that is generally not suitable for land development for many reasons, including poor or shallow soils, poor access to town Class 3 or better roads and other municipal services, steep slopes, and the adverse effect on the habitat of wildlife and other natural resources.

Section 2025. Density and Dimensional Standards

2025.A Density and dimensional standards are specified in Section 206~~Section 211~~

Section 2026. Allowed Uses

2026.A Allowed uses are specified in Section 205~~Section 210~~.

Section 2027. Special District Standards

2027.A The subdivision of a parcel in this district into more than 2 lots shall be designed and reviewed as a PUD under Section 4017~~Section 427~~.

2027.B To the greatest extent feasible given site-specific conditions, lots, building envelopes and structures in this district shall be:

(1) Located and configured in a manner that:

(a) Minimizes the fragmentation of contiguous blocks of forestland;

(b) Maintains the ability of the undeveloped lands to be managed for forestry; and/or

(c) Avoids undue adverse effects on significant natural areas and ecological resources.

(2) Placed relatively close to existing town roads to avoid further fragmentation of forest habitat.

(3) Sited in locations least visible as viewed from public roadways, and specifically located below ridgelines and hilltops.

2027.C The DRB shall establish building envelopes on any lot created in this district that is greater than 1 acre in size. All above grade development shall occur within the designated building envelope, except for any approved roads, driveways and utilities needed to serve development within the building envelope. Building envelopes shall be located and designed to minimize the impact of land development on the ecological functions and forestry uses of property. Building envelopes shall specifically exclude land characterized by significant natural and ecological resources such as wetlands, vernal pools, flood hazard areas, steep slopes, surface waters and significant natural areas for endangered or threatened species. The DRB may limit tree clearing outside building envelopes for non-forestry purposes.

2027.D The disturbance associated with land development in this district shall be kept to the minimum needed to accommodate the proposed structure(s) or use(s) including, but not limited to, any proposed outdoor lighting, openings in the tree canopy to accommodate roads, site development, structures and yards, and proposed activities that would generate noise or traffic.

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2027.E Before approving the construction of a new single-family home or the conversion of a seasonal camp to a single-family home, the DRB shall find that the home will have direct access to a Class 3 road over a driveway that can accommodate emergency and service vehicles.

2027.F Before approving a home industry or outdoor recreation use, the DRB shall find that the access to the site is adequate to accommodate the anticipated traffic, as well as emergency and service vehicles.

2027.G Before approving a conditional use and in addition to the requirements of Section 4015~~Section 425~~, the DRB shall find that the proposed land development will have no adverse effect on: the condition, capacity or safety of town roads or other municipal services; and the natural resources and features of the district. The DRB may place conditions on proposed land development as it deems necessary to achieve the purposes of these regulations including, but not limited to, limitations on new utilities, municipal services, road construction and improvements, generator noise, lights, and/or the number of days of residential occupancy per year.

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Watershed Protection District (WP)

Section 2028. Purpose

2028.A Land development in this district is strictly limited and regulated in order to protect the quality of the town's important public water supplies. All possible regulatory measures will be taken to prevent contamination of the drinking water including prohibiting the use and development of land that has the potential for adverse effects on water quality. No land use or development shall be permitted unless it can be demonstrated that it will have no adverse effect on the water quality of the public water supplies, as determined by the state's public water supply quality standards. The burden is on the applicant to prove that no such adverse effect will occur.

Section 2029. Density and Dimensional Standards

2029.A Density and dimensional standards are specified in Section 206~~Section 211~~.

Section 2030. Use Standards

2030.A Allowed uses are specified in Section 205~~Section 210~~ to the extent that the use conforms to Paragraph B, below.

2030.B Any land use or activity that involves the use, production, storage or distribution of fuels, oils, salts, pesticides, herbicides, or other materials that could contaminate the public drinking water supply if dumped, spilled, leached or released is prohibited. This includes, but is not limited to:

(1) Fuel or hazardous materials storage or distribution, bulk storage tank whether above or below ground or injection well.

(2) Fueling station, repair garage, body shop, car wash, dry cleaner or machine shop.

(3) Contractors' yard, bus garage or highway maintenance facility.

(4) Slaughterhouse, junkyard, landfill, recycling center or commercial compost facility.

(5) Extraction of earth resources or groundwater (for commercial or industrial purposes, which does not include public or community water supplies).

Section 2031. Special District Standards

2031.A In addition to all other application requirements, the applicant shall submit a site plan showing:

(1) The location and extent of all proposed impervious surface and land disturbance within the district;

(2) The distance from the proposed land development from the town wells; and

(3) The topography and land cover between the proposed land development and the source of the public water system.

2031.B Upon receipt of a complete application for land development within this district, the ZA shall forward a copy to the Starksboro Village Water Cooperative system operator for review and comment. The ZA may issue a permit after receiving comment or 30 days after referring the application if no comments are received on the application.

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Flood Hazard Overlay District (FHO)

Section 2032. Establishment

2032.A **Purpose.** The Flood Hazard Overlay District regulates land development within the special flood hazard area in accordance with the policies of the *Starksboro Town Plan* and to:

(1) Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding;

(2) Ensure that land development within flood hazard areas is reasonably safe and does not reduce the ability of the floodplain to perform its natural function to store and transport flood waters; and

(3) Manage flood hazard areas in accordance with the town's *Hazard Mitigation Plan*, state statute and federal regulations so that the Town of Starksboro, its residents and businesses will be eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds.

2032.B **Precedence.** Where any provision of this section imposes a greater restriction than another provision of these regulations or any other town, state or federal law or regulation, the provision of this section will take precedence.

2032.C **Liability.** The provisions of this section do not imply that land outside this overlay district or that land development undertaken in conformance with this section will be free from flooding. The provisions of this section will not create liability on the part of the Town of Starksboro, or any town official or employee, for flood damage.

2032.D **Special Flood Hazard Areas.** The provisions of this section apply to the special flood hazard area as established in the most recent flood insurance studies and maps published by the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program. The flood insurance studies and maps are adopted by reference and incorporated into these regulations, and copies of them are maintain in the town office. If there is uncertainty with regard to the boundary of the special flood hazard area, the applicant may provide a letter of map amendment from FEMA to certify its location.

2032.E **Base Flood Elevations and Floodway Limits.** The base flood elevations and floodway limits provided by the National Flood Insurance Program will be used to administer and enforce the provisions of this section where available. Where the National Flood Insurance Program has not provided base flood elevations and/or floodway limits, it will be the applicant's responsibility to provide the information necessary to demonstrate conformance with the standards of this section.

Section 2033. Applicability

2033.A All development, as specifically defined in this chapter, requires a zoning permit from the Zoning Administrator unless listed in Figure 7 as exempt.

Section 2034. Use Standards

2034.A Land uses and development will be allowed within this overlay district as specified in Figure 7 and to the extent allowed in the base zoning district. Any use not listed as exempt,

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permitted or conditional in Figure 7 is prohibited. A use listed as exempt in Figure 7 is exempted from meeting the standards of this chapter, but still may require a zoning permit under other provisions of these regulations.

Figure 7. **Flood Hazard Use Table**

USE	OUTSIDE THE FLOODWAY	WITHIN THE FLOODWAY	NOTES
New structures	C	X	Only on previously developed lots.
Non-substantial improvements to existing structures	P	C	
Substantial improvements to existing structures	C	C	
Demolition	EXEMPT	EXEMPT	
Small accessory structures	P	X	Floor area 200 square feet or less.
Ponds	C	C	
Recreational vehicles	P	P	
Outdoor storage or junkyards	X	X	
At grade parking for existing structures	P	C	
At grade parking for new structures	C	X	
Replacement water or wastewater systems	P	C	
Water or wastewater systems for new development	P	X	
Replacement storage tanks	C	C	
New storage tanks	C	X	
Building utilities	P	C	
Critical facilities	X	X	
Fill needed to elevate existing structures	C	C	
Fill needed to elevate new structures	C	X	
Fill for purposes other than elevating structures	X	X	
Grading or excavating	C	C	
Road and stormwater infrastructure maintenance	EXEMPT	EXEMPT	
Road and stormwater infrastructure improvements	C	C	
Bridges and culverts	C	C	
Public utilities	C	C	
Stream channel management	C	C	
Water-dependent structures or uses	C	C	
Open space or recreation	EXEMPT	EXEMPT	No structures involved.
Agriculture	EXEMPT	EXEMPT	
Forestry	EXEMPT	EXEMPT	

P = Permitted Use C = Conditional Use X = Prohibited Use

Section 2035. Development Standards

2035.A Development within the special flood hazard area shall conform to all of the following:

(1) **All Development.** All development shall be:

(a) Located outside the special flood hazard area if there is a less hazardous location on the lot that could reasonably accommodate the proposed development;

(b) Reasonably safe from flooding;

(c) Adequately drained to reduce exposure to flooding;

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(d) Located to minimize conflict with changes in the stream channel location over time and the need to intervene with such changes;

(e) Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure, including the effects of buoyancy;

(f) Constructed with materials resistant to flood damage;

(g) Constructed using methods and practices that minimize flood damage;

(h) Constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during a flood;

(i) Constructed with any fuel storage tanks located above the base flood elevation or placed underground, and securely anchored to prevent flotation; and

(j) Constructed without fully enclosed areas below grade on all sides (including below-grade crawlspaces and basements).

(2) **No Base Flood Elevation.** Where base flood elevations have not been determined, the applicant shall demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1 foot at any point within the Town of Starksboro, as certified by a registered professional engineer based on technical data that conforms to standard engineering practice.

(3) **Elevation Certificate.** The applicant shall document the base flood elevation and the specific elevation to which all new construction or substantially improved structures were flood proofed. The Zoning Administrator shall have a completed elevation certificate on file prior to issuing a certificate of compliance.

(4) **Residential Structures.** New construction or substantial improvement of residential structures, including manufactured homes, shall be located and designed with the lowest floor (including basement) elevated at least 1 foot above the base flood elevation. Manufactured homes shall be securely anchored to a permanent foundation system to resist flotation, collapse and lateral movement.

(5) **Manufactured Home Parks.** Manufactured homes to be placed or substantially improved within a manufactured home park shall be securely anchored to a permanent foundation system to resist flotation, collapse and lateral movement, and shall either have their:

(a) Lowest floor elevated at least 1 foot above the base flood elevation; or

(b) Chassis supported by reinforced piers or other equivalent foundation elements that are at least 36 inches above grade.

(6) **Nonresidential Structures.** New construction or substantial improvement of nonresidential structures shall either:

(a) Be located and designed with the lowest floor (including basement) elevated at least 1 foot above the base flood elevation; or

(b) Be designed so that at least to 1 foot above the base flood elevation the structure,

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~~together with attendant utility and sanitary facilities, is watertight with walls that will be substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy as certified by a registered professional engineer or architect.~~

~~(7) **Above-Grade Development within Floodways.** Encroachment (including fill) and above-grade development is prohibited within the floodway unless a registered professional engineer performs hydrologic and hydraulic analyses in accordance with standard engineering practice and certifies that the proposed development will:~~

~~(a) Not result in any increase in flood levels during the base flood;~~

~~(b) Not increase any risk to surrounding properties, facilities or structures from erosion or flooding; and~~

~~(c) Not result in any net increase in impervious surface within the floodway.~~

~~(8) **Below-Grade Development within Floodways.** Utilities may be placed underground within the floodway provided that a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately projected from scour.~~

~~(9) **Subdivisions and PUDs.** Applicants for new or expanded subdivisions, planned unit developments or manufactured home parks shall provide base flood elevation data and design the project:~~

~~(a) With lots, home sites and/or building envelopes located outside the special flood hazard area to the maximum extent feasible;~~

~~(b) With lots, home sites and/or building envelopes that can be developed in accordance with the provisions of this section;~~

~~(c) To be accessible by dry land outside the special flood hazard area;~~

~~(d) To minimize flood damage within flood-prone areas;~~

~~(e) To provide adequate drainage to reduce exposure to flood hazards; and~~

~~(f) With utilities and facilities, such as water, wastewater, and electrical systems, that will be located and constructed to minimize or eliminate flood damage.~~

~~(10) **Fully Enclosed Areas Below the Lowest Floor.** Fully enclosed areas, not including basements, that are below the lowest floor and below the base flood elevation shall be used solely for storage, parking and building access. This condition shall be clearly stated on the zoning permit. Additionally, such areas shall either:~~

~~(a) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing floodwaters to enter and exit the enclosed area as certified by a registered professional engineer or architect; or~~

~~(b) Provide a minimum of two openings having a total net area of at least 1 square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than 1 foot above grade. Openings may be equipped with screens, louvers, valves or other devices provided that they automatically allow floodwaters to enter and exit the enclosed area.~~

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(11) **Small Accessory Structures.** A small accessory structure does not have to be elevated above the base flood level provided that it meets the criteria of Paragraph (10), above.

(12) **Recreational Vehicles.** A recreational vehicle shall be fully licensed and ready for highway use. It shall be on its wheels or jacking system, be attached to the site by only quick disconnect type utilities, and have no permanently attached additions.

(13) **Utilities.** New or replacement building or public utilities, including water and wastewater systems, shall be located outside the special flood hazard area to the greatest extent feasible. When utilities will be located within the special flood hazard area, they shall be:

(a) Designed to minimize or eliminate the infiltration of floodwaters into the system;

(b) Designed to minimize or eliminate discharges from the system into floodwaters;

(c) Located to avoid impairment of the system during flooding; and

(d) Located to avoid contamination from the system during flooding.

(14) **Stream Channel Management.** The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained. Stream stability shall not be reduced as a result of any stream channel management activities.

(15) **Water-Dependent Structures.** Bridges, culverts and other water-dependent structures, which by their nature shall be placed in or over a watercourse, shall have a stream alteration permit from the Vermont Agency of Natural Resources.

2035.B **Nonconformities.** Conditional use approval from the Development Review is required before the Zoning Administrator may issue a permit to substantially improve, repair after substantial damage, relocate, replace or enlarge a nonconforming structure within the special flood hazard area in accordance with all of the following:

(1) The proposed development conforms to the applicable development standards in Section 283.

(2) A nonconforming structure that is substantially damaged or destroyed may be reconstructed in its original location only when the structure cannot be relocated to a less hazardous location on the property.

(3) A nonconforming structure that is substantially damaged or destroyed shall be rebuilt above the base flood elevation and shall otherwise comply with all requirements of the National Flood Insurance Program.

2035.C **Variances.** In addition to the applicable criteria and procedures in Section 422, the Development Review Board shall only approve variances within the special flood hazard area in accordance with all of the following:

(1) Variances may be issued for the repair or rehabilitation of a historic structure provided that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and that the variance is the minimum necessary to preserve the historic character and design of the structure.

(2) Variances may only be issued for new construction or substantial improvements on lots that are ½ acre or less in size, and contiguous to and surrounded by lots with existing structures that are constructed below the base flood elevation.

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(3) Variances may only be issued for development that is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(4) Variances shall not be approved within the floodway unless the applicant can demonstrate that no increase in flood levels during the base flood would result.

(5) The applicant shall demonstrate that the granting of the variance will not:

(a) Result in increased flood heights, additional threats to public safety or extraordinary public expense;

(b) Create nuisances;

(c) Cause fraud on or victimization of the public; or

(d) Conflict with existing local laws or ordinances.

2035.D **Administrative Requirements.** In addition to the requirements of Part 4 of these regulations, the following special administrative procedures apply within this overlay district:

(1) **Referral.** The Zoning Administrator shall send a copy of all complete applications for development within the Special Flood Hazard Area to the State National Flood Insurance Program Coordinator. The Zoning Administrator shall not act on the application for 30 days following the referral or until comments have been received, whichever is sooner. If the application involves the alteration or relocation of a watercourse, the Zoning Administrator shall also send copies of the complete application to adjacent upstream and downstream communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, the Army Corps of Engineers, and the Federal Insurance Administrator.

(2) **Other Permits.** The applicant shall submit an ANR Project Review Sheet as part of a complete application. The Zoning Administrator shall condition all zoning permits issued within the special flood hazard area on the applicant obtaining all other necessary municipal, state or federal permits. The applicant shall provide copies of such permits to the Zoning Administrator prior to the start of construction.

(3) **DRB Review.** The Development Review Board shall consider comments from the State National Flood Insurance Coordinator on any application for development within the special flood hazard area. In addition to the review criteria and procedures specified in Section 425, the Development Review Board shall consider:

(a) The expected heights and velocity of flood waters expected at the site;

(b) The availability of a less hazardous location for the proposed development;

(c) The necessity of a waterfront location for the proposed development;

(d) The susceptibility of the proposed development to flood damage, and the danger to life and property within the proposed development from flooding;

(e) The danger to life and property outside the proposed development due to increased flooding resulting from the proposed development;

(f) The danger that materials from the proposed development may be swept downstream during a flood imperiling life or property downstream;

(g) The ability of any utility systems serving the proposed development to function

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properly under flood conditions to prevent unsafe or unsanitary conditions;

(h) The safety of access to the proposed development during a flood for personal and emergency vehicles;

(i) The cost of providing public facilities and services to the proposed development during and after flooding; and

(j) The importance of any services to be provided by the proposed development to the community.

(4) **Certificate of Occupancy**. The Zoning Administrator shall issue a certificate of occupancy in accordance with Section 413 for any development within the special flood hazard area.

(5) **Records**. The Zoning Administrator shall properly file and maintain a record of all elevation certificates, as-built elevations, letters of map amendment, base flood elevations, floodway determinations, flood proofing certifications, and other data or certifications required under this section.

(6) **Report.** The Zoning Administrator shall submit a report concerning the implementation of these special flood hazard area regulations to the State National Flood Insurance Program Coordinator and the Federal Insurance Administrator annually or as otherwise required under state and/or federal law.

(7) **Enforcement.** The Zoning Administrator shall send a copy of any notice of violation issued in accordance with Section 415 within the special flood hazard area to the State National Flood Insurance Program Coordinator. If the violation is not resolved, the Zoning Administrator shall notify the Administrator of the National Flood Insurance Program in writing of the violation and request a denial of flood insurance for the property. The Zoning Administrator shall report any violation of the state's Accepted Agricultural Practices within the special flood hazard area to the Secretary of Agriculture for enforcement.

2035.E **Definitions.** The terms below are specifically defined as used in this section. All other terms are as defined in Part 5.

(1) **BANKFULL DISCHARGE** means the flow of water that first overtops a channel's natural banks, and which occurs once every one to two years on average.

(2) **BANKFULL WIDTH** (see definition of channel width).

(3) **BASE FLOOD** means the flood having a 1% chance of being equaled or exceeded in any given year, commonly known as the 100-year flood.

(4) **BASE FLOOD ELEVATION (BFE)** means the elevation of the water surface resulting from the base flood. The BFE is usually shown on the Flood Insurance Rate Map.

(5) **BASEMENT** means any area of a building with a floor elevation that is below ground level on all sides. (Note that the definition of basement within this section is different than the definition that applies elsewhere in these regulations.)

(6) **CHANNEL** means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

(7) **CHANNEL WIDTH** means the width of a channel when it is flowing at a bankfull discharge. Also referred to as the bankfull width.

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(8) **COMMON PLAN OF DEVELOPMENT** means a phased project to improve a structure or lot over a period of time.

(9) **CRITICAL FACILITIES** means structures the community identifies as essential to residents' health and welfare and that are especially important following a disaster such as fire and rescue facilities, hospitals, disasters, shelters, police stations, schools, nursing homes, water supply and waste treatment facilities, grocery stores, and gasoline stations.

(10) **DEVELOPMENT** means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. (Note that the definition of development within this section is different than the definition of land development that applies elsewhere in these regulations, and that it includes interior modifications to buildings.)

(11) **EXISTING STRUCTURE** means a structure for which the start of construction commenced before the Town of Starksboro adopted floodplain management regulations.

(12) **FILL** means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity of land.

(13) **FLOOD** means either:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of surface waters, the unusual and rapid accumulation or runoff of surface waters from any source, and/or mudslides caused by flooding that result in a river of liquid and flowing mud; or

(b) The collapse or subsidence of land along a water body as a result of erosion or undermining that is caused by waves or currents of water exceeding anticipated cyclical levels, or that is suddenly caused by an unusually high water level in a natural water body, accompanied by a severe storm, flash flood or similar unforeseeable event that results in flooding.

(14) **FLOOD INSURANCE RATE MAP (FIRM)** means an official map on which the National Flood Insurance Program Administrator has delineated the special flood hazard areas and the risk premium zones within the town.

(15) **FLOOD INSURANCE STUDY (FIS)** means an examination, evaluation and determination of flood hazards and the corresponding water surface elevations, or of mudslide and/or flood-related erosion hazards.

(16) **FLOODPLAIN or FLOOD-PRONE AREA** means any land area susceptible to being inundated by water from any source (see definition of flood).

(17) **FLOOD PROOFING** means any combination of structural and non-structural additions, changes or modifications to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, buildings and their contents.

(18) **FLOODWAY or REGULATORY FLOODWAY** means the channel of a river, stream or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot at any point. (Note that special flood hazard areas and floodways may be shown on separate panels or sheets of the FIRM).

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(19) **HISTORIC STRUCTURE** means any structure that is:

(a) Listed individually on the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminary determined by the Secretary of the Interior as contributing the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; or

(c) Individually listed on the Vermont Register of Historic Places.

(Note that the definition of historic structure within this section is different than the definition that applies elsewhere in these regulations.)

(20) **LETTER OF MAP AMENDMENT (LOMA)** means a letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the special flood hazard area based on information provided by a registered professional engineer or surveyor. FEMA issues a LOMA when upon the landowner demonstrating that a structure or lot is located above the base flood elevation and has been inadvertently included in the special flood hazard area.

(21) **LOWEST FLOOR** means the lowest floor of the lowest enclosed area within a building, including a basement. An unfinished or flood-resistant enclosure used solely for storage, parking or building access will not be considered a building's lowest floor if it is built in conformance with Paragraph 283.A(10).

(22) **MANUFACTURED HOME** means a building, transportable in one or more sections that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. This definition specifically excludes recreational vehicles. (Note that the definition of manufactured home within this section is different than the definition of mobile home that applies elsewhere in these regulations.)

(23) **MANUFACTURED HOME PARK** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (Note that the definition of manufactured home park within this section is different than the definition of mobile home park that applies elsewhere in these regulations.)

(24) **NEW CONSTRUCTION** means structures for which the start of construction commenced after the Town of Starksboro adopted floodplain management regulations, and includes any subsequent improvements to such structures.

(25) **RECREATIONAL VEHICLE** means a vehicle that is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light-duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

(Note that the definition of recreational vehicle within this section is different than the definition that applies elsewhere in these regulations.)

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(26) **SPECIAL FLOOD HAZARD AREA** means the floodplain within the Town of Starksboro that is subject to being inundated by the base flood. The special flood hazard area is usually labeled Zone A or AE in the flood insurance study and on the flood insurance rate maps. The base flood elevation has not been determined in Zone A. In Zone AE, the base flood elevations are shown on the flood insurance rate maps.

(27) **START OF CONSTRUCTION** means the date the Zoning Administrator issued a zoning permit provided that the actual start of construction was within 180 days of the permit date. Development is subject to the flood insurance rate map and flood regulations in effect at the start of construction.

(28) START OF CONSTRUCTION, ACTUAL means the date of:

(a) The first placement of permanent construction of a principal structure on a site, such as pouring a slab or footings, installing piles, constructing columns, or any work beyond the stage of site preparation or excavation;

(b) The placement of a manufactured home on a foundation; or

(c) The first alteration of any wall, ceiling, floor or other structural part of a building.

(29) **SUBTANTIAL DAMAGE** means damage of any origin sustained by a structure that results in the cost of restoring the structure to its pre-damage condition equaling or exceeding 50% of the market value of the structure before the damage occurred.

(30) **SUBSTANTIAL IMPROVEMENT:**

(a) Means any reconstruction, rehabilitation, addition or other improvement of a structure that cumulatively over three years or over a common plan of development costs 50% or more of the market value of the structure before the start of construction of the improvement.

(b) Means any repair of a substantially damaged structure.

(c) But does not mean any improvement of a structure to correct existing violations of state or town health, sanitary or safety code identified by the applicable code enforcement officer to the minimum extent necessary to assure safe living conditions.

(d) But does not mean any alteration of a historic structure that will not preclude the structure's continued designation as a historic structure.

(Note that the definition of substantial improvement within this section is different than the definition that applies elsewhere in these regulations.)

(31) **TOP OF BANK** means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys, it is generally the point where the stream is able to overflow the banks and enter the floodplain. For streams in steep and narrow valleys, it is generally the same as the top of slope.

(32) **TOP OF SLOPE** means either:

(a) A break in slopes adjacent to steep-banked streams that have little or no floodplain; or

(b) A break in slope where the side slopes adjacent to an incised or deeply cut channel meet floodplains that have been abandoned or are undergoing abandonment.

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Town of Starksboro

Flood Hazard Bylaw

I. Statutory Authorization and Effect

In accordance with 24 V.S.A. Chapter 117, §§ 4424 and 4414, this is a bylaw for areas at high risk of flood damage in the Town of Starksboro, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 V.S.A. Chapter 117 and 44 CFR § 60.3(d).

II. Purpose

A. To implement the goals, policies, and recommendations in the municipal plan;

B. To protect health, safety and welfare of the public, minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding-related inundation and erosion hazards;

C. Support equitable wellbeing for the entire community;

D. Manage all flood hazard areas pursuant to 24 VSA §4382 and 10 VSA §§751, 753; and

E. Make the Town of Starksboro, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

III. Summary Table: Development Review in Hazard Areas

P – Permitted (Administrative Permit)
C – Conditional Use Review and Permit
X – Prohibited
A – Exempted
S – State Permit Required

#	Activity	Flood Hazard Areas	Floodway
1	New Structures	C	X
2	Storage	C	X
3	Improvements to Existing Structures	P, C	C

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		Flood Hazard Areas	Floodway
4	Small Accessory Structures	P	X
5	At Grade Parking	P	C
6	Replacement water supply or septic systems	P	P, C
7	Fill or grading resulting in no net loss of flood storage	C	C
8	Fill or grading resulting in a loss of flood storage	X	X
9	Road maintenance	A	A
10	Road improvements	C	C
11	Bridges and culverts	S, A	S, C
12	Channel management	S, A	S, C
13	Recreational vehicles	P	P
14	Open space, recreation	A	A
15	Forestry and Agriculture	S, A	S, A

B. River Corridor Boundaries

1. This article applies to the River Corridors in the Town of Vermont, as published by the Agency of Natural Resources (ANR) including refinements to that data which are hereby adopted by reference.

2. On streams with a watershed size greater than half a square mile for which River Corridors are not mapped, the standards shall apply to the area measured as 50 feet from the top of the stream bank or slope.

3. The information presented on any maps, or contained in any studies adopted by reference, is presumed accurate. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary on the property shall be determined by the Administrative Officer (AO).

4. If the applicant disagrees with the determination made by the AO or with the river corridor as mapped, the applicant has the option to either:

a. Hire a licensed land surveyor or registered professional engineer to stake out the River Corridor boundary as mapped on the property; or,

b. Provide data as needed for ANR to update the river corridor map following the Flood Hazard Area and

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River Corridor Protection Procedure ("Procedure"); or

c. Request a letter of determination from ANR that the proposed development meets the Performance standard in the Procedure.

C. Development Review in River Corridors

1. Exempted Activities

The following activities do not require a permit under this section of the bylaw:

a. The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged;

b. Any changes to a structure that will not change the footprint of the structure;

c. Maintenance of existing sidewalks, roads, parking areas, stormwater drainage, bridges, culverts, and channel stabilization;

d. Functionally dependent uses that must be placed in or cross over rivers and streams, that are not located in a flood hazard area, and that have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder including the construction, removal, or repair of bridges and culverts, associated transportation and utility networks, dams, and dry hydrants;

e. Planting projects which do not include any construction or grading;

f. Subdivision of land that does not involve or authorize development;

g. Activities exempt from municipal regulation and requiring a permit from ANR under the Vermont Flood Hazard Area and River Corridor Rule (CVR 12-030-024) including:

i. State-owned and operated institutions and facilities;

ii. Forestry operations or silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation;

iii. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture, Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks;

iv. Public utilities regulated under 30 V.S.A. § 248;

v. Telecommunications facilities regulated under 30 V.S.A. § 248a;

2. Prohibited Development in the River Corridor

a. New structures, fill, and development that do not meet the standards in Section IV.D Development

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Standards;

b. Any other development that is not exempt, permitted, or listed as a conditional use which would cause or contribute to fluvial erosion hazards.

3. Permitted by Administrative Review

The following development activities meeting the Development Standards in the River Corridor in Section IV. D1 or 2, may be permitted directly by the AO:

a. Small accessory structures not larger than 500 square feet;

b. Improvements to utilities along an existing right of way and serving a building;

c. Replacement on-site septic systems;

d. Access and parking;

e. An attached deck or patio to an existing structure that is 200 square feet or less and is located no less than 100 feet from the top of bank;

f. Unimproved trails on native grades and soils that will be relocated as needed to accommodate channel adjustments and avoid degradation to bank stability and riparian habitat;

g. River or floodplain restoration projects that do not involve fill, structures, utilities, or other improvements, and which have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw;

4. Conditional Use Review

Conditional use review and approval by the DRB in accordance with 24 V.S.A. § 4461 is required prior to the issuance of a permit by the AO for any activity in the River Corridor that is not exempt, prohibited, or eligible for administrative review.

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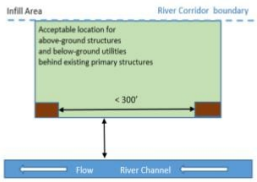

Figure : In-fill Development Standard

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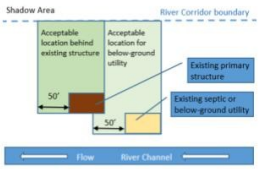

Figure : Shadow Area Development Standard

D. Development Standards within the River Corridor

These are the minimum standards for development in the River Corridor. Where more than one district is involved, the most restrictive standard shall take precedence.

1. In-Fill: Development must be located no closer to the top of bank than the existing primary structures, within a gap that is no more than 300 feet (see Figure 1), or

2. Down River Shadow: An addition to an existing habitable structure, or an accessory structure that is adjacent to an existing structure, shall be located in the shadow area directly behind and further from the channel than the existing structure, or within 50 feet to the downstream side and no closer to the top of bank. Below-ground utilities may also be placed within the same shadow dimensions of an existing below-ground system (see Figure 2). Only primary structures existing before this bylaw may be considered for shadowing other development.

3. River Corridor Performance Standard

Proposals that do not meet the infill or shadowing criteria in section D. 1 or 2 must demonstrate, and the DRB must find, that the proposed development will:

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a. not be placed on land with a history of fluvial erosion damage or threatened by fluvial erosion; and,

b. not cause the river reach to depart from or further depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions; and,

c. not result in a need for bank armoring or stream channelization as a result of the proposed development, that would increase flood elevations and velocities, or alter the sediment regime triggering channel adjustments and erosion in adjacent and downstream locations.

4. The DRB may request or consider additional information to determine if the proposal meets the River Corridor Performance Standard, including data and analysis from a consultant qualified in the evaluation of river dynamics and erosion hazards; and comments provided by the DEC Regional Floodplain Manager on whether the proposal meets the River Corridor Performance Standard.

5. New paths or alterations to paths that provide access to the water for the public, and promote the public trust uses of the water, shall not necessitate bank armoring, and must be relocated when the channel adjusts toward the path.

IV. Flood Hazard Area Protection

A. Purpose - To protect public health and safety by avoiding cumulative increases in flood elevations, velocities, and river instability; the cumulative loss of beneficial floodplain functions; and to minimize flood damage to development and services already located within this hazard zone.

B. Lands to Which this Bylaw Applies

1. Flood Hazard Areas

This bylaw shall apply to the Special Flood Hazard Areas (SFHA) as mapped in the Town of Starksboro, Vermont identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of this bylaw.

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2. Base Flood Elevations and Floodway Limits

a. Where available, base flood elevations (BFE) and floodway limits provided by the NFIP and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce this bylaw.

b. The floodway, as adopted by this community, shall consist of the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

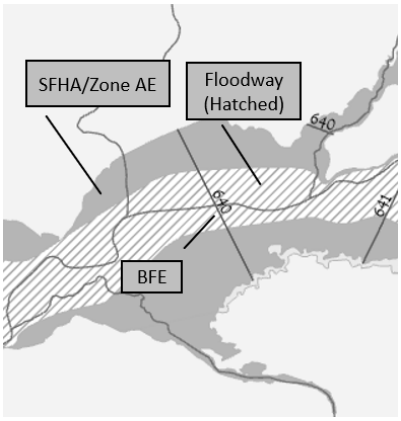

Figure ~~1~~2 Diagram of Special Flood Hazard Area (SFHA) containing the Floodway (shown in hatched pattern). Also, cross-sections marked with the Base Flood Elevation (BFE) at that location.

c. In the SFHA where base flood elevations and/or floodway limits have not been provided by the NFIP in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or state or federal agencies to administer this bylaw.

d. If the Town acquires data that indicates a change in published base flood elevations, the Town will, within 6 months, submit the technical or scientific data to Vermont ANR and the NFIP Map Specialist.

C. Jurisdictional Determination

1. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

2. If uncertainty exists with respect to the boundaries of the Flood Hazard Area, the location of the boundary shall be determined by the Administrative Officer (AO).

D. Development Standards within the Flood Hazard Area

1. No net loss of flood storage capacity,

a. Except as needed to fill an existing basement or mitigate an existing structure;

2. All development below the DFE, except development that is exempt under Section V D2, shall be:

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a. Reasonably safe from flooding;

b. Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;

c. Constructed with materials resistant to flood damage;

d. Constructed by methods and practices that minimize flood damage;

e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

f. Adequately drained to reduce exposure to flood hazards;

3. Fuel storage tanks and vents must be elevated above the DFE and securely anchored;

Storage tanks may be placed underground if a qualified professional certifies the installation will be anchored and protected from flood forces.

4. In Zones AE and A1 – A30 where floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration shall be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer;

5. Recreational vehicles, equipment, boat trailers, portable toilets, construction trailers, and other travel trailers shall:

a. Be currently registered, licensed, and ready for highway use; or

b. Be on site for fewer than 180 consecutive days; or

c. Meet the requirements for structures in Section V E 12;

6. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

7. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

9. The flood carrying capacity within any altered or relocated portion of any watercourse shall be maintained, any alteration or relocation shall not result in any decrease of stream equilibrium;

10. Bridges, culverts, and channel management activities, which by their nature shall be placed in or over the watercourse, shall have a Stream Alteration permit from the Agency of Natural Resources,

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if required;

11. Subdivisions and Planned Unit Developments shall be accessible by dry land access;

12. Structural Standards

a. New or Substantially Improved structures shall have the lowest floor, including basement, elevated to or above the Design Flood Elevation (two feet above base flood elevation). This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate;

b. New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall:

i. Meet the standards of Section V E 12a, above; or,

ii. Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that to at least two feet above the base flood elevation the structure is dry floodproofed, meaning watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

A permit for dry floodproofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection;

c. New or Substantially Improved structures in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least two feet above the depth number specified on the community's FIRM, or at least three feet if no depth number is specified;

d. Critical facilities to be substantially improved shall have the lowest floor, including basement, elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above base flood elevation, whichever is higher;

e. Historic structures being substantially improved shall meet the requirements in this bylaw other than the Lowest Floor Elevation (Section V E.12);

f. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited;

g. Fully enclosed areas below the lowest floor, that are above grade, below the DFE, and subject to flooding, shall:

i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit

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of floodwaters. Such designs shall be certified by a registered professional engineer or architect; or,

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

iii. A small accessory structure of 500 square feet or less need not be elevated to the base flood elevation if adequate flood openings are provided, the structure is placed on the site so as to offer the minimum resistance to the flow of floodwaters, and the construction meets the criteria in Section V E2 above.

E. Development Standards within the Floodway

1. Within the Floodway new encroachments are prohibited except for the following, which also shall comply with Section V F.2, below:

a. changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;

b. new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects;

c. new encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available.

2. Within the Floodway all proposed new encroachments are required to provide a hydraulic analysis, performed by a registered professional engineer, in accordance with standard engineering practice, certifying that the proposed development will:

a. Not result in any increase in flood levels during the occurrence of the base flood;

b. Not increase base flood velocities; and,

c. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

3. For development that will not result in any change in grade, the hydrologic & hydraulic analyses may be waived, where the applicant will provide pre- and post-development elevations demonstrating that there will be no change in grade, and that the development will be adequately protected from scour.

V. Other Provisions

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A. Precedence of Bylaw

The provisions of this bylaw shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this bylaw imposes a greater restriction the provisions here shall take precedence.

B. Validity and Severability

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

C. Warning of Disclaimer of Liability

This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This bylaw shall not create liability on the part of the Town of Starksboro, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this bylaw, or any administrative decision lawfully made hereunder.

VI. Administration

A. Administrative Officer (AO)

An Administrative Officer (AO) shall be appointed to administer this bylaw pursuant to 24 V.S.A. § 4448. The AO shall administer this bylaw literally and in doing so shall inspect development, maintain records, enforce this bylaw, and perform all other necessary tasks to carry out the provisions of this bylaw and the statutory requirements of 24 V.S.A. Chapter 117. The AO shall not have the power to permit any land development that is not in conformance with this bylaw.

B. Development Review Board (DRB)

A Development Review Board (DRB) shall be appointed by the Selectboard in accordance with 24 V.S.A. § 4460. The DRB shall have the duties and responsibilities as described in 24 V.S.A. Chapter 117 and as otherwise required by the municipal bylaws.

C. Applications All applications for development shall include:

1. A site plan that depicts the proposed development including water, Flood Hazard Areas, and River Corridor boundaries; the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, pre- and post-development grades, and the elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps.

2. A copy of the ANR Permit Navigator Results Summary.

D. Action and Referrals

1. Within 30 days of receipt of a complete application the AO shall issue or deny a permit in writing or refer it to the DRB.

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2. Any application for a proposed conditional use, variance, or appeal shall be referred by the AO to the DRB in accordance with 24 V.S.A. §§ 4448 and 4469.

3. Any application regarding New Construction, Substantial Improvement, development in a Floodway, development in a River Corridor, or a Variance shall be submitted by the AO to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources in accordance with 24 V.S.A. § 4424. A permit may be issued following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

4. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall be submitted by the AO to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers.

E. Public Notice

Prior to the issuance of a permit, proposals needing conditional use review, or consideration for a variance or appeal, must have a warned public hearing. Public notice of the hearing shall be provided by the AO at least 15 days before the date of the hearing by all the following:

1. Publication of the date, place, and purpose of the hearing in the newspaper of general circulation;

2. Posting of the same information in three or more public places within the municipality, including posting of notice by the applicant within view from the public right of way nearest to the property for which an application is made; and,

3. 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. In any situation in which a variance is sought regarding setbacks from a state highway, written notification shall be sent to the Secretary of Transportation. 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.

4. The applicant shall bear the cost of the public warning and notification of adjoining landowners.

F. Decisions

1. Decisions on applications that go to the DRB for review shall be made in accordance with 24 V.S.A. § 4464 including all findings of fact, conclusions, and conditions.

2. The DRB shall consider comments from the ANR.

3. No permit shall be issued by the AO for any use or structure which requires the approval of the DRB until such approval has been obtained.

G. Permits

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1. Where eligible, a permit shall be issued by the AO only in accordance with 24 V.S.A. Chapter 117;

2. Permits must state that all other necessary permits from state and federal agencies must be obtained before work may begin. A notice of permit, on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property must be posted until the appeals period has passed. Any Appeals shall be made within 15 days of permit issuance.

3. The AO, within three days of the date of issuance of a permit, shall deliver a copy of the permit to the listers of the municipality, and shall post a copy of the permit in the Town Offices for a period of 15 days from the date of issuance.

4. No permit shall take effect until the time for appeal (15 days) has passed, or in the event that a notice appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the DRB is complete and the time for taking an appeal to the Environmental Division of the Superior Court has passed without an appeal being taken. If an appeal is taken to the Environmental Division, the permit shall not take effect until the Environmental Division rules in accordance with 10 V.S.A. § 8504.

5. Within 30 days after a permit has been issued, or within 30 days of the issuance of any notice of violation, the appropriate municipal official shall:

   a. deliver the original or a legible copy of the permit or notice of violation or a notice of permit generally in the form set forth in 24 V.S.A. § 1154(c) to the town clerk for recording as provided in 24 V.S.A. § 1154(a); and,

   b. file a copy of that permit in the offices of the municipality in a location where all municipal land use permits shall be kept.

6. Expiration

   a. A permit shall remain valid for two (2) years from the date it is issued as long as substantial land development has been made;

   b. Permits shall run with the land regardless of owner;

   c. Structures shall be considered abandoned where the structures are no longer being maintained as a habitable structure for a period of at least five years, regardless of evidence of intent to re-establish such use. A habitable structure is structurally sound, weathertight, with functional drinking water, wastewater, and heating systems.

H. Variances

Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469 after a public hearing noticed in accordance with 24 V.S.A. § 4464. If the proposed development is located within any Flood Hazard Area, the proposal shall comply with 44 C.F.R. § 60.6. Any variance issued in the Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the BFE increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as $25 for $100 of coverage. Such notification

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shall be maintained with a record of all variance actions.

I. Appeals of a Permit Decision

Appeals from any decision or act of the AO in connection with this bylaw, shall be made to the DRB as provided for in 24 V.S.A. § 4465. Appeals from any decision of the DRB in connection shall be made to the Vermont Superior Court, as provided for in 24 V.S.A. § 4471.

J. Administrative Responsibilities

1. The AO shall properly file and maintain a record of:

a. All permits and supporting documents;

b. A FEMA Elevation Certificate for any new, replacement or substantially improved buildings (not including accessory buildings) in the Flood Hazard Area;

c. All floodproofing and other certifications required under this regulation; and,

d. All decisions of the AO and DRB (including those for Substantial Improvement, Substantial Damage, appeals, variances, and violations) and all supporting findings of fact, conclusions, and conditions.

e. All Certificates of Occupancy, and receipts as required for the determination of Substantial Improvement.

2. Substantial Improvement and Substantial Damage Determinations

a. In the event of damage of any kind to a structure located within any Flood Hazard Area, the AO shall determine if Substantial Damage occurred regardless of any intended repair at that time.

b. In the review of any proposal for the repair or improvement of a structure located within any Flood Hazard Area District, the AO shall determine if the proposal indicates Substantial Improvement.

c. Substantial Improvement or Substantial Damage determinations shall be made in accordance with current FEMA and ANR guidance, or by a procedure meeting FEMA standards and established by the Town in accordance with 24 V.S.A. § 1972.

3. Certificate of Occupancy

a. A Certificate of Occupancy (CO) is required for any new or Substantially Improved primary structure permitted under this bylaw. It shall be unlawful to use or occupy any structure within the areas affected by this bylaw, until a CO is issued by the AO in accordance with 24 V.S.A. § 4449 stating that the structure conforms to the requirements of this bylaw.

b. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption

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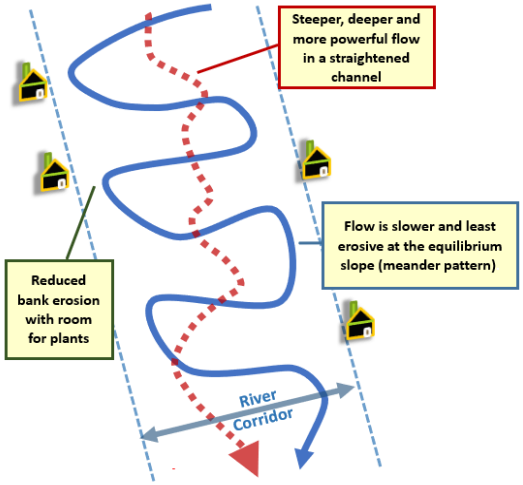
of this bylaw.

c. Upon receipt of the application for a certificate of occupancy, the AO shall review the permit conditions and inspect the premises to ensure that:

i. any required state and federal permits have been received,

ii. all work has been completed in conformance with the zoning permit and associated approvals, and

iii. all required as-built documentation has been submitted to the AO (e.g. updated FEMA Elevation Certificate, dry floodproofing certificate, as-built volumetric analysis, or as-built floodway encroachment analysis).



d. If a certificate of occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

4. Enforcement

a. This bylaw shall be enforced in accordance with 24 V.S.A. §§ 1974a, 4451, and 4452. All notices of violation shall be provided to the State NFIP Coordinator.

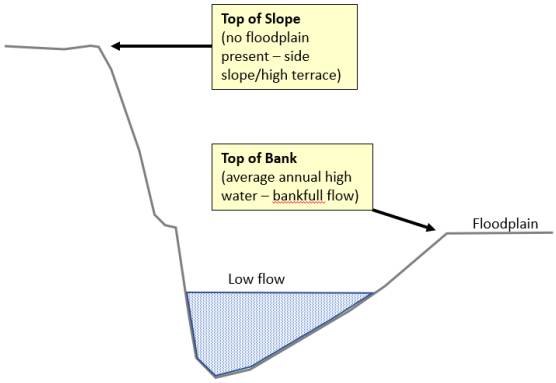


Figure 24 River Corridor Diagram showing room for river channel adjustments to minimize slope and erosive power.

"Top of slope" means a break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.

Figure 35 Diagram showing the Top of Bank where stream flows onto a floodplain and Top of Slope where floodplain access is not present.

"Violation" means the failure of a structure or other development to be fully compliant with this bylaw. A structure or other

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development without the elevation certificate, other certifications, or other evidence of compliance required in 44 C.F.R. § 60.3 is presumed to be in violation until such time as that documentation is provided.b. No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. If any appeals have been resolved, but the violation remains, the AO shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended. New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

Recreational Opportunity District

Section 2032. Purpose

290.A Facing changing patterns in rural economic development along with the near-loss of Robinson Elementary School in 2022, the planning commission was tasked with identifying novel ways to stimulate economic growth in Starksboro that are also aligned with our vision statement and town plan, the state's goal for land conservation and increased access to recreation. With the State of Vermont dedicating significant resources to promoting low-impact recreation opportunities in rural communities, Starksboro's Recreational Opportunity District is poised to capitalize on this state-wide initiative.

Our existing forest conservation district includes a significant amount of land that could provide recreation opportunities for out-of-town visitors, as well as another feature of the community that will appeal to new residents. A new district that enables responsible economic development in the form of businesses like campgrounds and outdoor centers at the boundary of the FC could promote growth while still being mindful of not exploiting our natural resources. Understanding that preserving the natural environment of the FC is a priority as outlined in the Town Plan, and that development in certain areas of the FC will not be feasible or appropriate, the ROD is an overlay district that extends just 600 feet into the FC.

Any proposed development in the ROD will be held to all of the same standards outlined in these Land Use Regulations to ensure that the natural environment, landscape, and community atmosphere are not impacted negatively, but rather that infrastructure is created that would draw visitors to Starksboro, creating new revenue for the town as well as increasing business for existing enterprises.

~~Facing changing patterns in rural economic development along with the near-loss of Robinson Elementary School in 2022, the planning commission was tasked with identifying novel ways to stimulate economic growth in Starksboro that are also aligned with our vision statement and town plan, the state's goal for land conservation and increased access to recreation. Our existing forest conservation district includes a significant amount of land~~

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~~that could provide recreation opportunities for visitors. A new district that enables responsible economic development in the form of businesses like campgrounds and outdoor centers at the boundary of the FC could promote growth while still being mindful of not exploiting our natural resources. This type of infrastructure would draw visitors to Starksboro, creating new revenue for the town as well as increasing business for existing enterprises.~~

Section 2033. Density and Dimensional Standards

2033.A The ROD is an overlay district that extends 600' into the FC boundary. The physical boundary of the FC (Forestry & Conservation district) extends 600 feet from the current FCC boundary with the intention of opening the community to planned and intentional growth and lite private enterprise to support town, school, and all members. See standards specified in Section 211.

Section 2034. Allowed Uses

2034.A Allowed uses are specified in Section 210.

Section 2035. Special District Standards

2035.A Architectural Standards.

To achieve the purposes of this district, applicants shall demonstrate that they have incorporated the following design principles into their projects to the maximum extent feasible. The DRB during site plan or conditional use review shall consider these standards to determine whether proposed land development furthers the purposes of this district and the applicable goals of the Town Plan.

(1) Buildings shall incorporate the features of and be compatible with the historic vernacular New England homes and farm buildings found throughout the district.

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Intentional focus areas inside the ROD

Trailhead Facilities:
- Parking
- Food
- Rentals
- Rest Room
- Learning events (specific to the location)
- Retail
- Lodging

Campground:
- Primitive campsites (in ROD and into FCC that is attached to the ROD)
- Campers/RVs
- Parking
- Food
- Rentals
- Rest Room
- Onsite Events
- Retail
- Lodging

Retreat Centers
- Parking
- Food
- Rentals
- Rest Room
- Onsite Events
- Retail
- Lodging/Cabins

Section 293.B Modifications

The DRB may waive or modify some or all of the architectural standards above upon the applicant requesting and demonstrating that a deviation is necessary to:

(1) Comply with federal and state requirements such as accessibility or building code;
(2) Allow for a higher standard of energy efficiency;
(3) Adequately protect important natural resources;
(4) Appropriately preserve or rehabilitate a historic structure; or
(5) Address specific concerns of neighboring property owners.

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PART 3. DEVELOPMENT STANDARDS

General

Section 300. Lots

300.A There shall not be more than one principal structure or use (such as a residence or a business) on a lot unless approved by the DRB as a mixed use or planned unit development (See Section 3045~~Section 358~~).

300.B The ZA or DRB shall not approve the creation or modification of a lot that does not meet district standards unless:

(1) A unit of government or public utility is acquiring the land for a community facility or essential service; or

(2) Owners are adjusting the boundary line of a nonconforming lot. See Section 1018~~Section 122~~ for further guidance.

Section 301. Setbacks

301.A **Projections.** Roof overhangs, eaves, balconies, sills, cornices, arcades, marquees or similar architectural features may project up to 24 inches into required setbacks, but they shall not extend over a right-of-way unless approved by the DRB. Any disturbance within or encroachment over a town or state right-of-way also requires approval from the Selectboard or state, as applicable.

301.B **Within a Lot.** Structures on a lot shall be separated from one another as follows:

(1) Accessory structures shall be separated from a principal building by at least 10 feet.

(2) Accessory structures shall be separated from each other by at least 5 feet.

(3) If there is going to be more than one principal, detached building on a lot, the buildings shall be separated from each other by at least 20 feet.

(4) The DRB may require a greater distance between buildings or structures to protect public safety and maintain the character of the area.

301.C **Interior Lots.** A lot with no road frontage shall have a minimum setback around its entire perimeter equal to the required minimum road centerline setback for the district.

Section 302. Height

302.A Farm structures, wind turbines, chimneys, and telecommunications towers and antennas are exempt from district height requirements.

302.B The DRB may approve a waiver to district height requirements for an architectural element such as a cupola, clock tower, bell tower, or steeple that will not be regularly occupied by people.

302.C The DRB may approve a waiver to district height requirements for industrial structures that require additional height to be functional for its intended use as a conditional use upon the applicant demonstrating that:

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(1) The Starksboro Fire Department has the capacity to serve the fire suppression needs of the proposed structure;

(2) The structure will conform to the state Fire Prevention and Building Code; and

(3) The requested waiver is the minimum amount necessary to accommodate the intended use.

Section 303. Small Renewable Energy Systems

303.A This section applies to all small renewable energy systems that do not require a Certificate of Public Good (not connected to the grid) whether building- or ground-mounted.

303.B Small renewable energy systems shall be considered an accessory structure.

303.C Ground-mounted wind turbines shall be located a distance that is at least equal to the total height of the structure from road rights-of-way, overhead utilities and property lines.

303.D Ground-mounted solar panels shall meet district setback requirements for non-residential uses. They shall be sited and screened from view of roads and adjoining properties.

303.E The permit holder shall remove all exterior renewable energy infrastructure that is out-of-service or unused for a continuous 12-month period.

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Site Engineering and Design

Section 304. Access

304.A **Applicability.** The provisions of this section apply to all land development.

304.B **Existing Lots without Road Frontage.** An existing lot without road frontage may be used or developed just like any other lot in the district if it has access to a maintained public or private road over a deeded right-of-way that is at least 20 feet wide.

304.C **New Lots without Road Frontage.** Newly created lots without road frontage shall have access to a maintained public or private road over a deeded right-of-way that is at least 50 feet wide.

304.D **Lots Accessed by Seasonal Roads or Trails.** To create or develop a lot that will be accessed from a Class 4 town road or legal trail that the town does not maintain for vehicular travel year-round, the landowner will need a driveway/accessibility permit from the Selectboard subject to any conditions concerning upgrading and maintaining the road the Selectboard may impose.

304.E **Access Permit.** A permit is required for a new access onto a public road. If the access will be on a state highway, the landowner will need to contact VTrans and get a state access permit. If the access will be on a town road, the landowner will need a driveway/accessibility permit from the Selectboard. The ZA shall have a copy of the access permit or a letter of intent from VTrans before issuing a zoning permit for any land development that will be served by the new access.

304.F **Number of Accesses.** The DRB may require lots being subdivided to share a common access whenever physically feasible. A lot shall not have more than one road access unless the DRB finds that an additional access is needed for safety reasons. A subdivision or PUD that will create one or more roads to serve more than 16 residences or 8 businesses shall be designed with at least two points of access for emergency vehicles. The DRB may require multiple access points to any land development if deemed necessary for improved safety or traffic circulation.

304.G **Road Access Standards.** In addition to the requirements of VTrans or the Town of Starksboro, as applicable, for the access permit, all of the following standards apply to any new road access:

(1) No new residential access will be constructed wider than 30 feet and no new non-residential access will be wider than 40 feet at the edge of the road right-of-way unless the DRB finds that additional width will be necessary for the anticipated type and amount of traffic.

(2) Any owner of a previously developed property with an excessively wide or undefined access that comes before the DRB for a site plan or conditional use approval will be required to define and reduce the width of the access to comply with these regulations unless the DRB finds that this requirement will place an undue burden on the continued operation of a pre-existing use due to the physical limitations of the property.

(3) If a property is located at the corner of two intersecting roads, access shall be on the less traveled road unless the DRB finds that access on the more heavily traveled road would be safer.

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(4) Subdivision of a parcel does not create an automatic right to construct an access for each new lot. The DRB may require that multiple lots share a common access.

304.H The DRB may require construction of a common and/or cross access to provide a vehicular connection between adjoining properties or that provision be made for future connection when adjoining land is developed as a condition of approval.

Section 305. Driveways

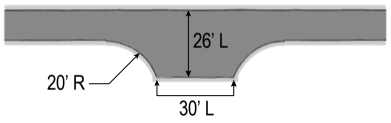
305.A The provisions of this section apply to all new driveways and to extensions of existing driveways to serve new land development, including any proposed land development or change of use that will increase the intensity of use (ex. changes in number of employees or other business activity that would increase the number of trips, increases in the number of bedrooms in a residence, etc.).

305.B A driveway must extend to within 100' of the main structure of the building lot.

305.C A driveway may provide access for up to 4 homes or 2 businesses. Any travel way that serves more than 4 homes or 2 businesses will be considered a private road.

305.D If a driveway is longer than 500 feet, it shall terminate in an area where an emergency vehicle can turn around and shall have at least one pull-off area every 500 feet or as approved by the DRB where an emergency vehicle can park and be passed by another emergency vehicle. The applicant shall consult with the Chief of the Starksboro Fire Department to review the design of proposed pull-offs and turnarounds prior to submitting an application.

~~Figure 8.~~Figure 2. **Pull-Off Diagram**

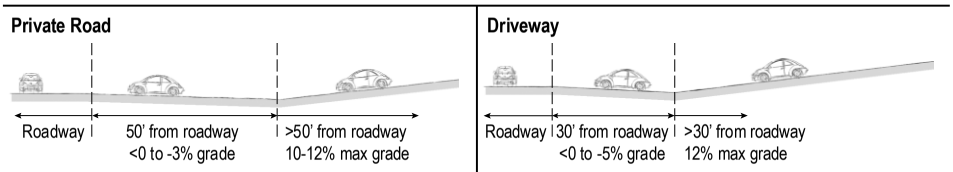


Driveways that are longer than 500 feet must have at least one area where emergency vehicles can pull of f and pass one another every 500 feet. Pull-of f areas should be designed with the following minimum dimensions or as otherwise recommended by the Fire Department.

305.E A driveway shall be constructed at least 10 feet and not more than 20 feet wide. A cleared corridor shall be maintained along a driveway that is at least 16 feet wide and 14 feet high to accommodate emergency vehicles.

305.F The average grade of a driveway shall not exceed 12%. Within 30 feet of the road, the average grade of a driveway shall be negative and shall not be steeper than -5%.

~~Figure 9.~~Figure 3. **Road and Driveway Grade Diagram**



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Section 306. Roads

306.A **Applicability.** The provisions of this section apply to any proposed land development that involves the construction of a new road or the extension of an existing road to serve new land development irrespective of whether the applicant intends for the road to be/remain a private road or to be taken over by the town as a public road.

306.B **Application Requirements.** Applicants proposing to build a private road shall submit detailed construction drawings showing a plan view, profile and typical cross-section of the proposed road(s) and all existing roads within 300 feet of any proposed intersections. The plan view shall be at a scale of not more than 1 inch = 50 feet. The vertical scale of the profile shall be at a scale of not more than 1 inch = 5 feet. The plans shall include all of the following:

(1) Intersections of the proposed road(s) with the existing road(s).

(2) Roadway and right-of-way limits including edge of pavement or aggregate base, edge of shoulder, clear zone, sidewalks, and curbs.

(3) Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to existing drainage ways or natural waterways and proposed drainage ways.

(4) Complete curve data for all horizontal and vertical curves.

(5) Turning radii at all intersections.

(6) Centerline gradients.

(7) Size, type, vertical clearance and locations of all existing and proposed overhead and underground utilities.

306.C **Road Standards.** The following design and construction standards apply to all new private roads:

(1) **General.** The DRB will consider the arrangement, character, extent, width, grade and location of all proposed roads in relation to existing roads, topography, public convenience and safety, and the proposed uses of the adjacent land.

(2) **Compatibility.** Road design and construction shall be compatible with the estimated average daily traffic expected to occur on the road, and types and density of land development allowed in the zoning district. The DRB may increase minimum standards as deemed necessary to accommodate anticipated traffic levels, travel speed, truck traffic, terrain, or types/density of land development to be served by the road.

(3) **Road Network.** The design of new roads shall be a continuation of existing roads and create an interconnected road network to the greatest extent feasible. The DRB will approve dead-end roads only when necessitated by site-specific physical conditions (e.g., steep slopes, streams, wetlands, etc.) or when the road is anticipated have average daily traffic of 80 trips or less. Dead-end roads shall be constructed to provide either a cul-de-sac or hammer-head turnaround.

(4) **Future Connections.** The DRB may require the creation of a road right-of-way in-line with the proposed road to provide continuation of that road where future land development is possible on the subject or an adjoining parcel.

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(5) **Centerline.** The centerline of the roadway should be the centerline of the right-of-way whenever feasible.

(6) **Roads and Building Sites.** Road grades should be set to allow building sites to be situated at or above the finished grade level of the road to the maximum extent feasible.

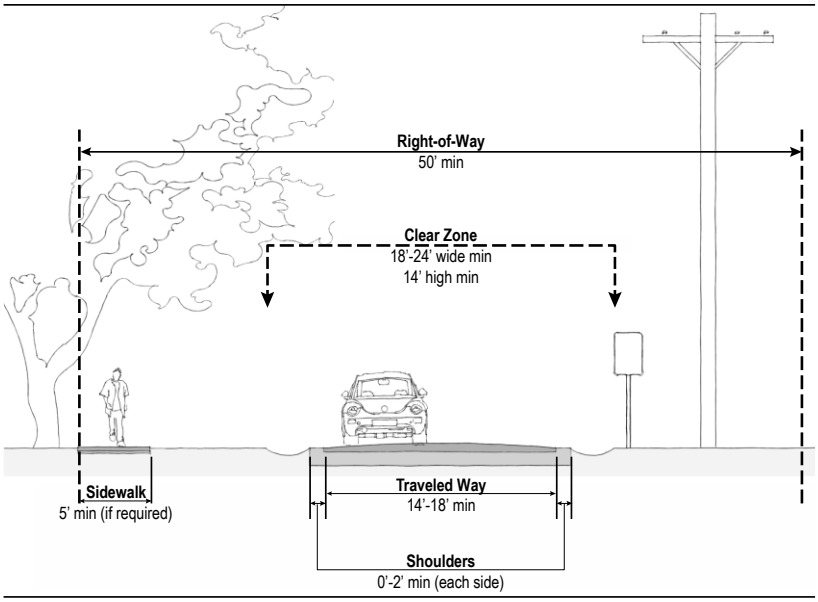
(7) **Roads and Utilities.** Utilities shall be located within and follow road rights-of-way to the greatest extent feasible.

(8) **Roads and Protection of Natural Resources.** Roads shall avoid streams, wetlands, steep slopes, and highly erodible soils to the greatest extent feasible. Clearing and grading for roads and utilities shall be limited to the minimum necessary to construct safe roads, create needed roadside and embankment drainage, establish stable cuts and fills, and allow for utility installation.

(9) **Dimensional Standards.** Roads shall be designed to accommodate anticipated traffic as follows:

~~Figure 10.~~Figure 4. **Private Road Standards Table and Diagram**

STANDARD	<80 ADT	80+ ADT
Traveled way (total width)	14 ft min	18 ft min
Shoulder (width each side)	0 ft min	2 ft min
Clear zone (total width)	18 ft min	24 ft min
Vertical clearance	14 ft min	14 ft min
Average grade (over any 100-ft section)	12% max	10% max
Centerline radius	50 ft min	90 ft min
Curb radius	10 ft min	14 ft min
Based on average daily traffic (ADT). Each home will be assumed to generate 10 trips per day.		



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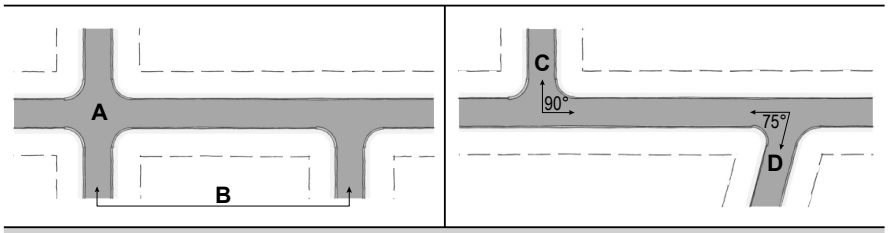
(10) **Intersections.** The grade of a private road shall be negative and shall not be steeper than -3% within 50 feet of any intersection with a public road. All intersections shall be separated as specified below unless they are directly across from each other. Roads shall intersect as close as possible to a right angle and shall not intersect at an angle of less than 75 degrees. The intersection shall allow a minimum sight distance as specified below.

~~Figure 11.~~Figure 5. **Intersection Standards Table and Diagram**

STANDARD	<30 MPH	30 to <40 MPH	40+ MPH
Intersection Spacing	150 ft min	250 ft min	400 ft min
Sight Distance	200 ft min	300 ft min	500 ft min
Based on highest posted speed at the intersection.			



Intersection spacing will be measured from road centerline to road centerline. Intersections that are not directly opposed (A) must be offset the minimum distance specified in Table 4 (B). Roads should intersect at a 90 °angle (C) whenever possible and must not intersect at less than a 75 ° angle (D). The angle will be meaured from the road centerlines

(11) **Inspection Required.** Before any clearing has started within the right-of-way, the center line and side lines of the new road shall be staked or flagged at 50-foot intervals for inspection by the ZA to determine compliance with approved plans.

Section 307. Parking, Loading and Service Areas

307.A **Applicability.** The provisions of this section apply to all land development subject to site plan or conditional use review.

307.B **Spaces Required.** Each land use shall have the minimum amount of off-street parking specified in the table below or as otherwise established by the DRB. The DRB may reduce off-street parking requirements if the applicant submits a parking study demonstrating that the additional parking will not be needed.

307.C **Shared Parking for Mixed Uses.** The DRB may allow mixed-use development to share required parking spaces. The applicant shall submit a parking study demonstrating the amount of and time of day that parking will be required for each use.

307.D **Parking Surface Standards.** A parking lot with more than 20 spaces shall be paved and the spaces delineated by painted lines. The DRB may waive or modify this requirement for seasonal, temporary or overflow parking lots. The use of permeable paving or other suitable surfaces that allow for infiltration of run-off is required for parking areas that will not be regularly used, if feasible given soil and similar site-specific conditions.

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~~Figure 12.~~Figure 6. **Required Parking Table**

USE OR STRUCTURE TYPE	MINIMUM PARKING SPACES
Single- and two-family housing	2 per unit
Multi-family and congregate housing	1.5 per unit or resident room
Accessory, 1-BDRM & efficiency apartments	1 per unit
Elderly housing and lodging	1.1 per unit or guest room
Business with regular customer traffic	4 per 1,000 sf of gross floor area
Business with limited customer traffic	2 per 1,000 sf of gross floor area
Business with no customer traffic	1 per employee
Place of assembly with fixed seats	1 per 4 seats
The DRB may establish minimum parking requirements for uses not listed in this table.	

307.E **Parking Dimensional Standards.** Parking areas shall be designed to minimize their size and visual impact, and to be safe and easy to navigate for both drivers and pedestrians. To that end:

(1) In a paved parking lot where spaces will be delineated by painted lines, parking spaces shall be at least 9 feet wide by 18 feet deep. In all other cases, parking spaces shall be at least 10 feet wide by 20 feet deep.

(2) The aisles between parking rows shall be at least 10 feet wide for one-way travel or 20 feet wide for two-way travel.

(3) A row shall not include more than 10 contiguous parking spaces that are not separated by a landscaped island (see Section 3010~~Section 316~~ for guidance on parking lot landscaping).

(4) A parking lot shall not include more than 80 parking spaces. If more than 80 parking spaces will be constructed on a site, the parking shall be divided into multiple interconnected lots separated by buildings or landscaped greenspace that is at least 40 feet wide.

(5) A parking lot with more than 20 spaces shall include designated walkways that separate pedestrians from vehicle traffic.

(6) A parking lot with more than 10 spaces shall be landscaped (see Section 3010~~Section 316~~ for guidance on parking lot landscaping).

307.F **Location of Parking.** Parking shall not be located within required setbacks except for shared parking areas that cross side or rear property lines. Only one row of parking may be located in front of the principal building and applicants are strongly encouraged to locate all parking to the side or rear of buildings. The DRB may require landscaping and screening between parking areas and the road or adjoining properties (see Section 3010~~Section 316~~ for further guidance).

307.G **Electric Vehicle Parking**. The applicant(s):

(1) Will not have to provide additional parking when spaces are converted and/or reserved for charging vehicles

(2) Must provide a cord of sufficient length to accommodate port variations in passenger vehicles or otherwise allow vehicles to park front-to-back or back-to-front.

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(3) Must protect and place ground and wall-mounted equipment to prevent physical damage to the control device by vehicles and snow plows (e.g. bollards and/or curbing).

(4) May count electric vehicle charging station parking spaces toward the minimum amount of parking requirements (if any) under this section.

(5) May provide a minimum of one accessible electric vehicle charging station parking space in close proximity to the building entrance with a maintained and barrier-free route of travel.

(6) May provide a minimum of 1 charging station for every 10 parking spaces required.

307.H **Loading and Service Areas.** Multi-family residential and nonresidential uses that will require regular deliveries, shipments or similar activities shall provide space for loading and service as specified below:

(1) Any use that will involve regular service by single-unit trucks shall provide an off-street loading space that is at least 10 feet wide and 30 feet deep.

(2) Any use that will involve regular service by larger freight trucks shall provide an off-street loading space that is at least 15 feet wide and 60 feet deep.

(3) The DRB may require additional space for loading and service areas as deemed necessary to accommodate the proposed use.

(4) The DRB may allow a portion of the parking area to also serve as the loading and service area if the applicant can demonstrate that truck or other service traffic will occur at times when the parking spaces will be unoccupied.

(5) Except for areas used to load or unload passengers, loading and service areas should be located to the side or rear of buildings.

307.I **Drive-Through Windows.** Drive-through windows shall be located to the side or rear of buildings. A minimum of 4 queuing spaces shall be provided, which shall be located behind the building frontline. Drive-through lanes shall be separated from and not interfere with vehicle and pedestrian traffic. Drive-through windows and lanes shall be set back a minimum of 25 feet from adjoining property lines. The DRB may require that drive-through windows and lanes be screened from public roads and adjoining properties.

Section 308. Outdoor Lighting

308.A **Applicability.** The provisions of this section apply to all land development subject to site plan or conditional use review.

308.B **Exemptions.** All outdoor lighting shall meet the requirements of this section except for the following:

(1) Outdoor light fixtures associated with a residential use that do not emit more than 2,000 lumens and that are fully- or partially-shielded.

(2) Outdoor lighting associated with an agricultural use.

(3) Temporary outdoor lighting associated with a construction project or a special event.

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(4) Fixtures used to light school or municipal athletic fields, courts or tracks. Such outdoor lighting will require site plan approval by the DRB and shall be designed in accordance with the minimal levels for the activity recommended by the Illuminating Engineering Society of North America (IESNA).

(5) Public streetlights.

(6) Outdoor light fixtures directed onto the surface or walls of public monuments or landmark buildings that do not cause glare or light trespass beyond the structure being lit.

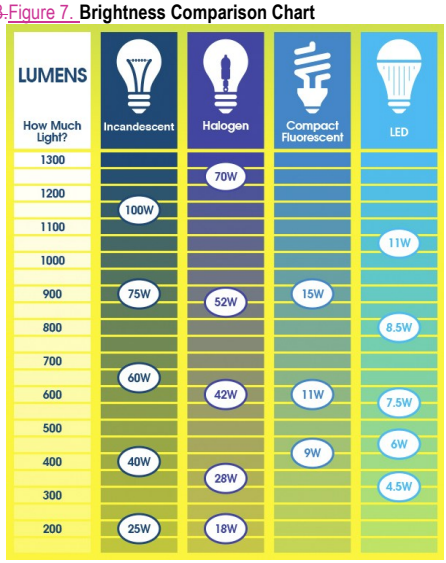
(7) Decorative holiday lighting that does not emit more than a total of 2,000 lumens per lot and that is not lit for more than 60 days in any calendar year.

308.C **Application Requirements.** Applicants proposing to install or modify outdoor light fixtures shall submit plans and supporting materials:

(1) Indicating the total number and location of outdoor light fixtures existing and proposed on the lot.

(2) Describing all existing and proposed outdoor light fixtures sufficiently to determine compliance with the requirements of this section including at a minimum the lamp type, initial lumen output and a manufacturer's illustration or cut sheet for each fixture.

~~Figure 13.~~Figure 7. **Brightness Comparison Chart**



308.D **Design Standards.** The following standards apply to outdoor lighting:

(1) The total amount of outdoor lighting shall not exceed 50,000 lumens per acre for industrial, commercial, civic, or mixed uses and 10,000 lumens per residence for residential uses.

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(2) Fixtures used to light outdoor sales areas, eating areas, signs, recreational facilities, and places where people will be regularly working or carrying out other activities after dark shall be fully shielded and use lamps that accurately render color.

(3) Fixtures used for general illumination and security of walkways, roadways, parking lots, outdoor storage or display areas shall be fully shielded.

(4) Fixtures used for decorative purposes such as illumination of architectural elements or landscaping shall be partially- or fully-shielded and shall not exceed an initial output of 2,000 lumens each. The total amount of decorative lighting shall not exceed 5,000 lumens per acre for industrial, commercial, civic, or mixed uses and 3,000 lumens per residence for residential uses.

(5) All light fixtures mounted on or recessed into gasoline station canopies shall be fully shielded and utilize flat lenses. The total light output used to illuminate station canopies shall not exceed 60 lumens per square foot of canopy.

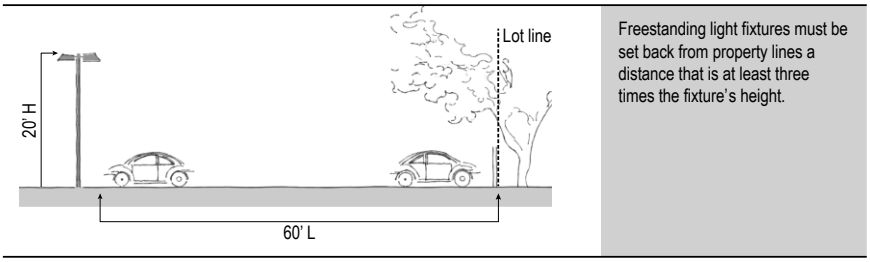
(6) Spot or flood lamps shall be aimed no higher than 45 degrees above straight down.

(7) Outdoor lighting in areas where people will be driving, walking, working or engaged in other activities shall be designed to maintain a consistent light level and avoid creating sharp contrasts in light level that could limit visibility.

(8) Applicants shall minimize the amount of energy consumed by outdoor lighting to the extent economically and physically feasible. Energy efficient lighting options include reducing the total amount of outdoor lighting; limiting the hours lighting will be used; installing high-efficiency fixtures; and using timers, dimmers, ambient light sensors, or motion sensors.

308.E **Location of Lighting.** Outdoor light fixtures may be located within road setbacks but shall not be located within property line setbacks. Outdoor light fixtures not mounted on a building shall be located a distance that is at least 3 times the mounted height of the fixture from adjoining property lines.

~~Figure 14.~~Figure 8. **Lighting Diagram**



308.F **Hours of Operation.** Except as specifically approved by the DRB, outdoor lighting shall be turned off within 1 hour after the associated business or use closes and shall not be turned on more than 1 hour before the associated business or use opens.

308.G **Security Lighting.** The DRB may approve security lighting that is activated by a motion detector and that remains lit for a limited period after being activated. The DRB will only approve security lighting that is constantly illuminated when it is required by state or federal regulations or when the site will be monitored by an employee, resident or camera.

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~~308.H **Pre-Existing Lighting.** Any owner of a previously developed property with nonconforming outdoor lighting will be required to replace or modify the outdoor lighting to comply with these regulations unless the DRB finds that this requirement will place an undue burden on the continued operation of a pre-existing use.~~

~~308.I~~308.H **Interior Lighting.** Any indoor lighting fixture within a nonresidential building containing a lamp with a brightness of more than 2,000 lumens and mounted so that the fixture is lower than the height of a window or door shall be fully shielded.

Section 309. Outdoor Storage, Sales or Display

309.A **Applicability.** Commercial and light industrial land uses shall not involve the storage, sales or display any goods, junk, vehicles, equipment, materials or merchandise outside an enclosed building except as specified in this section.

309.B **Small-Scale Retail.** Areas used to store, sell or display small consumer goods like nursery plants and ancillary garden supplies, handcrafted goods, works of art, antiques, or similar items shall:

(1) Not cover more than 40% of the lot.

(2) Not be located closer than 45 feet (or the district minimum setback, if greater) to the road centerline

(3) Not be located closer than 15 feet (or the district minimum setback, if greater) to adjoining properties.

(4) Be screened from any adjoining residential properties by either existing buildings or vegetation, or by a landscaped buffer in accordance with an approved landscape plan (see Section 3010~~Section 316~~).

309.C **Large-Scale Retail.** Areas used to store, sell or display large consumer goods like operable vehicles, equipment, machinery, watercraft, mobile homes, pre-fab accessory buildings, or similar items shall:

(1) Not cover more than 30% of the lot.

(2) Not be located closer than 65 feet (or the district minimum setback, if greater) to the road centerline

(3) Not be located closer than 20 feet (or the district minimum setback, if greater) to adjoining properties.

(4) Be screened from any adjoining residential properties by either existing buildings or vegetation, or by a landscaped buffer in accordance with an approved landscape plan (see Section 3010~~Section 316~~).

309.D **Wholesale, Construction and Light Industry.** Areas used to store, sell or display building supplies, farm supplies, construction materials or equipment, stone, inoperable vehicles or vehicle parts, fuel tanks, industrial materials or wastes, or similar items shall:

(1) Not cover more than 20% of the lot.

(2) Not be highly visible from the road, which may be accomplished by placing storage, sales or display areas behind or to the side of buildings, in a location well-screened by existing vegetation or topography, or by screening with a fence and landscaping in accordance with an approved landscape plan (see Section 3010~~Section 316~~).

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(3) Not be located closer than 50 feet (or the district minimum setback, if greater) to adjoining properties.

(4) Be screened from any adjoining residential properties by either existing buildings or vegetation, or by a landscaped buffer in accordance with an approved landscape plan (see Section 3010~~Section 316~~).

Section 3010. Landscaping and Screening

3010.A **Purpose.** Landscaping and screening is required to create a buffer between incompatible uses, screen elements from view that would detract from the character of the area or create visual clutter, and enhance the appearance of new land development.

3010.B **Applicability.** The provisions of this section apply to all land development subject to site plan or conditional use review.

3010.C **Front and Side Yard Landscaping.** Applicants shall submit a landscaping plan designed to achieve the purposes of Paragraph 317.A. Landscaping shall include a mix of shade (ex. maple, oak), ornamental (ex. crab apple, redbud), and evergreen (ex. spruce, pine) trees, as well as shrubs and other garden plants.

3010.D **Parking Lot Landscaping.** Landscaping is required within and around all parking lots with more than 10 spaces as specified below:

(1) Parking lot landscaping shall include a mix of shade (ex. maple, oak), ornamental (ex. crab apple, redbud), and evergreen (ex. spruce, pine) trees, as well as shrubs and other garden plants. The DRB may modify these requirements based on existing vegetation to be retained, topography and other site features.

(2) Parking lot landscaping may be located along the perimeter of and within the parking lot. Landscaping shall be located to screen parking from public view, to shade parking spaces, and to provide visual breaks within large parking areas.

(3) Planting islands within parking lots shall be at least 9 feet wide by 18 feet deep.

(4) Applicants are strongly encouraged to use native species and create naturalistic groupings of plants rather than regular, geometric planting patterns.

(5) Applicants are strongly encouraged to use vegetation within and around parking lots as part of low-impact development (LID) and green infrastructure approaches to managing stormwater.

3010.E **Screening.** Mechanical equipment, utilities, dumpsters, fuel tanks, loading docks, service entrances and similar utilitarian elements whether located at ground level, wall-mounted or roof-mounted shall be screened from public view. Exterior screening materials shall be compatible with the exterior materials of the principal building.

3010.F **Fences and Walls.** All non-agricultural fences or walls shall be built and maintained as specified below:

(1) Property line (side or rear) setbacks do not apply to fences or walls that are less than 6½ feet tall.

(2) Road setbacks do not apply to fences or walls that are less than 4½ feet tall, but they shall not be located within public rights-of-way.

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(3) Fences or walls shall not obscure vision above a height of 3 feet within 50 feet of a road intersection.

(4) Any support posts, cross pieces or the "unfinished" side of the wall or fence shall face inward and the "finished" or "good" side of the fence or wall shall face outward.

(5) Fences or walls shall not be constructed of any material capable of inflicting significant personal injury. They shall not be constructed of junk or cast-off items not originally intended to be used for fencing.

(6) Fences or walls required for screening shall be solid, be at least ½ inch thick, and be constructed of wood, concrete or metal. Such fences may be designed with slats on either side that are offset so that neither side is solid, but visibility through the fence is effectively blocked.

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Section 3011. Signs

3011.A **Applicability.** In order to prevent the indiscriminate use and proliferation of outdoor advertising, a zoning permit shall be required prior to the erection, construction or replacement of any sign, except for signs specifically exempted from these provisions in Subsection 3011.D~~317.D~~. The ZA may issue a zoning permit for signs associated with a permitted use. The ZA shall not issue a permit for the following signs until the application has received approval from the DRB:

(1) The DRB may grant conditional use approval for signage in accordance with Section 4015~~Section 425~~ that does not comply with the provisions outlined in Subsection 3011.F~~317.F~~.

(2) Site plan review by the DRB is required for all internally illuminated signs. If the sign is associated with a conditional use, the DRB review of the sign may be conducted as part of the conditional use review for the project as whole.

(3) All signs in the Forest Conservation District or Watershed Protection District shall require conditional use review and approval by the DRB.

(4) Special signs as per Subsection 3011.G~~317.G~~.

3011.B **Application Procedure.** To file an application for a sign, the applicant shall submit the following to the ZA, who shall determine whether the application is complete:

(1) A complete application form (to be provided by the ZA) signed by all the owners of record and the required fees.

(2) An accurate site plan depicting the property boundaries, structures, roads and driveway and proposed sign location shall be provided with the application. This is not required to be a survey but should be accurate enough for the ZA to determine compliance.

(3) A sketch of the proposed sign and support structure drawn to scale that includes overall dimensions, materials and colors.

(4) A lighting plan (if applicable) that includes a description of the lighting fixture(s) design, placement and intensity.

3011.C **General Requirements.** The ZA shall issue permits for signs in accordance with the following requirements:

(1) Signs shall not be designed and sited in such a way as to create a hazard or obstruction to vehicular or pedestrian traffic, restrict the free use of any door, window or fire escape, or be confused with any traffic sign or signal, or to otherwise impair public safety.

(2) Only 1 freestanding sign shall be permitted for each property.

(3) The total area of signage on the property shall not exceed that allowed in Subsection 3011.F~~317.F~~. Exempt signs, as specified in Subsection 3011.D~~317.D~~, shall not count toward the total number of signs allowed on the property.

(4) Lights used to illuminate signs shall be directed downward, shielded, and continuous (non-flashing). Light trespass shall not illuminate or reflect onto neighboring properties or cause unsafe conditions to traffic. All illuminated signs shall be turned off at the closing of the business or use.

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(5) Sign area shall be calculated as the total area of one side of the sign face. A sign's width shall be at least 25% of its length. The supporting frame shall not be considered as part of the sign area provided that the supporting frame is not out of character with the sign's overall presence or that the frame is not used as additional signage surface area. Signs shall be limited to a maximum of two faces/sides. Back-to-back signs shall be counted as one sign.

(6) No sign or supporting structure shall be allowed within a road right-of-way.

(7) Signs associated with a business no longer in existence shall be removed within 90 days of the discontinuance of the business activity.

3011.D **Exempted Signs.** The following signs do not require a permit:

(1) Signs erected by the town or state for directional, safety or public service purposes, including flashing signs necessary for public safety and welfare.

(2) Non-advertising signs placed for directional, safety or public service purposes, not to exceed 4 square feet.

(3) Unlit ornamental signs incidental to a residential use and not used for advertising purposes, which do not exceed 4 square feet as seen from the public road or neighboring property.

(4) Unlit temporary signs not to exceed 6 square feet, which shall not be permanently mounted and shall generally be in place for less than 3 consecutive months. The following signs are typically considered temporary; real estate, construction, yard, porch or garage sale, civic/special events announcements, election. All temporary signs shall be promptly removed immediately following event.

(5) 1 portable sign (such as a sandwich board) or flag not to exceed 2 feet by 3.5 feet in size that is displayed only when the business is open.

3011.E **Prohibited Signs.** The following signs are prohibited in Starksboro:

(1) Signs located within the right-of-way of a public or private road, except signs erected in accordance with Chapter 21 of Title 10 V.S.A.

(2) Roof-mounted signs.

(3) Off-premise signs, except as allowed in accordance with Chapter 21 of Title 10 V.S.A.

(4) Advertising signs or banners attached to utility poles or public signposts.

(5) Flashing signs, electronic message signs, or moving signs.

(6) Signs located on motor vehicles, painted on rocks or rock outcroppings, trees or other natural features.

3011.F **Dimensional Requirements.** All signs will comply with the following dimensional and sign area requirements:

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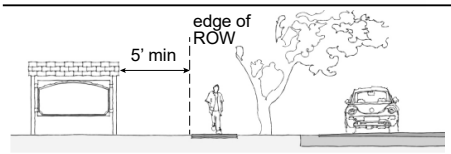
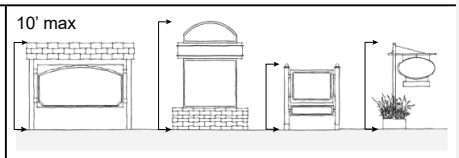
~~Figure 15.~~Figure 9. **Sign Standards Table and Diagram**

SIGN TYPE	MINIMUM FRONT SETBACK	MINIMUM SIDE SETBACK	MAXIMUM HEIGHT	MAXIMUM SIGN AREA		
				HOME BUSINESS	<40 MPH	40+ MPH
Freestanding	5 ft from ROW	20 ft	10 ft	6 sf	16 sf	25 sf
Wall-mounted Hanging or projecting *(nonconforming building)*	5 ft from ROW	20 ft	Below roofline, w/in wall area	6 sf	16 sf	25 sf
Wall-mounted Hanging or projecting	Compliant w/ district setbacks	Compliant w/ district setbacks	Below roofline, w/in wall area	9 sf	24 sf	40 sf



A free-standing sign must be located 5 feet from the edge of the road right-of-way and 20 feet from adjoining property lines.



The height of a free-standing sign will be measured from the ground to the highest point of the structure including any base, roof, decorative element or support element.

3011.G **Electric Vehicle Charging Station Identification Signs.** The applicant must provide each electric vehicle charging station with on-site signs approved by the Manual Uniform Traffic Control Devices to identify electric vehicle parking (general service signs) and restrict access (regulatory signs) by stating, "no parking except while charging, vacate when complete" unless waived by the appropriate panel or zoning administrator (see example signage above). For purposes of this section, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the electric vehicle supply equipment port. If time limits or vehicle removal provisions are to be enforced, regulatory signage including parking restrictions shall be installed immediately adjacent to, and visible from the electric vehicle charging station.

3011.H **Special Signs.** The Zoning Administrator may issue a permit for a special sign in the High Density and Residential Commercial District after finding that such sign:

(1) Serves the public interest and not detrimental to public safety or welfare.

(2) Will be in place not to exceed 90 days.

(3) Will not adversely affect neighboring properties.

(4) Generally complies with the regulations for the district in which it is located.

(5) Is of a character, size and location such that it will be in harmony with the orderly development of the district. Special signs shall not count as part of the total signage allowed on the property.

(6) Shall comply with the standards outlined in Subsection 3011.F~~317.F~~.

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Performance Standards

Section 3012. Applicability

3012.A These performance standards do not apply to agricultural or silvicultural uses that meet state standards for accepted or best management practices. They do not apply to lawful, private, non-commercial activities that are accessory to a single- or two-family home.

3012.B The DRB will apply these performance standards to all land development that requires site plan or conditional use approval. The DRB may place conditions on any approval based on these standards.

3012.C The DRB may waive or modify these standards during construction or for other short-term, special circumstances.

Section 3013. Noise

3013.A Unreasonable noises are not permitted. A determination of "unreasonable" shall include factors such as intensity, duration, and frequency (i.e., how often it occurs). No noise other than noises that would be part of the normal coming and going by occupants shall be discernable at property lines during the following hours:

Before 6:00 a.m. or after 10:00 p.m. on weekdays or before 8:00 a.m. or after 9:00 p.m. on weekends.

The Development Review Board may permit noises at other times, as a conditional use if it finds that reasonable steps have been taken to accommodate adjoining property owners, and if it finds that it is reasonable to permit noise at other times. This Section 5.12.1 shall not be construed to prohibit usual and customary residential activities or property maintenance.

~~3013.A~~3013.B ~~Ambient sound from land use activities shall not regularly exceed 70 decibel levels as measured at the property line or elsewhere beyond the subject property and averaged over a one-hour period. The Development Review Board may permit noises at other times, as a conditional use if it finds that reasonable steps have been taken to accommodate adjoining property owners, and if it finds that it is reasonable to permit noise at other times.Land use activities shall not regularly generate noise that is out of character with and distinct from the area's ambient sound levels, and that is plainly audible to someone located off the property.~~.

~~3013.B Specifically, ambient sound shall not exceed the following decibel levels (weighted in the A scale to simulate human hearing) as measured at the property line or elsewhere beyond the subject property and averaged over a 10-minute period unless specifically approved by the DRB:~~

~~Noise Standards Table~~

~~ZONING DISTRICT~~	~~7 AM TO 9 PM~~	~~9 PM TO 7 AM~~
~~High Density~~	~~60 dB(A)~~	~~40 dB(A)~~
~~Medium Density~~	~~60 dB(A)~~	~~35 dB(A)~~

~~NOISE LEVEL CHART~~	
~~30 dB(A)~~	~~Quiet rural area at night~~
~~35 dB(A)~~	~~Sound of flowing water, library~~

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~~Low Density~~	~~55 dB(A)~~	~~35 dB(A)~~	~~40 dB(A)~~	~~Lowest limit of ambient sound in developed areas~~
~~Agricultural~~	~~55 dB(A)~~	~~35 dB(A)~~	~~45 dB(A)~~	~~Computer or refrigerator~~
~~Forest Conservation~~	~~50 dB(A)~~	~~30 dB(A)~~	~~50 dB(A)~~	~~Light traffic, conversation at home~~
~~Water~~	~~55 dB(A)~~	~~35 dB(A)~~	~~55 dB(A)~~	~~Ambient sound in a large office, dishwasher~~
			~~60 dB(A)~~	~~Ambient sound in a restaurant, piano practice~~
			~~90 dB(A)~~	~~Truck traffic~~
			~~100 dB(A)~~	~~Snowmobile, motorcycle~~
			~~110 db(A)~~	~~Power mower or chainsaw at close range~~

~~The DRB will require land and business owners to take reasonable measures to minimize noise such as restricting hours of operation or requiring sound-generating activities to occur within an enclosed structure.~~

Section 3014. Dust, Odors and Air Pollution

3014.A Land use activities shall not regularly generate unreasonable amounts of dust that accumulates on surfaces off the property. The DRB will require businesses that generate heavy truck traffic to take reasonable and practical measures to minimize dust such as covering loads, appropriately surfacing or treating haul roads, using water control methods, or limiting the number of trips.

3014.B ~~Land use activities shall not regularly generate odors, smoke or other air emissions that would interfere with a person's ability to use and enjoy nearby property.~~No noxious odors or injurious gases or fumes shall be discernable from the property lines. This provision shall not be construed to apply to otherwise permitted farming and agricultural activities. Such operations shall not create odors that are substantially beyond what is normal and expected of such activity (i.e. manure storage or spreading, etc.).

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Section 3015. Light, Glare and Reflection

3015.A Land use activities shall not regularly generate light that is directed off the property or skyward unless specifically approved by the DRB for an overriding public purpose or to meet mandated state or federal requirements.

3015.B The DRB will require businesses to turn off lights when the premise is closed, except for approved security lighting (see Section 308~~Section 314~~ for further guidance on security lighting).

Section 3016. Vibration

3016.A Land use activities shall not regularly create vibration that can be perceived by a person located off the property.

~~Section 3017. Traffic~~

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~~3017.A Land use activities shall not regularly generate enough vehicle trips to increase the average daily traffic on a Class 3 town road by 25% or more unless approved by the DRB as a conditional use. The DRB may request that the applicant submit a traffic impact study as part the conditional use application.~~

~~3017.B Any nonresidential land use activities located on a Class 3 town road further than ½ mile from a Class 2 town road or state highway that will generate daily customer and/or truck~~

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~~traffic shall be approved as a conditional use.~~

~~3017.C Land use activities shall not regularly generate more than 10 truck trips per day unless located on a state highway or approved by the DRB as a conditional use. The applicant shall submit a traffic impact study to the DRB as part the conditional use application.~~

~~Section 3018.~~Section 3017. Junk and Refuse

~~3018.A~~3017.A Land use activities shall not result in the storage or accumulation of junk or refuse except as specifically approved by the DRB.

~~3018.B~~3017.B Junk refuse shall be stored inside an enclosed building or otherwise be fully screened from off-site view.

~~Section 3019.~~Section 3018. Bulk Storage

~~3019.A~~3018.A Storage of fuel or other hazardous materials is prohibited within the Watershed Protection zoning district and the Flood Hazard overlay district.

~~3019.B~~3018.B An aboveground storage tank (or multiple tanks comprising a bulk storage facility) with a total storage capacity of more than 1,320 gallons shall:

(1) Be located at least 125 feet from the centerline of the road, 100 feet from property lines and 200 feet from surface waters or wetlands.

(2) Be constructed or installed on a level hard-surfaced pad, foundation or supports rather than directly on the ground.

(3) Be constructed or installed to prevent vehicles from striking the tank, and to prevent tipping or flotation.

(4) Be constructed or installed with a secondary means of containment adequately sized to hold 110% of the tank's (or facility's) entire capacity.

(5) Be secured as necessary to prevent unauthorized access.

(6) Be painted with an earth-tone, muted, non-reflective color and maintained in a rust-free condition.

(7) Not have any sign, lettering or message painted or mounted on a tank's surface except for identification, safety or similar information required by state or federal law.

(8) Be illuminated only when being actively used or as required to meet minimum state or federal requirements.

(9) Be fully screened from off-site view.

~~Section 3020.~~Section 3019. Fueling Stations

~~3020.A~~3019.A Fueling stations shall be located on a Class 2 town road or state highway.

~~3020.B~~3019.B Fueling stations shall locate pumps and other fueling or service equipment:

(1) At least 50 feet from adjoining property lines and road rights-of-way or outside required setbacks, whichever is greater; and

(2) Behind the frontline of the principal building on the lot.

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~~3020.C~~3019.C Fueling station buildings and canopies shall be compatible in scale, design, and architectural style with each other and surrounding buildings in the area. Flat-roofed canopies are prohibited. The size and height of canopies shall be limited to the minimum required for adequate pump and apron coverage and to meet applicable state and federal safety requirements. Canopies shall not be internally illuminated and the fascia shall not be illuminated. Corporate logos and other advertising shall be prohibited on station canopies.

~~3020.D~~3019.D Fueling stations, in addition to signs allowed as per Section 3011~~Section 317~~, may have one pricing sign that does not exceed 16 square feet in area, or pump-top pricing signs, each not to exceed 2 square feet in area.

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Resource Protection

~~Section 3021.~~Section 3020. Erosion Control

~~3021.A~~3020.A **Applicability.** All land development that will disturb the soil shall control erosion during and after construction, including permitted uses and single-family homes. Such land development shall be classified as either a state, major, or minor project as follows:

(1) State projects include all land development that needs a state erosion control permit (generally includes projects that will disturb one or more acres of land). Land development that obtains a state permit will be considered to have also met the requirements of this section. The conditions of the state permit shall be incorporated into the town permit. The applicant shall provide the ZA with a copy of the state permit before work may commence.

(2) Major projects include all land development that does not need a state erosion control permit but will disturb land with a slope of 20% or more. An applicant with a major project shall submit an erosion prevention and sediment control plan that demonstrates compliance with the requirements of this section.

(3) Minor projects include any land development that will disturb land but that is not classified as a state or major project. An applicant with a minor project is not required to submit an erosion prevention and sediment control plan, but is expected to control erosion and follow the erosion control practices recommended in the most recent version of the state's *Low Risk Site Handbook for Erosion Prevention and Sediment Control.*

~~3021.B~~3020.B **Erosion Control Plan.** An applicant for a major project shall submit an erosion prevention and sediment control plan that demonstrates compliance with the requirements of this section. The ZA or DRB may request any applicant submit an erosion prevention and sediment control plan if deemed necessary to ensure compliance with the requirements of this section.

~~3021.C~~3020.C **Site Design Guidelines.** To minimize erosion, all applicants are strongly encouraged to plan and design land development to:

(1) Protect existing site features that naturally aid in managing stormwater run-off and preventing erosion.

(2) Avoid disturbing the soils best suited for infiltration.

(3) Minimize clearing of natural vegetation and preserve natural areas consisting of woody vegetation, preferably in contiguous blocks or corridors.

(4) Minimize the amount of soil disturbance, the length of time soil is left bare, the amount of soil compaction, and changes to the natural topography.

~~3021.D~~3020.D **Disturbance Area.** Applicants shall establish the area to be disturbed during construction in accordance with the following:

(1) The disturbance area shall be limited to the minimum amount of land necessary to accommodate the construction. Phasing of construction is strongly encouraged to minimize the area that is disturbed at any one time and the length of time that any area is disturbed.

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(2) The disturbance area shall exclude streams, ponds, wetlands and their required buffers except for the minimum area necessary to accommodate permitted land development within or adjacent to these features.

(3) The disturbance area shall exclude existing vegetation that is required be retained as a condition of approval unless specifically approved by the DRB.

(4) The disturbance area shall be delineated with appropriate safety or landscape fencing or flags throughout construction.

(5) Construction vehicles, construction materials, or fill shall not be stored outside the disturbance area. Construction vehicles shall not be driven or operated outside the disturbance area or access way from the road to the work site.

~~3021.E~~3020.E **Erosion Control Practices.** Applicants shall select and implement suitable erosion control practices as recommended in the most recent version of the state's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* to achieve the following:

(1) Runoff from above the disturbance area shall be intercepted and directed around the disturbance area into an undisturbed vegetated area.

(2) Within the disturbance area, water shall be controlled and kept at low velocities to reduce erosion in drainage channels.

(3) Soil shall be prevented from leaving the disturbance area.

(4) Bare soil shall be seeded and mulched, or sod applied, immediately once construction or a phase of construction is complete. If construction is occurring in phases, the seeded or sodded area shall be excluded from the disturbance area by moving or adding fencing or flagging.

~~Section 3022.~~Section 3021. Stormwater Management

~~3022.A~~3021.A **Applicability.** All land development that will create new impervious surface (roofs, driveways, roads, parking areas, etc.) shall manage the stormwater that those surfaces will generate. Such land development shall be classified as either a state, major or minor project as follows:

(1) State projects include all land development that needs a state stormwater permit (generally includes projects with one-half acre or more of impervious surface). Development that obtains a state permit shall be considered to have also met the requirements of this section. The conditions of the state permit shall be incorporated into the town permit. The applicant shall submit a copy of the state permit before the ZA may issue a certificate of compliance.

(2) Major projects include all land development that does not need a state stormwater permit but that will create new impervious surface with a slope of 20% or more or that will create 10,000 square feet or more of new impervious surface. An applicant with a major project shall submit a stormwater management plan that demonstrates compliance with the requirements of this section.

(3) Minor projects include any land development not classified as a state or major project. An applicant with a minor project is not required to submit stormwater management plan, but is expected to manage stormwater as recommended in the most recent version of the state's *Low Impact Development Guide for Residential and Small Sites.*

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~~3022.B~~3021.B **Stormwater Management Plan.** An applicant with a major project shall submit a stormwater management plan that demonstrates compliance with the requirements of this section. The ZA or DRB may request any applicant submit a stormwater management plan if deemed necessary to ensure compliance with the requirements of this section.

~~3022.C~~3021.C **Site Design Guidelines.** To reduce and manage stormwater, applicants are strongly encouraged to plan and design land development to:

(1) Protect existing site features and drainage patterns that naturally aid in managing stormwater run-off.

(2) Avoid disturbing the soils best suited for infiltration.

(3) Minimize clearing of natural vegetation and preserve natural areas consisting of woody vegetation, preferably in contiguous blocks or corridors and particularly along drainage ways, streams, ponds and wetlands.

(4) Reduce the amount of impervious surface to the minimum needed to accommodate the proposed land development.

~~3022.D~~3021.D **Low Impact Development.** Low Impact Development (LID) refers to stormwater management practices that maintain natural drainage patterns, and capture, detain and infiltrate precipitation and snowmelt. Applicants shall implement LID stormwater management practices to the maximum extent practical given the specific characteristics of the property. Conventional structural stormwater management practices that channel stormwater away from the development site shall not be used unless specifically approved by the DRB.

~~3022.E~~3021.E **Stormwater Management Practices.** Applicants shall select and implement suitable stormwater management practices as recommended in the most recent version of the state's *Low Impact Development Guide for Residential and Small Sites*. That may include one or more of the following small-scale vegetative and landscaping controls that intercept, capture, store and infiltrate stormwater close to the source:

(1) Bioretention areas (rain gardens) that collect runoff and allow for short-term ponding and slow infiltration.

(2) Dry wells, cisterns or rain barrels to catch water from roof downspouts or paved areas.

(3) Filter strips or bands of dense vegetation planted immediately downstream of a runoff source.

(4) Shallow vegetated swales and infiltration trenches to store, treat and convey runoff.

(5) Rooftop gardens (green roofs) that partially or completely cover a roof with vegetation and soil or a growing medium, planted over a waterproof membrane.

(6) Permeable paving and sidewalk construction materials that allow stormwater to seep through into the ground.

~~Section 3023.~~Section 3022. Riparian Buffers

~~3023.A~~3022.A No structures except for water-dependent structures shall be located within 50 feet of all rivers, streams or natural ponds shown on the Vermont ANR Natural Resources Atlas and the land shall not be cleared and shall remain naturally vegetated except that:

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(1) Landowners of developed lots where natural vegetation has previously been removed from the required buffer shall not be required to restore it, although they are encouraged to do so, except:

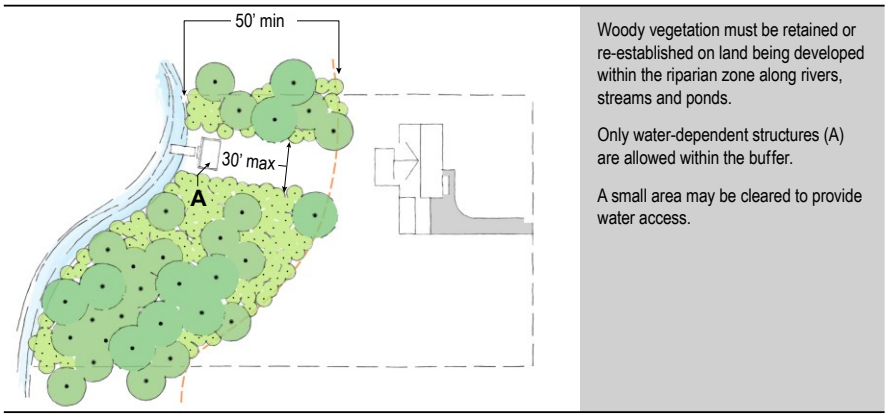
(a) If the removal of vegetation was primarily designed as pre-development site preparation prior to subdivision or development approval, the DRB may require the buffer vegetation be restored.

(2) The DRB may approve minimal clearing and placement of structures or infrastructure within the buffer when necessary to serve land development outside the buffer (ex. roads, driveways, utility crossings).

(3) A waterfront lot may have one water access area that is not more than 30 feet wide within the required buffer and landowners may remove natural vegetation from that area.

(4) The buffer requirement does not apply to land being used for agriculture or silviculture, although farmers and foresters are encouraged to retain or restore natural vegetation along rivers, streams or ponds. Natural vegetation shall be reestablished within the buffer when cleared farm or forest land is developed.

~~Figure 16.~~Figure 10. **Riparian Buffer Diagram**



~~3023.B~~3022.B Required buffers shall consist of trees, saplings, shrubs and herbaceous plants that are not intensively maintained (ex. regularly mowed or trimmed) but allowed to grow naturally. Landowners may selectively trim vegetation to maintain views and may remove vegetation that is creating a hazard.

~~Section 3024.~~Section 3023. Wetlands

~~3024.A~~3023.A Class I or II wetlands identified on the Vermont Significant Wetland Inventory maps or in the field by a qualified professional and land within 100 feet from Class I and 50 feet from Class II wetlands, shall not be cleared and shall remain naturally vegetated except that:

(1) Landowners of developed lots where natural vegetation has previously been removed from the wetland or buffer shall not be required to restore it, although they are encouraged to do so, except:

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~~3024.B~~3023.B If the removal of vegetation was primarily designed as pre-development site preparation prior to subdivision or development approval, the DRB may require the buffer vegetation be restored.

(1) The buffer requirement does not apply to land being used for agriculture or silviculture, although farmers and foresters are encouraged to retain or restore natural vegetation within and around wetlands. Natural vegetation shall be reestablished within the buffer when cleared farm or forest land is developed.

(2) The buffer requirement may be waived or modified for land development that receives a state wetland permit. The town permit may be conditional upon the applicant receiving a state permit. No work shall commence until the applicant provides the ZA with a copy of the state permit.

~~3024.C~~3023.C Land development shall not occur within a wetland or required buffer unless approved by the DRB:

(1) For road, driveway, or utility crossings and associated infrastructure needed to serve development outside the wetland; or

(2) For a project that has received a state wetland permit. The town permit may be conditional upon the applicant receiving a state permit. No work shall commence until the applicant provides the ZA with a copy of the state permit.

~~Section 3025.~~Section 3024. Steep Slopes

~~3025.A~~3024.A Steep slopes include those areas shown on the Vermont Agency of Natural Resources' Natural Resource Atlas as having a slope greater than 15% to 25% or having a slope greater than 25%. Applicants may submit a topographical survey of project area with site-specific slope calculations instead of relying on the best available data from the state.

~~3025.B~~3024.B No land development, soil disturbance, or alteration of the natural grade shall occur on very steep slopes (greater than 25%) unless approved by the DRB. The DRB may approve minimal encroachments associated with land development that is primarily located off the steep slopes in accordance with the design standards below provided that the area of disturbance on very steep slopes comprises 10% or less of the total area of disturbance associated with the proposed land development.

~~3025.C~~3024.C Land development, soil disturbance, or alteration of the natural grade is strongly discouraged on moderately steep slopes (greater than 15% up to 25%). Land development in such areas shall require approval from the DRB as a conditional use and shall be designed and planned in accordance with the design standards below.

~~3025.D~~3024.D Land development on steep slopes shall be planned and designed as follows:

(1) Building sites, utilities, and parking areas shall be located on the flattest portion of the site.

(2) Roads and driveways shall be laid out to follow natural topographic contours.

(3) Buildings shall be designed to fit into the slope to the maximum extent practical.

(4) Retaining walls that are more than 6 feet tall shall be designed and certified by a qualified professional. Retaining walls visible from public vantage points shall be faced in stone or wood, or engineered materials that mimic the appearance of natural materials.

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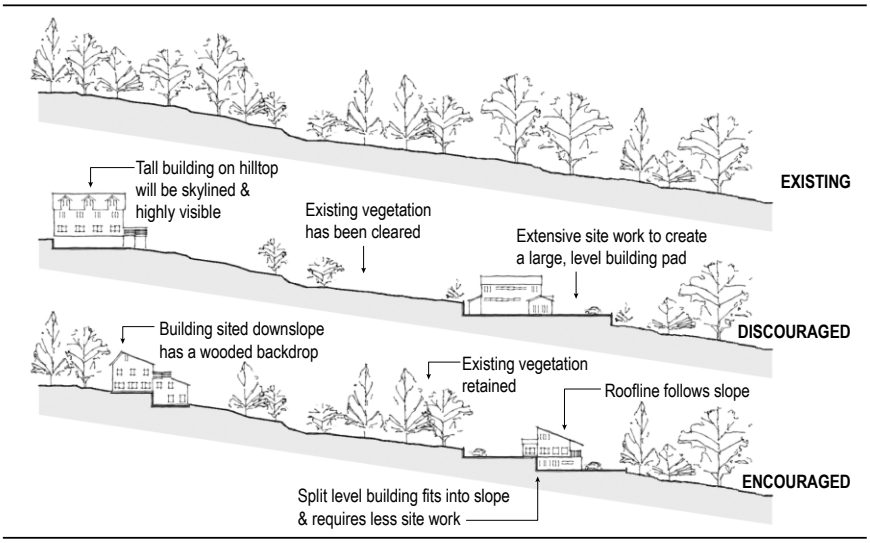
(5) No cut and fill resulting from re-grading the natural topography shall exceed a 2:1 (vertical : horizontal) ratio.

~~Figure 17.~~Figure 11. **Steep Slope Diagram**



~~3025.E~~3024.E Applicants proposing land development on steep slopes may be required submit an erosion control and sedimentation plan in accordance with Section 3020~~Section 330~~ and a stormwater management plan in accordance with Section 3021~~Section 331~~.

~~Section 3026.~~Section 3025. Extraction of Earth Resources

~~3026.A~~3025.A Applicability. Earth resources, including loam, sand, gravel, clay, peat, quarry stone, or other inorganic matter, shall be extracted, excavated, removed, filled or dumped in conformance with the provisions of this section except for:

(1) Necessary filling, excavation, grading or removal incidental to the permitted subdivision of land, or construction or alteration of a structure, road or drive, parking lot, septic system or other infrastructure.

(2) Necessary filling, excavation, grading or removal incidental to road, driveway or parking area repair or maintenance.

(3) Non-commercial extraction by a landowner for on-site use.

(4) The removal or addition of not more than 600 cubic yards of material per calendar year from or to a lot.

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~~3026.B~~3025.B **Setbacks and Buffers.** Extraction operations shall be set back and buffered from adjacent property and land development as follows:

(1) All land development, clearing of natural vegetation and soil disturbance shall be set back at least 100 feet from all property lines and the edge of the road right-of-way. Existing natural vegetation shall be retained except where clearing is necessary for ingress/egress. Where existing vegetation is inadequate to provide year-round visual screening of the operation from the road and nearby properties, the DRB may require additional screening.

(2) Land development shall not occur, and natural vegetation shall be retained or reestablished, within required riparian and wetland buffers as per Section 3022~~Section 332~~ and Section 3023~~Section 333~~.

(3) Excavation areas and processing equipment (ex. crushing, washing, screening or sorting equipment) shall set back at least 100 feet from all property lines and the edge of the road right-of-way.

(4) Processing equipment shall not be located within 500 feet of any residence in existence or under construction as of the date of the application.

(5) During the process of reclamation, areas within required setbacks and buffers may be cleared, disturbed and/or material removed in accordance with the approved plan and all conditions of approval.

(6) The DRB may adjust the setback or buffer requirements to address the unique characteristics of each site, as it deems appropriate to protect natural resources and preserve the quality of life for nearby residents.

~~3026.C~~3025.C **Overburden**. The operator shall remove at least the top 6 inches of soil from the excavation area and store it on site to be used for site reclamation. The operator shall locate and manage the stockpiled material to prevent dust, erosion and sedimentation (see Paragraph 3025.E~~335.E~~).

~~3026.D~~3025.D **Safety**. The DRB may require fencing or other safety measures as it deems appropriate to protect public safety.

~~3026.E~~3025.E **Dust and Emissions.** The operator shall take all reasonable measures to limit the amount of dust and other air quality contaminants generated from the extraction, processing and transport of earth materials including but not limited to:

(1) The operator shall seed reclamation materials or other soils that will be stored in undisturbed stockpiles for longer than 1 calendar year and shall maintain them as necessary to establish and retain a vegetative cover adequate to prevent erosion.

(2) The operator shall apply water, calcium chloride or similar agent as necessary to haul roads, traffic areas and non-vegetated storage piles to prevent fugitive dust and the tracking of dirt onto public roads. Any haul road or entry drive intersecting with a paved public road shall be paved for at least 120 feet from the edge of the public road.

(3) All trucks entering, exiting or operating at the site that are loaded with materials that may generate fugitive dust shall be covered.

~~3026.F~~3025.F **Hours of Operation.** At a minimum, the hours of operation (including extraction, processing and/or trucking) shall be limited to Monday through Friday from 7 a.m. to 6 p.m. and Saturday from 7 a.m. to 3 p.m. The DRB may further limit the hours of operation as

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deemed necessary to protect public safety and quality of life for nearby residents.

~~3026.G~~3025.G **Site Reclamation.** The operator shall reclaim the area of excavation and other disturbed areas so that the land will be left in a safe, attractive and readily usable condition for the types of land uses allowed in the zoning district and in accordance with the following:

(1) The operator shall evenly grade the area to slopes not exceeding 33% (1:3). The DRB may modify this requirement based on specific site conditions (i.e., allow steeper slopes due to presence of ledge rock or require gentler slopes to ensure slope stability based on soil characteristics) or to ensure the land will be suitable for reasonable future use.

(2) The operator shall restore natural drainage patterns on the site with surface water draining off-site in similar locations to and at rates not greater than what existed prior extraction.

(3) The operator shall bury or remove all stockpiled materials, debris and loose boulders not incorporated into the improvement of the site from the property.

(4) The operator shall spread a top layer of arable soil, which shall be free of any large stones, to a depth of not less than 6 inches over the entire disturbed area.

(5) The operator shall seed the disturbed area with a native perennial grass and maintain it until the surface is completely stabilized with a dense cover of grass and no danger of erosion exists. The DRB may require the disturbed area be fertilized and/or mulched as needed to prevent erosion and promote plant growth. The DRB may also require seedlings be planted on all or portions of the disturbed area to restore a formerly wooded site.

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Specific Use Standards

~~Section 3027.~~Section 3026. Accessory Dwellings

~~3027.A~~3026.A The ZA may issue a zoning permit for one accessory dwelling on a residential property if:

(1) There is a detached single-family home on the property and the property owner is living in that home. For the accessory dwelling to be occupied, the owner shall remain living on the property but may live in either the principal or accessory dwelling.

(2) The accessory dwelling shall be located within the home, within an addition to the home, or within an existing or new detached accessory building on the property.

(3) The accessory dwelling shall not be larger than 1,000 square feet or 30% of the habitable floor area of the home before the accessory dwelling is created, whichever is greater.

(4) The accessory dwelling shall not have more than one bedroom.

(5) There shall be room to park at least 3 vehicles on the property either within a garage, the driveway, or a parking space that is not within the required setbacks.

~~Section 3028.~~Section 3027. Temporary Dwellings, Structures or Uses

~~3028.A~~3027.A The ZA may issue a zoning permit in accordance with Section 405~~Section 411~~ to allow a temporary dwelling on a property with a permit to build a single-family home if:

(1) The temporary dwelling shall be within a building that will ultimately be converted to an accessory building once construction of the single-family home is complete and it is occupied (ex. build a garage and live in it while building a home); or

(2) The temporary dwelling and all evidence of it shall be removed from the property once construction of the single-family home is complete and it is occupied (ex. bring in a mobile home to live in while building a home).

~~3028.B~~3027.B The ZA shall issue a separate zoning permit allowing the landowner to convert a temporary dwelling to a permanent accessory structure in accordance with all the applicable provisions of these regulations. The ZA shall require the applicant to remove kitchen or sanitation facilities so that the building would no longer qualify as a dwelling unit under state law unless the applicant is proposing to convert the building to an accessory dwelling unit (see Section 3026~~Section 340~~).

~~3028.C~~3027.C The ZA may issue a zoning permit to allow up to 3 travel trailers, campers, tents or similar non-permanent structures to be set up on an undeveloped lot or a property with a single-family home and occupied for more than 2 weeks but less than 6 months in any calendar year.

~~3028.D~~3027.D Landowners should be aware that state permits, including a septic permit, may be required to lawfully occupy a temporary dwelling.

~~3028.E~~3027.E The ZA may issue a zoning permit for temporary structures and uses, including nonconforming structures or uses, incidental to construction or a lawful use. Temporary structures may be located within required setbacks as approved by the ZA.

~~3028.F~~3027.F Temporary structures may include storage structures, units or trailers, mobile

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construction offices, dumpsters, portable toilets, fencing, tents, stages, seating or other structures for special events, etc.

3028.G3027.G The ZA may issue a zoning permit for temporary uses or special events lasting more than 4 consecutive days or occurring more than 12 days in any calendar year.

3028.H3027.H A temporary structure or use shall be removed or discontinued once the permit expires or, if the project was incident to construction, once the construction is complete.

3028.I3027.I Except for structures specifically exempted in 0~~Chapter 110~~, landowners shall obtain a permit for portable lightweight structures, carports, storage sheds, storage units, storage containers, storage trailers, unregistered motor vehicles and trailers used primarily for storage, pole barns and similar accessory structures without permanent foundations or footings whether they are intended for long-term or short-term use.

~~Section 3029.~~Section 3028. Home-Based and On-Farm Businesses

3029.A3028.A **Home-Based Business.** Residents who want to operate a business from their home or residential property shall obtain a permit for either a home occupation or a home industry, depending on the scale and intensity of the proposed activity in accordance with the following:

(1) **Home Occupation.** The ZA may issue a zoning permit administratively for a home occupation if:

(a) The business activity shall occur entirely within the home or an accessory building on the property and there shall be no evidence of business activity from off-site other than a lawful sign (see Section 3011~~Section 317~~).

(b) ~~The business activity occurring on-site shall be carried out only by people living in the home.~~ The business may have not more than 2 non-resident employees working on-site (this will not include non-resident employees who primarily work off-site).

~~(c) The business shall not generate regular customer or truck traffic in a quantity that exceeds what is typical of an average home (more than 5 customers or 10 vehicle trips per day).~~

(2) **Home Industry.** After the DRB approves a site plan, the ZA may issue a permit for a home industry that may allow to the extent approved by the DRB:

(a) The business to have more than 2 non-resident employees working on-site.

(b) The business activity to be evident from off-site.

(c) The business to generate traffic in excess of what is typical for an average home.

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(3) **Building Design.** A new accessory building built on residential property to house a home occupation or home industry shall be compatible in scale and character to a typical residential or agricultural outbuilding.

3029.B3028.B **On-Farm Business.** Starksboro strongly supports the continued economic health and vitality of farming and forestry. To that end, the DRB may approve on-farm businesses that are subordinate to and located on a working farm or directly adjacent to the primary agricultural or forest operation in accordance with the following:

(1) **Protecting Agricultural and Forest Resources.** An on-farm business shall be located and

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operated in a manner that will support and complement the ongoing productive agricultural or silvicultural use. To the maximum extent feasible, business-related structures and land development should be located off primary agricultural or forest soils.

(2) **Value-Added Processing and Manufacturing.** An on-farm business may involve processing or manufacturing farm or forest commodities into value-added products. To be considered an on-farm business, rather than a light industrial use, at least 75% of the primary commodities used shall be locally produced and at least 50% shall originate from land owned or rented by the applicant.

(3) **Retail Sales and Food Service.** An on-farm business may involve direct-to-consumer sales of farm or forest products, value-added products, or ready-to-eat food. To be considered an on-farm business, rather than a commercial use, at least 75% of business income shall come from sales of local products and at least 25% shall originate from land owned or rented by the applicant.

(4) **Agri-Tourism and Recreational Activities.** An on-farm business may involve agri-tourism and recreational activities. To be considered an on-farm business, rather than a commercial use, the business shall incorporate its location on a working farm owned by the applicant into its operation and marketing.

(5) **Lodging and Events.** An on-farm business may involve providing lodging and hosting events for guests. To be considered an on-farm business, rather than a commercial use, the business shall incorporate its location on a working farm into its operation and marketing.

(6) **Building Size and Design.** The DRB may waive or modify the maximum footprint and height requirements for a building associated with an on-farm business. Adaptive reuse of existing agricultural structures is strongly encouraged. Any new accessory buildings associated with an on-farm business shall be designed to look like a typical agricultural outbuilding and not a commercial or industrial building. Any modifications or additions to existing agricultural buildings to accommodate the on-farm business shall be compatible with the style, materials, massing, and scale of typical agricultural buildings, particularly as viewed from public vantage points.

(7) **Parking.** The DRB may waive or modify parking requirements for on-farm businesses that will not have regular, consistent, or year-round parking demand. Parking associated with an on-farm business shall be designed and located to maintain the agricultural character of the property, particularly as viewed from public vantage points.

~~(8) **Traffic.** Some on-farm businesses may generate an amount of customer or truck traffic that is not appropriate for all town roads. The amount of traffic generated by the business shall meet the requirements of Section 325. The DRB may waive or modify those requirements for on-farm businesses that will generate traffic in excess of the standards infrequently or for a limited period of time each year (ex. maple season, summer weekends, etc.).~~

~~(9)~~(8) **Signs.** An on-farm business may have signs, including seasonal signs, as specified in Section 3011~~Section 317~~.

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(9) **Character of the Area.** The DRB will consider an on-farm business that meets the requirements above to be compatible with Starksboro's rural character, setting and context.

Section 3029. Cannabis Establishments

3029.A **Purpose.** The purpose of these bylaws is to provide for the placement of cannabis establishments in suitable locations. Restrictions on the location and operation of such facilities are necessary to protect residential neighborhoods, civid and educational institutions, and public gathering places from any adverse secondary impacts assocatied with cannabis establishments and to ensure that such uses operate in a safe manner.

(1) **Applicability.** The provisions of this section shall apply to all cannabis establishments within the Town of Starksboro. Cannabis establishments are individually defined under Section XX. No Selectboard review is available for such prohibited uses under the standards of 24 VSA §4415(e).

(2) **Use**. Cannabis establishments including cannabis cultivator (indoor) [Tier 1-3], cannabis cultivator (indoor) [Tier 4-6], cannabis cultivator (outdoor) [Tier 1-3], cannabis cultivator (outdoor) [Tier 4-6], cannabis manufacturers, cannabis wholesaler, and cannabis testing laboratory are allowed within designated zoning districts as shown on the below table of uses:

	HDRC	MDRC	LDRC	ASRR	ROD	FC	WP
cannabis cultivator (indoor) [Tier 1-3]							
cannabis cultivator (indoor) [Tier 4-6]							
cannabis cultivator (outdoor) [Tier 1-3]							
cannabis cultivator (outdoor) [Tier 4-6]							
cannabis manufacturers							
cannabis wholesaler							
cannabis testing laboratory							

(3) **Application Requirements**. In addition to the requirements in this section 343, applications for cannabis establishments shall include the information requireds under XX and XX of the Town of Starksboro Zoning Regulations.

(4) **General Standards**. The following standards apply to cannabis establishments in all districts in which such uses are allowed. Cannabis establishments are also subject to conditional use review under Section 3.7 of the Zoning Regulations. If there is a conflict between a standard in this section and a standard in another section of the Zoning Regulations, the more restrictive shall apply. The following standards are to be used by the Development Review Board in reviewing applications and shall serve as requirements for approval of such applications.

(a) **Use**. The growing of cannabis and/or cannabis products as defined in 7 V.S.A. §863(2) shall not be permitted as an accessory use or be permitted as an accessory to the manufacturing, cultivation, wholesaling, or warehousing of

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cannabis, or to other non-retail operations related to cannabis permitted by 7 V.S.A. §863. If a cannabis establishment wants to change to another type of establishment, such change of use must be reviewed and approved under these Bylaws.

(b) **Home occupations**. Cannabis establishments shall not be permitted as a home occupation under Section XX.

(c) **Location**. At a minimum, no cannabis grower/producer shall be located within the following distances from the specified land uses listed below. If any of the specified land uses listed below subsequently locates within the distance noted in Section VII(d)(1) of a lawfully existing cannabis retailer, this provision shall not be used to eliminate or restrict that cannabis retailer.

1. 500 feet of a licensed childcare facility or any public or private school certified by the Vermont Agency of Education. The distance shall be measured as the shortest straight-line distance between the nearest point of the property line in question to the nearest point of the property line where the cannabis retailer will be located.
2. 250 feet of a municipal park or recreational facility. For the purpose of these Bylaws, the Cota Recreation Path is considered a recreational facility. Except for the Cota Recreation Path, the distance shall be measured as the shortest straight-line distance between the nearest point of the property line in question to the nearest point of the property line where the cannabis retailer will be located.

(d) **Signage & advertisement.** Cannabis establishments may be identified with signage in accordance Section 14 of the Zoning Regulations and ~~the following: need to insert language here~~state regulations.

(e) **Parking Requirements.** Parking for cannabis establishments shall be as follows: Cannabis cultivator (indoor or outdoor), cannabis manufacturer, cannabis wholesaler, and cannabis testing laboratory all must have 1(one) parking space for every person employed at peak times.

(f) **Landscaping & screening**. Landscaping and screening for cannabis establishments shall be required per the provisions of Section 4.6. of the Zoning Regulations.

(g) **Security plan**. Sufficient and appropriate security measures to deter and prevent unauthorized entrance into cannabis establishments and the theft of cannabis and cannabis products must be provided at all times.
1. Applications for cannabis establishments shall include a security plan that explains how the establishment will be secured including:
a. A description of how all points of entry (including but not limited to doors, windows, HVAC grates and roof accesses) will be secured; and
b. A description of how all cannabis and cannabis products will be secured within the operation; and
c. A description of on-site security provided during hours of operation; and
d. A description of all alarm systems and automatic lighting or other systems that will be used to provide security after hours

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(h) **Performance standards**. Cannabis establishments must at all times comply with the performance standards and requirements set forth in Section 4.17 of the Zoning Regulations.

(i) **Additional conditions**. The Development Review Board may impose such reasonable conditions on a permit as may be necessary to protect the public health, safety, and welfare, and obtain compliance with the requirements of these Bylaws.

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Section 3030. B&Bs and Inns

3030.A **B&B.** The ZA may issue a zoning permit for a resident to operate a B&B from their home and/or associated outbuildings if:

(1) There shall be 4 or fewer guest rooms.

~~(2) The B&B shall not host events for people who are not overnight guests.~~

~~(3) The B&B shall not serve food to people who are not overnight guests.~~

~~(4)~~(2) The B&B shall be operated by people who live on the property and may employ 2 non-resident employees.

~~(5)~~(3) There is room to park at least 2 vehicles plus one for each guest room on the property either within a garage, driveway, or parking area that is not within the required setbacks or road right-of-way.

~~(6)~~(4) The property and buildings shall retain their residential or agricultural appearance, and the only external evidence of the business will be a lawful sign (see Section 3011~~Section 317~~).

~~(7)~~(5) The property is not accessed by a Class 4 town road.

3030.B **Inn.** After the DRB approves a site plan, the ZA may issue a permit for an inn that may allow to the extent approved by the DRB:

(1) The business to have more than 4 guest rooms, host events, and/or serve food to the general public.

(2) The business to have additional non-resident employees.

(3) The business to be evident from off-site.

(4) The property is accessed by a Class 2 town road or state highway.

3030.C **Building Design.** A new accessory building built on residential property for lodging or related purposes shall be designed to look like a typical residential or agricultural outbuilding and not a commercial or industrial building.

Section 3031. Home or Commercial Daycare Facilities

3031.A **Family Childcare Home.** The ZA may issue a zoning permit for a family childcare home if:

(1) The business shall be located within a home and operated only by residents of that home.

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(2) The number of children shall not exceed the maximum allowed by state law (6 full-time and 4 part-time).

(3) The only external evidence of the business shall be a lawful sign (see Section 3011~~Section 317~~).

3031.B **Daycare Facility.** After the DRB approves a site plan, the ZA may issue a permit for a daycare facility in accordance with the following:

(1) Daycare facilities shall be located on a Class 2 town road or state highway.

(2) The business shall provide suitable circulation and parking to accommodate the safe dropping of and picking up of children from the daycare.

(3) Outdoor play areas shall be fenced and separated from traffic and be located outside required setbacks. A buffer of natural vegetation shall be retained or established between outdoor play areas and adjoining properties.

(4) A daycare facility may be permitted as an accessory use to any business for the purpose of providing childcare primarily for employees, clients or customers of that business.

3031.C **Safety Review**. The DRB may require a safety plan that reviews and provides for building safety, accessibility and evacuation plans and the necessary access to the property for fire and rescue purposes.

Section 3032. Mobile Home Parks

3032.A **Applicability.** All new mobile home parks, or expansions of existing parks, shall be designed and reviewed as a planned unit development. Other than as specified below, alterations to the mobile home park's area, design, number of sites, layout or common facilities shall be subject to conditional use approval by the DRB in accordance all of the provisions of this section.

(1) The owner of a mobile home within an approved mobile home park may apply for a zoning permit for an addition, porch, deck, shed or similar accessory structure. No such structure shall be located closer than 10 feet to neighboring mobile homes. The ZA shall not issue permits for structures that would prevent reasonable access to utilities or infrastructure or for emergency response.

(2) The replacement of a permitted mobile home within an approved mobile home park shall require a zoning permit issued by the ZA in order to ensure ongoing compliance with all conditions of the park's approved site plan. The replacement structure must be the same size or smaller than the structure being removed. The application of the standards in this section shall not prohibit the replacement of a permitted mobile home on a mobile home site in existence as of the effective date of these regulations. Notwithstanding, in order to protect public health, safety and welfare, no replacement shall result in a distance between dwellings of either 10 feet or the current distance between dwellings, whichever is less.

3032.B **Standards.** A new or expanded mobile home park may be allowed in any district where single-family dwellings are a permitted or conditional use subject to approval as a PUD by the DRB at the density allowed for residential development within district(s) in which it will be located, and all of the following:

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(1) **Minimum Site Area.** Each mobile home site created after the effective date of these regulations shall be located on a dedicated and delineated site not less than 10,000 square feet in area, as shown on the site plan.

(2) **Mobile Home Setbacks.** Each mobile home site created after the effective date of these regulations shall have minimum 20-foot setbacks for principal structures and 10-foot setbacks for accessory structures from the boundaries of its site and internal roads. New or expanding mobile home parks shall meet all minimum district setback requirements along the perimeter of the park from adjacent parcels and public roads. No mobile home sites or other structures shall be located within the required setback areas. Setback areas shall not be included in the calculation of open space or recreation land that may be required by Paragraph 346.C(1). The DRB may require increased setbacks or buffers as needed to mitigate higher densities of land development or to protect adjoining properties.

(3) **Parking.** Parking shall be provided on each mobile home site created after the effective date of these regulations in accordance with Section 307~~Section 313~~ for single-family dwellings.

(4) **Roads and Drives.** All new roads serving the park shall meet the standards of Section 306~~Section 312~~. Mobile home parks may be allowed up to 2 access roads from the public road. Individual mobile home sites created after the effective date of these regulations shall be accessed from the park's internal road system rather than the public road.

3032.C **Requirements for Larger Mobile Home Parks.** Parks consisting of 10 or more dwellings shall also meet the following requirements:

(1) **Open Space and Recreation.** A minimum of 20% of the total land area within a mobile home park created or expanded after the effective date of these regulations shall be set aside and suitable as common land for community recreation, gardening or similar open space. The DRB may require the installation of amenities such as ball fields, playgrounds, gardens and/or trails.

(2) **Service Area.** At least one common, screened service area shall be provided within a mobile home park created or expanded after the effective date of these regulations for the storage and collection of trash and recyclables generated by park residents. The service area shall not be located within required setbacks or buffers.

3032.D **Park Management.** The DRB may require a management plan for components of a new or expanded park such as landscaped buffers, common lands, storage or service areas, roads, or other infrastructure. The mobile home park owner, or designated operator, shall be required to:

(1) Maintain all components of the park including buildings, roads, parking areas, utilities, infrastructure, landscaping, open space and common areas in good condition or, if applicable, as described in an approved management plan;

(2) Provide for the regular collection of recyclables, waste and garbage; and

(3) Remove snow from all roads and service areas.

3032.E **Nonconformities.** If a mobile home park, which was legally in existence as of the effective date of these regulations, does not conform to these regulations, it shall be considered a nonconformity under Section 1018~~Section 122~~ these regulations. However, individual

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mobile home sites within the park shall not be considered nonconformities. An individual mobile home site that is vacant shall not be considered discontinued, but if all sites are vacant the nonconforming park shall be considered discontinued.

Section 3033. Private Landing Areas

447.A Conditional use is dependent on operational information such as: the proposed hours of operation, frequency and time of use, type of use being proposed (ie. public versus private or individual), and the number, type, and size of aircraft to be located at or use the facility.

(1) The site area and physical facilities shall be able to accommodate aircraft parking.

(2)A 200 foot setback is required for all facilities developed near residential areas.

a. All setbacks shall be measured from the edge of the landing pad or runway. These distances may be increased or decreased by the Development Review Board upon consideration of such factors as the number of flights, hours of operation, types of aircraft, number of aircraft, and types of existing land uses in the area.

~~Section 3033.~~Section 3034. Recreation Facilities

~~3033.A~~3034.A **Campgrounds.** Campgrounds shall be sited, designed, and operated in accordance with the following:

~~(1) Campgrounds shall be seasonal and only operate between May 1 and November 30.~~

~~(2) Campgrounds with more than 20 sites shall be located on a Class 2 town road or state highway.~~

~~(3)~~(1) Each campsite shall be located on an approved, delineated site. Campsites shall be at least 2,500 square feet in area including naturally vegetated buffers between sites. The campground's total density shall not exceed 5 campsites for each acre of land within the campground (including day use areas).

~~(4)~~(2) Each vehicle-accessible campsite shall be accessed via the campground's internal road(s). Internal roads shall be located outside required property line setbacks and riparian buffers.

~~(5)~~(3) Campsites shall be set back at least 100 feet from public roads and adjoining property and screened with a naturally vegetated buffer or landscaping.

~~(6) Campsites shall not be located within wetlands or their required buffers.~~

(4) A campground may include one year-round dwelling to be used as a manager's unit.

(5) Owners of lots used for camping are responsible for the sanitary disposal of wastewater in conformance with State wastewater rules.

(6) Notices marking the boundaries of campground land shall mark each corner and not more than 400 feet apart along the boundaries there of. Legible signs must be maintained at all times.

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(7) Every campground operator shall maintain a register available to any authorized person inspecting the facility or emergency official. Said register, which shall contain the names and addresses of all campground occupants, shall be ~~preserved~~preserved for a period of at least one (1) year.

~~3033.B~~3034.B **Commercial Firearms Shooting Ranges.** Commercial firearms shooting ranges shall be sited, designed and operated in accordance with the following:

(1) Commercial outdoor firearms shooting ranges are prohibited in all districts.

(2) Commercial indoor firearms shooting ranges shall be located on a lot that is 5 acres or more in size and on a Class 2 town road or state highway.

(3) The use shall not exceed the noise limits established in Section 3013~~Section 321~~.

(4) In addition other application requirements, an applicant for a commercial indoor shooting range shall provide:

(a) A description of the sound-proofing that will be used within any building where firearms will be discharged.

(b) A description of the materials and methods that will be used to safely contain all projectiles resulting from the discharge of firearms within the building.

~~Section 3034.~~Section 3035. Self-Storage Facilities

~~3034.A~~3035.A Self-storage facilities shall be located on a lot that is 2 acres or more in size.

~~3034.B~~3035.B Self-storage facilities shall:

(1) Be set back at least 25 feet (or the district minimum setback, if greater) from adjoining properties.

(2) Be set back at least 65 feet (or the district minimum setback, if greater) from the road centerline. Front yard landscaping shall be required (See Section 3010~~Section 316~~).

(3) Be screened from any adjoining residential properties by either existing buildings or vegetation, or by a solid fence and landscaping consisting of a mix of shade (ex. Maple, oak), ornamental (ex., crab apple, redbud), and evergreen (ex., spruce, pine) trees as well as shrubs and other garden plants.

~~3034.C~~3035.C Self-storage buildings shall be designed:

(1) To be compatible with traditional residential and agricultural building forms, including having a gable roof with a minimum pitch of 12/4. Any building located within 125 feet of the road centerline and visible from the road should be oriented with the gable (narrow) end facing the road to the extent feasible given the specific characteristics of the site.

(2) To blend into the surrounding landscape though use of non-reflective materials and muted, earth-tone colors. All sides of each building shall use the same exterior materials and colors. All buildings on the site shall use the same materials and colors.

~~3034.D~~3035.D No outdoor storage shall be allowed within a self-storage facility.

~~Section 3035.~~Section 3036. Telecommunications Towers or Antennas

~~3035.A~~3036.A **Applicability.** This section applies to all FCC-licensed telecommunications facilities

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whether or not they are proposed to co-locate with exempt facilities or be mounted on an existing structure except as specifically exempted in 0~~Chapter 110~~.

3035.B3036.B **Minor Projects.** The applicant may request that the ZA review an application and issue a zoning permit for a telecommunications facility that will impose no or de minimis impact based on the requirements of these regulations. The ZA will not consider an application to have a de minimis impact unless it meets all of the following:

(1) The height and width of the facility or support structure, excluding equipment, antennas or ancillary improvements, will not increase;

(2) The total amount of impervious surface, including access roads, associated with the facility or support structure will not increase by more than 300 square feet;

(3) Any addition, modification or replacement of an antenna or other equipment will not extend vertically more than 10 feet above and horizontally more than 10 feet from the facility or support structure; and

(4) Any additional or replacement equipment, antennas or ancillary improvements, excluding cabling, will not increase the aggregate surface area of the faces of the equipment, antennas or ancillary improvements on the facility or support structure by more the 75 square feet.~~.~~

3035.C3036.C **Antennas on Existing Structures.** Starksboro strongly encourages telecommunications companies to mount antennas on existing structures (silos, steeples, utility poles, existing towers) rather than constructing a tower. The DRB may waive or modify height requirements to allow for mounted antennas.

3035.D3036.D **New Telecommunications Towers.** The DRB may only approve construction of a new tower if:

(1) The applicant is a wireless service provider or FCC licensee, or landowner with an executed contract to provide land or facilities to one of those entities. Towers built on speculation without such a contract shall be prohibited.

(2) There is no other existing facility or structure that the applicant can use to provide adequate coverage in Starksboro. The applicant shall submit written documentation of all existing towers or other tall structures located within 10 miles of the proposed site suitable for mounting antennas and demonstrating why each structure cannot be used to provide adequate coverage.

(3) The tower owner shall allow other telecommunication service providers to co-locate on the proposed tower subject to reasonable terms and conditions.

3035.E3036.E **Setbacks.** A tower, guy wire, foundation, accessory building, or other associated structure shall be located outside zoning district setbacks. In addition, new towers or existing towers proposing to increase their height shall be set back:

(1) At least 250 feet from adjoining property lines; and

(2) A distance equal or greater to the total height, including the tower and the height of mounted antennas, from road rights-of-way and overhead utility lines.

3035.F3036.F **Tower Height.** Total height, as measured from ground level at the base of tower to the highest point of the structure including any mounted antennas, shall not extend more than 20 feet above the average height of the surrounding vegetation. The DRB may waive or

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modify this limitation upon finding that the additional height is necessary in order to provide reasonable service or to allow for co-location and that the additional height shall not cause an undue adverse visual impact.

~~3035.G~~3036.G **Design Standards.** Towers, antennas and any necessary support structures shall be minimally visible and blend into the surrounding environment to the greatest extent feasible. To that end:

(1) The DRB may require the applicant to fly a test balloon and document the visibility of the proposed tower from specified locations in order to assess the degree to which a proposed tower will be visible from public vantage points and/or nearby properties.

(2) Towers shall be located downslope from ridgelines and hilltops. The DRB may waive or modify this requirement if the applicant can demonstrate that the proposed ridgeline or hilltop location is necessary to provide adequate coverage and will not cause undue adverse visual impacts.

(3) The DRB may require the use of camouflage and/or a naturally appearing structure if deemed necessary to blend the tower into the surrounding landscape. This approach should be considered if a tower is proposed on a forested site where the structure would not be "skylined" when viewed from public vantage points.

(4) The DRB may require the use of a monopole structure if deemed necessary to minimize the visual impact of the tower. This approach should be considered if a tower is proposed on a cleared site or where the structure would be "skylined" when viewed from public vantage points.

(5) The DRB may require screening as deemed necessary to reduce the visibility of the tower or associated accessory structures and utilities from public vantage points or adjacent properties.

(6) Any accessory buildings associated with the facility that will be visible from off-site shall be designed to appear as typical residential or agricultural outbuildings.

(7) The amount of clearing and soil disturbance shall be the minimum necessary to accommodate the facility and any associated accessory structures, roads or utilities. Applicants shall submit an erosion prevention and sedimentation control plan. Access roads and utility corridors shall follow natural contours and reduce their visibility from public vantage points to the greatest extent feasible.

(8) All utility systems shall be located underground throughout the project site to the extent economically and physically feasible.

(9) Commercial signs or lettering shall be prohibited on towers except for safety and warning signs required by state or federal regulations.

(10) Lighting, or mounting lights on, telecommunication towers shall be prohibited except for the minimum lighting required by state or federal regulations.

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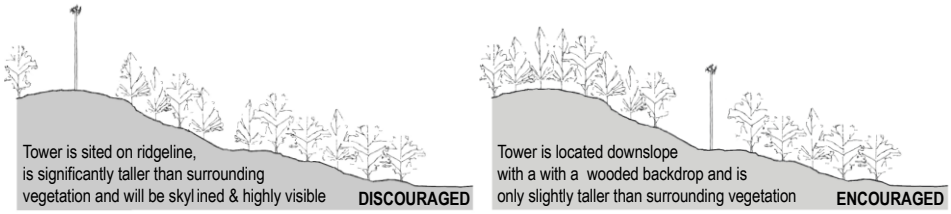
~~Figure 18.~~Figure 12. **Telecommunications Tower Diagram**



~~3035.H~~3036.H **Annual Reporting.** The permit holder shall submit a report to the ZA for filing in his/her records no later than January 15 of each year prepared by a qualified, independent consultant documenting that the facility complies with all FCC standards and that the facility continues to operate. The report shall include:

(1) A list of the most recent Federal Communications Board RFR readings at the site, their distances from the telecommunications facility/transmitter, dates of the readings and the name of the person or company who took the readings;

(2) A list of all antennas and equipment in use during the previous calendar year, including identification of any companies/entities renting space and/or equipment; and

(3) Every fifth year, the results of an inspection of the structural integrity of any towers on the site.

~~3035.I~~3036.I **Removal or Decommissioning.** The permit holder shall remove any telecommunications antennas or equipment that are out-of-service or unused for a continuous 12-month period. The permit holder shall remove a telecommunications tower if it is not being used to support an active antenna or other equipment for a continuous 24-month period. The permit holder shall immediately repair or remove any tower and associated equipment that is found to be structurally deficient. When a site is decommissioned, the permit holder shall remove the associated structures and infrastructure, and restore the property so that it will be left in a safe, attractive and readily usable condition for the types of land uses allowed in the zoning district.

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Subdivision and PUD Standards

~~Section 3036.~~Section 3037. Applicability

~~3036.A~~3037.A A landowner shall obtain approval of a subdivision or PUD plan from the DRB before he/she may divide a parcel of land into two or more lots.

~~Section 3037.~~Section 3038. General Standards

~~3037.A~~3038.A **Land Capability.** The land to be subdivided shall be suitable for use without endangering public health or safety, and adversely affecting the environment, neighboring properties or the character of the area.

~~3037.B~~3038.B **Compatibility and Context.** To the greatest extent feasible, a subdivision shall:

(1) Follow and extend the settlement pattern (including lot size, lot configuration, road layout and building location) of the surrounding area.

(2) Connect to and extend existing road, sidewalk, path, trail, utility, greenway, and open space corridors.

~~3037.C~~3038.C **Number of Lots.** The number of lots shall not exceed the density allowed in the zoning district except that the DRB may allow a higher density as a planned unit development (see Section 3045~~Section 358~~).

~~3037.D~~3038.D **Density and Lot Size.** Within many zoning districts, there is both a maximum residential density and a minimum residential lot size. This allows landowners to subdivide smaller lots and therefore minimize fragmentation of rural land. When land is subdivided in these districts:

(1) The subdivision plan shall notate the total number of building rights that the parcel had prior to subdivision (based on the maximum residential density of the applicable zoning district) and allocate those rights among the resulting lots (including the parent parcel). The number of building rights associated with each lot shall be clearly notated on the final plat and shall be included in the deeds. Each building right enables the future development of one dwelling unit or one nonresidential principal use in accordance with all applicable provisions of these regulations.

(2) Each lot shall be allocated at least one building right unless approved as part of a PUD (see Section 3045~~Section 358~~).

(3) Lots allocated more than one building right shall be appropriately sized and configured to allow for future subdivision or development of multi-family housing in accordance with all applicable standards of these regulations.

~~3037.E~~3038.E **Lot Configuration.** The lot size, frontage and layout shall meet zoning district standards and:

(1) Lots shall not be irregularly shaped (curves, jogs, flags, dog-legs, string, spaghetti, etc.) except as warranted by site features such as topography, shorelines, streams, hedgerows, field boundaries, fence lines, stone walls or existing roads.

(2) Side lot lines shall be generally at right angles to straight roads and radial to curved roads.

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(3) Lots with frontage on more than one road shall be able to accommodate the required setback for each road.

~~3037.F~~3038.F **Building Envelopes Required.** The subdivision plan shall include at least one building envelope for each lot. All structures shall be located within an approved building envelope except for walkways, driveways, roads, utilities, water-dependent structures, farm structures, and exempt accessory structures. A building envelope shall not include any land that is unbuildable or within required setbacks.

~~Section 3038.~~Section 3039. Subdivision Standards in the HDRC District

~~3038.A~~3039.A Subdivisions in the High Density Residential and Commercial District should follow traditional neighborhood design principles as described in this section.

~~3038.B~~3039.B **Road Layout.** To the greatest extent feasible, any new roads within the subdivision shall be designed and laid out to:

(1) Be part of an interconnected, pedestrian-friendly road network that disperses rather than funnels traffic.

(2) Connect with and extend existing roads and sidewalks on adjacent properties to the extent feasible given the physical characteristics of the properties.

(3) Provide for the extension of the road and sidewalk network into adjacent undeveloped parcels to the extent feasible given the physical characteristics of the properties.

(4) Provide frequent interconnections between roads. The maximum length between intersections should not be more than 600 feet.

(5) Enhance the visual impact of civic spaces, prominent buildings, scenic views or open space.

(6) Minimize road gradients to the extent feasible given the physical characteristics of the property.

~~3038.C~~3039.C **Lot Layout.** To the greatest extent feasible, the lots within the subdivision shall be designed and laid out to:

(1) Be narrow at the road, and to be deeper than they are wide. Within a major subdivision at least 80% of the house lots shall:

(a) Have a maximum road frontage that is not more than 200% of the minimum frontage requirement; and

(b) Have an average lot depth that is at least 150% of the lot width.

(2) Vary in size to foster a diversity of housing.

(3) Maximize the number of lots oriented for passive or active solar design to the extent feasible given the physical characteristics of the property.

(4) Enhance the walkability of the neighborhood.

(5) Provide each lot with the potential for a private back yard.

~~Section 3039.~~Section 3040. Subdivision Standards in the MDRC and LDRC Districts

~~3039.A~~3040.A Subdivisions in the Medium and Low Density Residential and Commercial Districts

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should follow the design principles described in this section.

~~3039.B~~3040.B **Road Layout.** To the greatest extent feasible, any new roads within the subdivision shall be designed and laid out to:

(1) Be part of an interconnected, pedestrian-friendly road network within the Medium Density Residential and Commercial District.

(2) Connect with and extend existing roads and pedestrian paths on adjacent properties to the extent feasible given the physical characteristics of the properties.

(3) Provide for the extension of the vehicle and pedestrian network into adjacent undeveloped parcels to the extent feasible given the physical characteristics of the properties.

(4) Minimize road gradients to the extent feasible given the physical characteristics of the property.

~~3039.C~~3040.C **Lot Layout.** To the greatest extent feasible, the lots within the subdivision shall be designed and laid out to:

(1) Vary in size to foster a diversity of housing.

(2) Maximize the number of lots oriented for passive or active solar design to the extent feasible given the physical characteristics of the property.

(3) Enhance the walkability of the neighborhood.

(4) Provide each lot with the potential for a private back yard.

~~Section 3040.~~Section 3041. Subdivision Standards in the ASRR & FC Districts

~~3040.A~~3041.A **General.** Subdivisions in the Agricultural, Scenic and Rural Residential district and the Forestry and Conservation district should follow conservation design principles as described in this section. These standards are intended to balance town goals related to protection of rural character, working lands and natural resources with the right of property owners to develop their land by providing guidance on how to appropriately and sensitively design rural subdivisions. Some properties may include both farmland and forestland, and elements from each set of principles outlined below may apply.

~~3040.B~~3041.B **Forestry and Conservation District.** Residential subdivisions shall be located outside the Forestry and Conservation District to the maximum extent feasible. As specified in Section 205~~Section 210~~, year-round residences are a conditional use and are strongly discouraged in the Forestry and Conservation District.

~~3040.C~~3041.C **Farmland.** If the property to be subdivided is primarily farmland, the applicant should design the subdivision to facilitate the continued or future agricultural use of the land outside the building envelope. To the greatest extent feasible, the applicant shall:

(1) Not include land with prime and statewide agricultural soils within building envelopes. Locate building envelopes on the land that is the least well-suited for farming.

(2) Locate and configure building envelopes and lot lines so that farmland is not fragmented into pieces that are too small or irregularly shaped to be farmed in the future. Land that is intended for future farming should be within one or more parcels that would be eligible to enroll in the current use program.

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(3) Preserve access to land (for farm equipment or livestock) outside building envelopes that may be farmed in the future.

(4) Use one or more of the following design approaches to fit new land development into the rural, agricultural landscape:

(a) Locate building envelopes along the edges of fields and meadows, and follow existing natural or built features such as hedgerows, fence lines or stone walls.

(b) Encourage architectural designs that help the structure blend in with topography. Use vegetation and topography to screen building sites. Locate and configure building envelopes so that buildings will be located below ridgelines and hilltops, and so that buildings will not exceed the height of the land behind them when viewed from public vantage points with a clear view of the building site.

(c) Cluster building envelopes in a manner than mimics the traditional pattern of farmsteads with a collection of 3 to 9 buildings in close proximity that are surrounded by farmland or woodland.

(d) Cluster building envelopes in a manner than mimics a traditional rural hamlet with up to 12 homes located within a quarter mile of each other, near the road, and around an intersection, green, or community building.

~~3040.D~~3041.D **Forestland.** If the property to be subdivided is primarily forestland, the applicant should design the subdivision to facilitate continued or future management and harvesting of timber, and/or to conserve woodlands for other forest uses. If a landowner undertakes forest management or harvesting activities that are contrary to acceptable silvicultural practices as pre-development site preparation prior to subdivision approval, the DRB may require the site or portions of the site to be restored or re-vegetated to comply with the standards of these regulations. To the greatest extent feasible, the applicant shall:

(1) Locate and configure building envelopes and lot lines to minimize the penetration of land development into undisturbed forest blocks and into the Forestry and Conservation district, and to minimize the amount of clearing and impervious surface required to provide access to the building site.

(2) Locate and configure building envelopes and lot lines so that forest is not fragmented into pieces that are too small or irregularly shaped to be managed for maple production, timber harvesting, wildlife habitat, recreation or other forest uses. Land that is intended for future timber harvesting should be within one or more parcels that would be eligible to enroll in the current use program.

(3) Locate and configure building envelopes and lot lines to retain contiguous blocks of forest land and critical wildlife habitat. Consideration should be given to wildlife travel corridors that connect to similar resources on adjoining properties.

(4) Locate and configure building envelopes to retain a buffer of natural vegetation along existing roads that will effectively screen land development from view.

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(5) Locate and configure building envelopes so that buildings will be located below ridgelines and hilltops, and so that buildings will not exceed the height of the land behind them when viewed from public vantage points with a clear view of the building site. Retain or establish natural vegetation along ridgelines and hilltops, and around the land development site to screen and blend buildings into the wooded landscape as viewed from off-site.

(6) Minimize clearing outside building envelopes not associated with forestry and farming activities (ex. clear cutting to create views, extensive lawns, excessively wide road or utility corridors, etc.). Alternatives to clear cutting (ex. removal of underbrush, trimming of lower limbs, thinning, clearing narrow corridors, etc.) should be used to create building sites with views.

(7) Cluster building envelopes to minimize the total footprint and perimeter of forest canopy openings and disturbed areas to minimize the impact of land development on wildlife.

~~Section 3041.~~Section 3042. Easements

~~3041.A~~3042.A The Town of Starksboro may, but is not required to, accept easements for public use of any land or improvement. The DRB may require land dedicated as a natural area, green space, open space, or farm or forest land with no further development rights to be subject to a lawfully executed conservation easement meeting the requirements of and enforceable in accordance with state law.

~~3041.B~~3042.B As a condition of subdivision approval, the DRB:

(1) Shall require a minimum easement at least 10 feet wide for utilities as needed to provide service within the subdivision. Such easements shall be cleared and graded as necessary to facilitate installation of utilities.

(2) Shall require a drainage easement if the subdivision is traversed by a watercourse, drainage channel or stream, that will be part of the subdivision's stormwater system. Such easements shall conform substantially to the lines of such water course, and any further width or construction.

(3) May require one or more easements to allow future road connections that meet the requirements of Section 304~~Section 310~~.

(4) May require a landscape buffer easement at least 15 feet wide between the subdivision and any adjoining incompatible use, across which there shall be no right of access.

~~Section 3042.~~Section 3043. Marking Property Lines

~~3042.A~~3043.A The developer shall mark the outer edges of the subdivision and the lines of any roads with concrete, stone or iron monuments with monument caps, and shall mark individual lots with iron pins or pipe. The DRB may require that all monuments be in place and verified before the final plat is signed.

~~3042.B~~3043.B An applicant for a minor subdivision may request that the DRB waive or modify the requirement to survey and/or mark the remainder of a parent parcel that is at least 10 acres in size.

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~~Section 3043.~~Section 3044. Owners' Associations

~~3043.A~~3044.A The developer shall establish an owners' association for any subdivision that includes a private road, common land or other shared infrastructure or facilities. The association bylaws shall make membership in the owners' association automatic for everyone who purchases a home or property within the subdivision. The bylaws shall also authorize the owners' association to place liens on the real property of members who fail to pay their dues.

~~3043.B~~3044.B When an owners' association will be formed, the developer shall provide a copy of the draft legal documents (public offering statement, declarations, covenants, bylaws, etc.) forming and governing the association as part of the application for final subdivision review and approval by the DRB.

~~Section 3044.~~Section 3045. Planned Unit Developments (PUDs)

~~3044.A~~3045.A **Definition and Purpose.** A PUD is an alternative to a conventional subdivision or land development. It is intended to promote thoughtful, well-planned, high-quality projects that respond to the specific characteristics and context of the land being developed. The DRB may approve density bonuses, mixed-use projects, density transfers, and modifications of zoning district dimensional standards within a PUD as specified in this section.

~~3044.B~~3045.B **Applicability.** PUDs are allowed in all zoning districts. However, land development associated with a PUD shall not be located within the Forest and Conservation District. Density may be transferred from the Forest and Conservation District to another district as part of a PUD. Land within the Forest and Conservation District may be designated as open space for a PUD.

~~3044.C~~3045.C **Mixed-Use Development.** Applicants may propose a PUD that involves multiple, principal uses within a single building or on a single lot. Such projects may include any mix of uses allowed within the applicable zoning district(s). The DRB shall not approve uses within a PUD that are not allowed within the applicable zoning district or within at least one of the applicable districts, if the PUD includes land in multiple zoning districts

~~3044.D~~3045.D **Modification of Dimensional Standards.** Applicants may propose a PUD that deviates from the lot size, road frontage, setback, footprint and lot coverage standards of the district except:

(1) A PUD shall meet the minimum setback requirements from adjoining properties around the perimeter of the project. Within the PUD, applicants may propose multiple principal buildings on a single lot or other modifications to the internal property line setbacks as long as the minimum separation distances between buildings specified in Section 301 are maintained.

(2) A PUD shall meet the minimum setback requirements from ponds, streams and wetlands.

~~3044.E~~3045.E **Density Bonuses.** The DRB may grant a density bonus for a PUD that is entirely dedicated in perpetuity to affordable or elderly housing as defined in these regulations to allow construction of up to 100% more homes than could be developed through a conventional subdivision.

~~3044.F~~3045.F **Phased Development.** Applicants for a PUD shall propose a coordinated and comprehensive development plan for the entire parcel(s). If the intent is to develop only a

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portion of the property at the time of application or to develop the property in phases, the applicant shall provide a master plan for the entire parcel(s) that at a minimum:

(1) Designates the area(s) that may be developed in the future.

(2) Designates the area(s) that would be set aside as open space in conjunction with any future land development (as required under this chapter).

(3) Indicates how access would be provided to the area(s) designated for future land development.

~~3044.G~~3045.G **Development Standards.** Land development within a PUD may occur on one or more lots intended to be individually or commonly owned. Land development within a PUD should not be in the form of individual, unrelated lots/homes scattered or dispersed throughout the site, but instead should be grouped into one or more small clusters of interrelated lots/homes.

(1) If land development within the PUD will occur on multiple, individually-owned lots, each lot:

(a) Shall be less than 200% of the district minimum lot size. Further subdivision of the individual lots will be prohibited and the developer shall include appropriate deed restrictions to prevent resubdivision.

(b) Shall have at least one building envelope within which all structures shall be located except for walkways, driveways, roads, utilities, water-dependent structures, farm structures, and exempt accessory structures. A building envelope shall not include any land that is unbuildable or within required setbacks.

(2) If land development within the PUD will occur on commonly-owned land, building envelopes will not be required. Instead, the plan for the PUD shall:

(a) Delineate development areas within which all land development shall occur and show proposed building footprints.

(b) Delineate open space areas within which no land development may occur except for farm structures and DRB-approved walkways, driveways, roads, utilities and water-dependent structures.

(3) If the PUD designates working farm or forestland as the required open space and that land is intended to be individually owned as described in Subsection 3045.H~~358.H~~ one residential lot may be created as the "homestead lot" for the open space parcel. That residential lot may be separate from the clustered lots within the PUD.

(4) Land development within the PUD shall follow the design standards for subdivisions specified in Section 3039~~Section 352~~ or Section 3041~~Section 354~~, as applicable.

~~3044.H~~3045.H **Open Space Standards.** In exchange for greater flexibility in design, opportunities for mixed use, and density bonuses, PUDs shall provide meaningful open space that conserves important natural resources and working lands, and enhances the quality of life and access to outdoor recreation within the PUD and surrounding area as follows:

(1) Open space shall be delineated as the first step in planning and designing a PUD.

(2) At least 60% of the development site shall be conserved as undeveloped open space in perpetuity except that:

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(a) PUDs in the High Density Residential and Commercial District do not need to set aside land for undeveloped open space, but they shall include common greenspace, passive or active outdoor recreation areas, or community gardens. The total common outdoor space shall be at least 4,000 square feet or 400 square feet per dwelling, whichever is greater.

(3) Further subdivision of or land development on required open space is prohibited. The approved PUD plan, deed(s) and/or easement(s) shall include appropriate provisions to ensure that the land will be conserved.

(4) Required open space may be used for forest uses, recreation or agriculture. If approved by the DRB, limited portions of the open space area may be used for access, utilities or infrastructure that serves development within the PUD.

(5) Required open space may be commonly or individually owned. It may be leased, sold or transferred to another person or entity for conservation, agricultural, forestry or recreation purposes.

(6) Required open space shall be retained in one or more parcels separate from the land being developed within the PUD.

~~3044.I~~3045.I **Subdivision Standards.** The standards related to easements, marking property lines and owners' associations specified in this chapter that apply to conventional subdivisions also apply to PUDs.

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PART 4. ADMINISTRATION

General

Section 400. Fees and Costs

400.A The Selectboard may establish reasonable fees that the ZA or other town employees will charge to administer of these regulations. These fees may include the cost of posting and publishing notices, holding public hearings, and conducting periodic inspections during construction.

400.B The Selectboard may establish procedures and standards for requiring an applicant to pay the reasonable costs of an independent technical review of an application. In accordance with those procedures and standards, the DRB may hire qualified professionals to assist in the review of an application, as it deems necessary.

400.C The Selectboard may establish procedures and standards for requiring an applicant to pay the reasonable costs of ongoing monitoring and inspection of land development. The DRB may condition approval upon such monitoring and inspection, as it deems necessary.

400.D Upon adoption of a capital budget and program, the town may levy impact fees in accordance with 24 VSA Chapter 131.

Section 401. Notice, Hearings and Decisions

401.A A public hearing, warned as described below, is required for all DRB applications.

(1) The date, place and purpose of the hearing shall be published in a newspaper of general circulation in Starksboro and on the town website not less than 15 days before the date of the public hearing.

(2) The date, place and purpose of the hearing shall be posted in 3 or more public places within Starksboro not less than 15 days before the date of the public hearing. One of the public posting places shall be on the property within view of the nearest public right-of-way. The ZA will provide the landowner with a form for posting. It is the landowner's responsibility to ensure that the notice remains posted for the entire warning period.

(3) Owners of all properties adjoining the property subject to land development (including those across the road) shall be notified in writing. The notification shall include a description of the proposed project and shall clearly explain to the recipient where to obtain additional information and that he/she shall participate in the hearing in order to have the right to appeal the DRB's decision. The ZA may provide applicants with notification forms and require they be sent by certified mail return receipt requested or hand delivered with proof of delivery submitted before or at the start of the hearing.

401.B **Defect in Notice.** A defect in the form or substance of the public notice requirements will not invalidate any act or decision of the DRB when a reasonable effort has been made to provide adequate warning.

401.C **Recessing a Hearing.** The DRB may recess a hearing on any application as it deems necessary or appropriate. If the DRB recesses a hearing to a specific date and time, the hearing will not have to be warned again when resumed.

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401.D **Attending Hearings.** The applicant (or an authorized representative) is strongly encouraged to be present at any public hearing or meeting when the DRB will be considering his/her application. The DRB may continue its consideration of an application to its next regularly scheduled meeting if the applicant or a duly authorized representative is not present. In the case of such a continuation, the intervening days will not be counted as part of any time period within which the DRB is required to act.

401.E **Conducting Hearing.** The DRB shall conduct public hearings in accord with its adopted rules of procedures. Any individual or group may appear and participate in a public hearing in person (or by authorized representative or counsel) or may submit written testimony in advance of the hearing. The DRB shall give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.

401.F After the DRB closes a hearing, it may discuss and make a decision on the application either in open public session or in a closed deliberative session.

401.G The DRB shall make a decision based on the applicable criteria in these regulations. The DRB may rely on the testimony submitted during public hearings, inspections or site visits of the property, and any applicable plans, studies, reports or other information readily available at the town office (ex. soils maps, natural resource inventories, etc.) to determine whether an application meets the required criteria. New evidence brought forward after the hearing has been closed shall not be accepted or considered. With the consent of the applicant, the DRB may re-warn and re-open a hearing that has been closed to accept and consider new evidence.

401.H The DRB may approve an application with any conditions it deems necessary to achieve the purposes of these regulations and the goals of the town plan, including but not limited to specific modifications to the scale, layout and/or design of the project, or restrictions on its operation and/or intensity. Any conditions or limitations shall be specifically described in its written decision.

401.I Within 45 days of closing a hearing, the DRB shall issue a decision to approve, approve with conditions or deny the application. The written decision shall include findings of fact that explain how and why the DRB made its decision and any conditions of approval.

401.J Following DRB approval of a waiver, variance, site plan or conditional use, the ZA will issue a zoning permit. If the approved use or land development, is not substantially completed before the zoning permit expires (see Subsection 405.H~~411.H~~), the DRB approval will expire with the zoning permit. If the approved use or land development is substantially completed before the zoning permit expires, the DRB approval will remain in effect unless the use or land development is discontinued (see Section 1020~~Section 124~~). DRB approvals and any related conditions run with the land (they remain in effect even if property is sold or transferred to another owner).

401.K A final subdivision plan properly approved by the DRB, signed and filed in the town land records will not expire.

Section 402. Surety

402.A The DRB may require applicants to provide a letter of credit, bond, escrow account or other surety in a form acceptable to the Selectboard as a condition of approval to assure one or more of the following:

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(1) The completion of the project;

(2) Adequate stabilization of the site; or

(3) Protection of public facilities that may be affected by the project.

402.B The surety should be in an amount sufficient to cover the full cost of completing the required public improvements and their maintenance for a 2-year period after completion as estimated by the town. The DRB may require the surety for a term of up to 3 years. With the consent of the applicant, the DRB may extend the surety for an additional 3-year term.

402.C If the landowner has not installed or maintained the required improvements as provided within the term of the surety, the surety shall be forfeited to the town and the town will install or maintain the improvements.

Section 403. As-Built Drawings

403.A The ZA or DRB may require landowners to file as-built drawings as a condition of approval. As-built drawings will be required for any infrastructure to be built within public rights-of-way or to be turned over to the town.

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Zoning Administrator

Section 404. Zoning Administrator (ZA)

404.A The ZA is responsible for administrating these regulations. The ZA literally enforces the provisions of these regulations and may only issue a zoning permit for land development that conforms to these regulations.

404.B The ZA will assist applicants in determining whether and which town permits or approvals will be needed for a project, and will provide applicants with the necessary application forms.

404.C The ZA will inform applicants to contact the state's regional permit specialist to determine whether state permits or approvals will also be needed for a project. Applicants are responsible for obtaining any required state permits or approvals.

404.D The ZA will provide applicants with information about state energy codes.

404.E The ZA inspects land development, maintains records, responds to complaints and violations, and performs all other necessary tasks to administer these regulations.

404.F The Selectboard may appoint an Assistant or Acting ZA who may administer these regulations in the ZA's absence or in cases where the ZA would have a conflict of interest.

Section 405. Zoning Permit

405.A **Applicability.** A landowner shall get a zoning permit from the ZA for any land use or development other than the specific activities listed in 0~~Chapter 110~~ as exempt from these regulations.

405.B **Application Process.** The landowner shall apply for a zoning permit by completing the form(s) available from the ZA and submitting a complete application, along with any application fees as established by the Selectboard, to the ZA. The ZA will determine whether the application is complete. The ZA shall inform the applicant in writing if the application is incomplete and what additional information is required.

405.C **ZA Action.** Once the ZA determines that an application is complete, the ZA shall act within 30 days to approve it, deny it or refer it to the DRB. If the ZA does not act on a complete application within 30 days, the applicant may file an appeal directly with Environmental Court to recognize that the ZA's failure to act within the 30-day period resulted a "deemed approval" of the application. The ZA shall approve or deny permits in writing and specifically provide the following information:

(1) If the application is denied, the applicant shall be informed in writing that the applicant may appeal the ZA's decision to the DRB within 15 days and include a copy of Section 4011~~Section 421~~.

(2) If the application is approved, the applicant shall be informed in writing that a notice shall be posted on the property throughout the 15-day appeal period and that the land use or development shall not commence until the appeal period has ended.

405.D **Review Criteria.** The ZA shall literally enforce the provisions of these regulations and the Vermont Planning and Development Act (24 VSA Chapter 117). The ZA shall not approve an application and issue a zoning permit that does not meet all the applicable standards and requirements of these regulations and the Act. In particular, the ZA shall not approve an application and issue a zoning permit if:

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(1) The land use or development requires the approval of the DRB or Selectboard, and the applicant has not received such approval.

(2) The land use or development is proposed on a lot that has not been lawfully subdivided.

405.E **Issuing a Permit.** The ZA shall deliver a copy of the permit to the Listers and shall post a copy of the permit at the Town Office within 3 days after issuing a permit. The permit shall remain posted for a period of 15 days from the date of issuance. The ZA shall deliver an original, signed copy of the permit or memorandum of municipal action to the Town Clerk for recording within 30 days after issuing a permit. The ZA shall also file a copy of the permit as part of the ZA's records in the town offices.

405.F **Notice.** The landowner shall post a notice on the property within view of the nearest public right-of-way for 15 days after receiving a zoning permit. The ZA may provide the landowner with a form for posting as prescribed by the town. The landowner is responsible for posting the notice and ensuring that it remains posted throughout the 15-day appeal period.

405.G **Appeal Period.** Once the ZA issues a zoning permit, there is a 15-day period during which an interested person may appeal the permit as described in Section 4011~~Section 421~~. The landowner shall not commence the permitted land use or development during the appeal period. If an appeal is properly filed during the appeal period, the landowner shall not commence the land use or development until the appeal is decided.

405.H **Permit Expiration.** Zoning permits, and any associated DRB approvals as applicable, remain in effect for 2 years from the date of issuance, unless the DRB specifies otherwise as a condition of approval. Landowners shall substantially complete the land development or commence the land use authorized by a zoning permit within that 2-year period. If a permit expires before the landowner substantially completes the land development or commences the land use, the landowner shall apply for a new zoning permit and any other associated approvals.

405.I **Permit Extension.** The landowner may request that the ZA issue an administrative extension before the permit expires. The ZA may grant a single, 1-year administrative extension if all the improvements completed to date conform to the permit requirements and these regulations.

405.J **Permit Revocation.** If a landowner omitted or misstated a material fact on an application or at a hearing, the ZA may revoke a permit that was issued based on that information and that could not have been lawfully issued if the landowner had provided complete or factual information.

Section 406. Inspections

406.A The ZA or DRB may require an inspection during site development or construction as a condition of approval. The ZA shall require an inspection for any principal structure that is being built within 20 feet of a required setback and any accessory structure that is being built within 10 feet of a required setback.

406.B If an inspection is required at one or more points during site development or construction, the landowner shall notify the ZA when the work is ready to be inspected. The ZA shall inspect the site within 7 days of being notified to verify whether the work is being carried out as authorized by the zoning permit.

Section 407. Certificate of Occupancy

407.A The ZA shall require a certificate of occupancy for new homes or other principal buildings.

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407.B The ZA or DRB may require a certificate of occupancy as a condition of approval, or a landowner may request a certificate to verify and document that the land development authorized by a zoning permit was completed in conformance with the permit requirements.

407.C If a certificate of occupancy is required, the subject building shall not be ~~occupied~~occupied, or the use shall not be commenced until the ZA issues the certificate. The landowner shall notify the ZA when the land development is substantially complete and ready to be inspected. The ZA shall inspect the site within 7 days of being notified to verify whether the land development authorized by the zoning permit was completed in conformance with the permit requirements.

407.D Before the ZA may issue a certificate of occupancy or use for a new principal building, the landowner shall provide the ZA with copies of a certificate from an engineer or site tech documenting compliance with the state wastewater rules, and a certificate documenting compliance with the state energy code requirements.

407.E The ZA may issue a temporary certificate of occupancy that conditions use or occupancy on full completion of all required improvements within not more than 12 months. The applicant shall apply for a permanent certificate of compliance prior to the expiration of any temporary certificate.

Section 408. Boundary Line Adjustments and Lot Mergers

408.A The ZA may approve adjustments to, or the elimination of, the boundary line between adjoining properties that would not create any additional lots or result in an existing lot or structure becoming nonconforming.

408.B The ZA may decline to authorize and refer any request for a boundary adjustment or lot merger to the DRB for subdivision review.

408.C Applicants shall file a zoning permit application form and a sketch plan depicting the existing and proposed lot lines, and any existing buildings, wells, septic systems, replacement septic areas, roads, driveways, or right-of-ways within 100 feet of the proposed lot lines with the ZA.

408.D The ZA will make a written determination of whether the proposed adjustment or merger will be approved, denied or referred to the DRB within 30 days from receiving a complete application.

408.E If the ZA approves the sketch plan, the applicant shall have a surveyor licensed in Vermont survey the portions of the involved lots as necessary to legally establish the new boundaries based on the approved sketch plan. The applicant shall provide the ZA with a stamped survey for signature and filing in accordance with the provisions of Subsection 426.I within 180 days from the ZA's approval of the sketch plan. If the applicant fails to submit the stamped survey within the 180-day period, the ZA's approval will be voided.

~~**Section 409. Minor Modifications to Approved Plans**~~

~~409.A The ZA may authorize minor modifications to an approved project (including plans approved by the DRB) that conforms to all applicable provisions of these regulations and is not a material change in the type, character or intensity of the approved land development or use.~~

~~409.B The ZA may decline to authorize and refer any request for modification of an approved plan to the DRB for review.~~

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~~Section 4010.~~Section 409. Enforcement

~~4010.A~~409.A These regulations will be considered a civil ordinance within the meaning of 24 VSA Chapter 59.

~~4010.B~~409.B The Selectboard will establish fines for violations of these regulations in accordance with 24 VSA Chapter 117. For violations enforced through the Judicial Bureau, a civil penalty of not more than $500 per day may be imposed, and the waiver fee will be set at $100 for the first offense, $200 for the second offense and $300 for all subsequent offenses within a 6-month period.

~~4010.C~~409.C The commencement or continuation of any land use or development that does not conform with the provisions of these regulations constitutes a violation. Each day that a violation continues constitutes a separate offense. The ZA shall undertake appropriate action to enforce the provisions of these regulations by following the procedures outlined in this section.

~~4010.D~~409.D The ZA shall investigate all complaints regarding violations of these regulations. If the ZA determines that a violation has occurred, the ZA shall commence an enforcement action as follows:

(1) The ZA may first attempt to contact the landowner by phone or in person to informally resolve the violation. If the matter is not resolved in a timely manner, the ZA shall issue a municipal civil complaint ticket or a notice of violation.

(2) The ZA or other designated enforcement officer under 24 VSA Chapter 59 and 24 VSA Chapter 29 may serve 2 copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and promptly file the original with the Judicial Bureau. The ZA or other issuing officer shall follow the Judicial Bureau's procedure for municipal complaint tickets.

(3) The ZA may send the landowner a written notice of violation by certified mail. The notice shall: describe the violation and include a reference to the specific provisions of these regulations being violated; explain that the landowner has an opportunity to cure the violation within 15 days; list the amount of the fine for the violation and explain that the fine will be imposed for each day the violation continues after the 15-day period for curing the violation elapses; and notify the property owner that further enforcement may occur without notice and the opportunity to cure if the violation is repeated within the next 12 months.

(4) If the violation is not cured within the 15-day period, the ZA shall consult with the Selectboard to determine how the town will proceed. With permission of the Selectboard, the ZA may negotiate a resolution to a violation after the opportunity for cure has elapsed. The Selectboard shall formally approve any resolution of a violation that has continued after the 15-day period for curing it has elapsed.

~~4010.E~~409.E Decisions or actions of the ZA in relation to violations may be appealed as per Section 4011~~Section 421~~ , except that an appeal of a municipal civil complaint ticket will be governed by 24 VSA Chapter 29.

~~4010.F~~409.F The ZA shall deliver a copy of each notice of violation to the Town Clerk for recording. Upon resolution of the violation, the landowner may request and record a Certificate of Compliance.

~~4010.G~~409.G The ZA shall enforce any violation of these regulations, a zoning permit, or DRB approval within 15 years from the date the violation first occurred. The ZA will not be able

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to enforce a violation of a zoning permit unless the permit was recorded in the town land records.

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DEVELOPMENT REVIEW BOARD

~~Section 4011.~~Section 4010. Appointment and Responsibilities

~~4011.A~~4010.A The Selectboard will appoint members to serve on the DRB. The Selectboard may appoint alternates to serve on the DRB in situations where one or more members have a conflict of interest or are otherwise unable to serve. The Selectboard may remove any DRB member for cause upon written charges and after a public hearing.

~~4011.B~~4010.B The DRB performs all development review functions under these regulations. The ZA will refer applications to the DRB as required under these regulations. The ZA may informally discuss any land use, development or enforcement issue with the DRB.

~~4011.C~~4010.C The DRB shall perform development review functions in accordance with their adopted rules of procedure and conflict of interest policy.

~~Section 4012.~~Section 4011. Appeal of an Action or Decision of the Zoning Administrator

~~4012.A~~4011.A **Filing an Appeal.** In addition to the applicant, any interested person may appeal a decision or act of the ZA by filing 2 copies of a notice of appeal within 15 days of the decision or act.

~~4012.B~~4011.B **Notice of Appeal.** A notice of appeal shall be in writing and shall include the following information:

(1) The name and address of the appellant (person filing the appeal);

(2) A copy of the ZA's decision (if appeal of a zoning permit, also include a copy of the permit application);

(3) A brief description of the property with respect to which the appeal is being brought;

(4) A reference to the applicable provisions of these regulations; and

(5) Any relief being requested by the appellant, including a request for a variance or waiver.

~~4012.C~~4011.C **Applicant Informed.** If an interested person other than the applicant files the appeal, the ZA shall immediately inform the applicant that an appeal has been filed and advise the applicant that the project shall not commence until the appeal has been decided.

~~4012.D~~4011.D **Hearing.** The DRB shall hold a public hearing on a notice of appeal within 60 days of its filing. The hearing shall be warned as per Section 401.

~~4012.E~~4011.E **Rejection.** The DRB may reject an appeal without a hearing and render a decision within 10 days of the filing of a notice of appeal, if the DRB determines that the issues raised by the appellant have been decided in an earlier appeal, or are based on the same facts, by or on behalf of the appellant.

~~4012.F~~4011.F **Decision.** The DRB shall issue a written decision, with findings of fact, within 45 days after closing the evidentiary portion of the hearing and adjourning the hearing to deliberation in accordance with Section 401.

~~Section 4013.~~Section 4012. Variance

~~4013.A~~4012.A **Purpose.** An appellant (person bringing an appeal) may request that the DRB grant

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a variance from the dimensional requirements of these regulations after having been denied a permit or told that a permit cannot be issued by the ZA because the proposed project would require deviating from the provisions of these regulations.

4013.B4012.B **Application Procedure.** To file a request for a variance, the appellant shall submit the following to the ZA, who shall determine whether the application is complete and shall forward complete applications to the DRB for review:

(1) A complete application form (to be provided by the ZA) signed by all the owners of record and the required fees.

(2) An accurate scaled site plan map of the property that includes; existing boundaries, features and proposed structures, including locations of septic systems, well, driveway and parking areas, streams, ponds, wetlands, drainage patterns, utilities, public and private roads, easements and any other information that the ZA or DRB may be deem necessary for the review of the application.

(3) A complete description of the proposed plans including construction sequence and timing, structure design and site design screening techniques that will be used to limit impacts to surrounding properties and the character of the area.

(4) A brief written response to each of the review standards listed in Subsections 4012.E~~422.E~~, 4012.F~~422.F~~, or 4012.G~~422.G~~, whichever is applicable.

4013.C4012.C **Hearing.** The DRB shall hold a public hearing on the requested variance within 60 days of its filing. The hearing shall be warned as per Section 401.

4013.D4012.D **Decision.** The DRB shall issue a written decision, with findings of fact, within 45 days after closing the evidentiary portion of the hearing and adjourning the hearing to deliberation in accordance with Section 401. The DRB shall make its decision on the request for a variance by applying the facts presented in the application for a variance and at its hearing to the standards listed in Subsections 4012.E~~422.E~~, 4012.F~~422.F~~, or 4012.G~~422.G~~, whichever is applicable. All standards of the applicable paragraph shall be met for the DRB to grant a variance. The DRB shall respond to each standard in its written findings of fact. The DRB may attach conditions to any variance granted, as considered necessary and appropriate under the circumstances to implement the purposes of these regulations, the town plan and the Act. Conditions shall be enforceable in the same manner as any other requirements of these regulations.

4013.E4012.E **General Review Standards.** The DRB shall grant a variance for a structure that is not primarily a renewable energy resource structure and that is not located within a flood hazard area only if all the following facts are found:

(1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located.

(2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

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(3) The appellant has not created the unnecessary hardship.

(4) The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.

(5) The variance, if granted, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the town plan.

~~4013.F~~4012.F **Review Standards for Renewable Energy Structures.** The DRB shall grant a variance for a renewable energy resource structure that is not located within a flood hazard area only if all the following facts are found:

(1) It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with these regulations.

(2) The appellant did not create the hardship.

(3) The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.

(4) The variance, if granted, will represent the minimum variance that will afford relief and will represent the least deviation possible from these regulations and from the town plan.

~~4013.G~~4012.G **Review Standards within a Flood Hazard Area.** If a variance is being requested for land development within a flood hazard area, the DRB shall only grant the variance if all of the conditions in Subsection 4012.E~~422.E~~ or 4012.F~~422.F~~ (whichever is applicable), 24 VSA § 4424(E) and 44 CFR 60.06 are met and if it determines the proposed land development will not increase flood heights. No variance shall be granted without a statement from the Vermont Agency of Natural Resources confirming that the proposed land development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse. As part of its written decision, the DRB shall inform the appellant that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums. A copy of the variance shall be affixed to the property's deed and filed in the Town Land Records.

~~Section 4014.~~Section 4013. Waiver

~~4014.A~~4013.A **Purpose.** An appellant (person bringing an appeal) may request that the DRB grant a waiver from the dimensional requirements of these regulations after having been denied a permit or told that a permit cannot be issued by the ZA because the proposed project would require deviating from the provisions of these regulations. The DRB shall not grant a waiver to allow the establishment of a prohibited or conditional use, or the subdivision of a lot that does not conform to the applicable provisions of these regulations. The DRB shall not grant a waiver within the Flood Hazard Overlay District.

~~4014.B~~4013.B **Application Procedure.** To file a request for a waiver, the appellant shall submit the following to the ZA, who shall determine whether the application is complete and shall forward complete applications to the DRB for review:

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(1) A complete application form (to be provided by the ZA) signed by all the owners of record and the required fees.

(2) An accurate scaled site plan map of the property that includes; existing boundaries, features and proposed structures, including locations of septic systems, well, driveway and parking areas, streams, ponds, wetlands, drainage patterns, utilities, public and private roads, easements and any other information that the ZA or DRB may be deem necessary for the review of the application.

(3) A complete description of the proposed plans including construction sequence and timing, structure design and site design screening techniques that will be used to limit impacts to surrounding properties and the character of the area.

(4) A brief written response to the review standards listed in Subsection 4013.E~~423.E~~.

4014.C4013.C **Hearing.** The DRB shall hold a public hearing on the requested waiver within 60 days of its filing. The hearing shall be warned as per Section 401.

4014.D4013.D **Decision.** The DRB shall issue a written decision, with findings of fact, within 45 days after closing the evidentiary portion of the hearing and adjourning the hearing to deliberation in accordance with Section 401. The DRB shall make its decision on the request for a waiver by applying the facts presented in the application for a waiver and at its hearing. The DRB may attach conditions to any waiver granted, as considered necessary and appropriate under the circumstances to implement the purposes of these regulations, the town plan and the Act. Conditions shall be enforceable in the same manner as any other requirements of these regulations.

4014.E4013.E **Review Standards.** The DRB may grant a waiver in accordance with the following standards:

(1) The waiver requested shall be for the permitted, by-right use of a lot and shall be beneficial for the continued reasonable use of the property. The DRB shall not grant a waiver to allow the establishment of a prohibited or conditional use, or the subdivision of a lot that does not conform to the applicable provisions of these regulations. The DRB shall not grant a waiver within the Flood Hazard Overlay District. DRB approval shall be required for any change of use, other than to another permitted use, after a waiver is granted.

(2) The waiver requested shall not adversely affect the character of the area (as defined and identified in the Starksboro Town Plan) and shall not impair the reasonable use or appropriate development of adjacent property. The waiver request shall have the support of the property owner(s) of record abutting the boundary from which the dimensional waiver is requested.

(3) The waiver requested shall not be detrimental to the public health, safety or welfare, or have the effect of nullifying the intent and purpose of applicable provisions of these regulations, the town plan, the Act and/or other municipal bylaws and ordinances in effect. The DRB shall not grant a waiver to allow land development to occur within 5 feet of the public highway or private road right-of-way, or so close to the property line that the structure's location will not allow for all required construction and maintenance to occur from the appellant's property.

(4) The appellant shall prove that the proposed land development cannot be reasonably constructed in conformance with these regulations. The DRB shall consider existing

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structures and site limitations such as location of septic (current and replacement) well, and driveway when determining the location and appropriateness of a requested waiver. The waiver requested shall not exceed the minimum required and shall be designed with consideration of:

(a) Overall size and height.

(b) Number, size and location of windows.

(c) Impacts on or hazards to neighboring property related to construction, future maintenance, fire, flooding, or similar nuisances or dangers.

(d) Screening (fencing and plantings) and other remedies that will reduce adverse effects on neighboring properties.

~~Section 4015.~~Section 4014. Site Plan Review

~~4015.A~~4014.A **Applicability.** The specific land uses and development that require site plan review are listed in Part 2 for each zoning district. Generally, non-residential (including cottage industries) and multi-family uses and development will require site plan review to address project design and compatibility with its surroundings.

~~4015.B~~4014.B **Application Requirements.** The applicant shall file a complete zoning permit application and site plan with the ZA.

~~4015.C~~4014.C **Review Process.** The DRB shall hold a public hearing on a site plan application within 60 days of the ZA determining that the application is complete. The hearing shall be warned as per Section 401. The DRB shall issue a written decision, with findings of fact, within 45 days after closing the evidentiary portion of the hearing and adjourning the hearing to deliberation in accordance with Section 401.

~~4015.D~~4014.D **Review Criteria.** In addition to meeting all applicable standards of these regulations, the DRB shall find that:

(1) **Siting and Design.** The siting and design of the proposed land development on the property will be compatible with its setting and context. This will include consideration of factors such as the relationship of the building(s) to the site and to adjoining property, the scale of the proposed land development in relationship to the site and neighborhood, and the transition and/or buffers between the site and adjoining properties.

(2) **Vehicular Traffic and Circulation.** Traffic generated by the proposed land development will not have an undue adverse effect on the condition, capacity, safety and function of the transportation infrastructure serving the subject property. The vehicular circulation within the site will not create unsafe conditions for drivers or pedestrians, will allow adequate access for service and emergency vehicles, and will allow for adequate snow removal and storage.

(3) **Pedestrian Traffic and Circulation.** Pedestrian access will be provided within and through the subject property to adjacent properties and along roads as appropriate given the location of the subject property. Adequate access will be provided for people with disabilities and impaired mobility in accordance with applicable state and federal laws.

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(4) **Parking.** The proposed land development will have an adequate, but not excessive amount of parking. Required parking has been designed and located to minimize its aesthetic and environmental impacts to the extent that is physically and economically feasible.

(5) **Stormwater and Snow Storage.** The proposed land development will appropriately manage stormwater and snow storage. Low-impact development (LID) techniques that minimize the amount of run-off generated and allow infiltration of run-off and snow melt will be used to the extent that is physically and economically feasible.

(6) **Lighting.** Lighting will be designed, located and used to: provide the minimum amount of lighting needed to create a safe environment for human activity; avoid increasing pre-existing light levels beyond the subject property; prevent glare and shield light sources; and minimize energy use.

(7) **Signs.** Signs will be designed, sized and located to: minimize undue adverse effect on historic and scenic character; not be the dominant feature of the property; clearly and simply communicate their message; and enhance the appearance of the property and road corridor.

(8) **Landscaping.** Landscaping will be established to: enhance the appearance of the property; screen service areas, equipment and utilities from public view; and create a buffer as needed to mitigate impacts on neighboring properties.

(9) **Energy Conservation.** The proposed land development has been designed and located to minimize its energy use to the extent that is economically and physically feasible. Energy-saving approaches to development may include: high-efficiency buildings, light fixtures and infrastructure; buildings oriented to maximize solar gain; landscaping to provide wind breaks, and reduce heat loss or gain as appropriate; buildings sited to minimize the length of road and utility corridors; and generating renewable energy on-site.

(10) **Compatibility with the Town Plan and Other Regulations.** The proposed land development will be compatible with the *Starksboro Town Plan* and any other applicable regulations, bylaws or ordinances adopted by the town.

~~4015.E~~4014.E **Final Site Plan Requirements.** Prior to the ZA issuing a zoning permit for the proposed land development, the applicant shall submit a final copy of the site plan as approved by the DRB. The final site plan shall include a space within the title block for the signature of the DRB chairperson.

~~4015.F~~4014.F **Effect of Site Plan Approval.** The applicant must complete the proposed development or commence the proposed use in accordance with the approved site plan within the time that the associated zoning permit is valid (see Subsection 405.H~~411.H~~) or the approval will become null and void. If the development or use is abandoned or discontinued as described in Section 1020~~Section 124~~, the site plan approval will become null and void.

~~Section 4016.~~Section 4015. Conditional Use Review

~~4016.A~~4015.A **Applicability.** The specific land uses and development that require DRB approval as a conditional use are listed in Part 2 for each zoning and overlay district.

~~4016.B~~4015.B **Application Requirements.** The applicant shall file a complete zoning permit

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application, a site plan, and a conditional use application with the ZA.

~~4016.C~~4015.C **Review Process.** The DRB shall hold a public hearing on a conditional use application within 60 days of the ZA determining that it is complete. The hearing shall be warned as per Section 401. The DRB shall issue a written decision, with findings of fact, within 45 days after closing the evidentiary portion of the hearing and adjourning the hearing to deliberation in accordance with Section 401.

~~4016.D~~4015.D **Review Criteria.** The applicant shall demonstrate to the DRB that:

(1) **Suitability of the Use.** The parcel's size, shape, location, topography, natural features are suitable for the proposed use.

(2) **Character of the Area.** The proposed use:

(a) Will not alter the character of the surrounding area in a manner that limits, impairs or precludes the use of neighboring properties for their permitted uses; and

(b) Will not result in an undue adverse effect on the character of the area as defined by the purpose of the zoning district within which the proposed land development is located and the specific policies and standards of the municipal plan for the area within which the proposed land development is located.

(3) **Safety and Privacy.** The proposed use will not reduce the safety or privacy of neighboring landowners, and will create or retain appropriate transitions from public to private spaces and buffers between adjoining properties.

(4) **Natural Setting.** The natural landscape and topography will be preserved to the maximum extent practical considering the site's capacity and constraints.

(5) **Public Facilities and Services.** The public facilities and services will be adequate to accommodate the proposed use.

(6) **Performance Standards.** The proposed use meets the performance standards listed in 0~~Chapter 320~~.

(7) **Site Plan Review Criteria.** The proposed use meets the site plan review criteria listed in Subsection 4014.D~~424.D~~.

~~4016.E~~4015.E **Effect of Conditional Use Approval.** The applicant must complete the proposed development or commence the proposed use in accordance with the approved plan within the time that the associated zoning permit is valid (see Subsection 405.H~~411.H~~) or the approval will become null and void. If the development or use is abandoned or discontinued as described in Section 1020~~Section 124~~, the site plan approval will become null and void.

~~Section 4017.~~Section 4016. Subdivision Review

~~4017.A~~4016.A **Applicability.** Subdivision approval by the DRB is required before a landowner may divide a parcel of land into two or more lots or other division of land for sale, development, or lease, or may file a subdivision plan in the town land records, and before the ZA may issue a zoning permit for any land development involving land to be subdivided. Subdivision review is not required for landowners to convey rights-of way or easements, or adjust or eliminate boundary lines (see Section 408~~Section 414~~) as long as no additional lots will be created.

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~~4017.B~~4016.B **Pre-Application Meeting.** Before submitting a subdivision application, the applicant shall meet with the ZA to discuss the application requirements, review process and subdivision standards. The applicant may meet informally with the DRB to discuss conceptual plans. No advice offered or comments made at a pre-application meeting will be binding on any future review of a subdivision application.

~~4017.C~~4016.C **Application Requirements.** The applicant shall file a complete subdivision application and plan with the ZA. An applicant may request that the DRB waive or modify one or more application requirements.

~~4017.D~~4016.D **Classification of Subdivisions.** The ZA will classify a complete subdivision application as either a minor or major subdivision. If the proposed subdivision would result in any of the following, the ZA shall classify it as a major subdivision:

(1) The further subdivision of a parcel within 5 years of a prior subdivision or adjustment or elimination of a boundary line approved after the effective date of these regulations and irrespective of any subsequent change in land ownership.

(2) The subdivision of a parcel into 4 or more lots (including the parent parcel).

(3) The creation or extension of a public or private road.

(4) The upgrade of a Class 4 town road, driveway, farm or forest road or similar vehicular access to the standards of Section 306~~Section 312~~ or town road standards for Class 3 or higher public roads, as applicable.

(5) A subdivision that requires an Act 250 permit.

~~4017.E~~4016.E **Review Criteria.** The applicant shall demonstrate to the DRB that:

(1) **Siting and Suitability.** The siting, design and layout of the proposed subdivision will be compatible with its setting and context, and will conform to the standards of these regulations. Lots and development envelopes will establish suitable sites for future land development in terms of their size, shape, location, topography and capability.

(2) **Natural Features.** The natural landscape, vegetation and topography will be preserved to the maximum extent practical considering the site's capacity and constraints. The proposed subdivision will be designed and located to minimize the loss and fragmentation of farmland and forestland.

(3) **Character of the Area and Privacy.** The proposed subdivision will not alter the character of the surrounding area in a manner that limits, impairs or precludes lawful use of neighboring properties. The proposed subdivision will create or retain appropriate transitions from public to private spaces within the subdivision and between the subdivision and adjoining properties.

(4) **Energy Conservation and Access to Renewable Energy.** The proposed subdivision will be designed and located to minimize energy use and facilitate solar access to the extent that is economically and physically feasible.

(5) **Access and Circulation.** Vehicular access will be provided to each proposed lot or building envelope in accordance with the standards of these regulations. Traffic generated by the proposed subdivision will not have an undue adverse effect on the condition, capacity, safety and function of the transportation infrastructure serving the subdivision. Pedestrian access will be provided within the subdivision and along roads as appropriate given the location of the subject property.

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(6) **Infrastructure, Utilities, Facilities and Services.** Public facilities and services will be adequate to accommodate the proposed subdivision. Infrastructure and utilities will be provided within the subdivision as necessary to accommodate the proposed land development. Infrastructure and utilities will be located underground to the extent economically and physically feasible.

(7) **Lighting.** Lighting will be designed, located and used to: provide the minimum amount of lighting needed to create a safe environment for human activity; avoid increasing pre-existing light levels beyond the subject property; prevent glare and shield light sources; and minimize energy use.

(8) **Recreation Access.** The proposed subdivision will be designed and located to provide private or shared outdoor space for recreation.

~~4017.F~~4016.F **Minor Subdivision Review.** A minor subdivision requires only final plan review. The DRB shall hold a public hearing on an application for a minor subdivision within 60 days of the ZA determining that the application is complete. The hearing shall be warned as per Section 401. The DRB shall issue a written decision, with findings of fact, within 45 days after closing the evidentiary portion of the hearing and adjourning the hearing to deliberation in accordance with Section 401.

~~4017.G~~4016.G **Major Subdivision Review.** A major subdivision requires both preliminary and final plan review as follows:

(1) The DRB shall hold a public hearing on an application for the preliminary subdivision plan within 60 days of the ZA determining that the application is complete. The hearing shall be warned as per Section 401. The DRB shall issue a written determination, with findings of fact, within 45 days after closing the evidentiary portion of the hearing and adjourning the hearing to deliberation in accordance with Section 401.

(2) Within 12 months of the written determination, the applicant shall submit the final subdivision plan. The DRB shall hold a public hearing on a complete application for the final subdivision plan within 60 days of the ZA determining that the application is complete. The hearing shall be warned as per Section 401. The DRB shall issue a written decision, with findings of fact, within 45 days after closing the evidentiary portion of the hearing and adjourning the hearing to deliberation in accordance with Section 401.

~~4017.H~~4016.H **Phasing of Development.** Unless otherwise specified in the DRB's written decision, development within an approved subdivision shall be phased in accordance with the following:

(1) The ZA shall not issue more than 3 zoning permits for construction of new principal buildings (including principal dwellings) within the subdivision in any calendar year.

(2) The subdivider may phase the construction of necessary improvements (roads, utilities, etc.) provided that the required improvements needed to serve any proposed development on a lot within the subdivision are fully in place in accordance with the approved plan prior to an applicant requesting a zoning permit to build on that lot.

~~4017.I~~4016.I **Plat Filing Requirement.** Within 180 days after a subdivision plan is approved, the applicant shall file 3 copies of the final subdivision plan, including one mylar copy and 2 paper copies, for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of subdivision plans not filed and recorded within this 180-day

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period will expire. The applicant may request that the ZA grant one 90-day extension to the plan filing deadline if other required local and/or state permits are still pending (24 V.S.A., 4463).

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~~Section 4018.~~Section 4017. PUD Review

~~4018.A~~4017.A **Applicability.** All planned unit developments (PUDs) require DRB approval.

~~4018.B~~4017.B **Pre-Application Meeting.** Before submitting a PUD application, the landowner shall meet with the ZA to discuss the application requirements, review process and applicable standards. The landowner may meet informally with the DRB to discuss conceptual plans. No advice offered or comments made at a pre-application meeting will be binding on any future review of a PUD application.

~~4018.C~~4017.C **Application Requirements.** The applicant shall file a complete PUD application and plan with the ZA. An applicant may request that the DRB waive or modify one or more application requirements.

~~4018.D~~4017.D **Review Criteria.** The applicant shall demonstrate to the DRB that:

(1) Siting and Suitability. The siting, design and layout of the proposed PUD will be compatible with its setting and context, and will conform to the standards of these regulations. Lots and building envelopes will establish suitable sites for future development in terms of their size, shape, location, topography and capability.

(2) Natural Features. The natural landscape, vegetation and topography will be preserved to the maximum extent practical considering the site's capacity and constraints. The proposed PUD will be designed and located to minimize the loss and fragmentation of farmland and forestland.

(3) Character of the Area and Privacy. The proposed PUD will not alter the character of the surrounding area in a manner that limits, impairs or precludes lawful use of neighboring properties. The proposed subdivision will not cause undue adverse effects on the safety and privacy of neighboring landowners, and will create or retain appropriate transitions from public to private spaces within the PUD and between the PUD and adjoining properties.

(4) Access and Circulation. Vehicular access will be provided to each proposed lot or building envelope in accordance with the standards of these regulations. Traffic generated by the proposed PUD will not have an undue adverse effect on the condition, capacity, safety and function of the transportation infrastructure serving the development. Pedestrian access will be provided within the PUD and along roads as appropriate given the location of the subject property.

(5) Infrastructure, Utilities, Facilities and Services. Public facilities and services will be adequate to accommodate the proposed PUD. Infrastructure and utilities will be provided within the PUD as necessary to accommodate the proposed land development. Infrastructure and utilities will be located underground to the extent economically and physically feasible.

(6) Recreation Access. The proposed PUD will be designed and located to provide private or shared outdoor space for recreation.

(7) Performance Standards. The proposed PUD meets the performance standards listed in 0~~Chapter 320~~.

(8) Site Plan Review Criteria. The proposed PUD meets the site plan review criteria listed in Subsection 4014.D~~424.D~~.

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~~4018.E~~4017.E **PUD Review.** A PUD requires both preliminary and final plan review as follows:

(1) The DRB shall hold a public hearing on a complete application for the preliminary PUD plan within 60 days of the ZA determining that the application is complete. The hearing shall be warned as per Section 401. The DRB shall issue a written determination, with findings of fact, within 45 days after closing the evidentiary portion of the hearing and adjourning the hearing to deliberation in accordance with Section 401.

(2) Within 12 months of the written determination, the applicant shall submit the final PUD plan. The DRB shall hold a public hearing on a complete application for the final PUD plan within 60 days of the ZA determining that the application is complete. The hearing shall be warned as per Section 401. The DRB shall issue a written decision, with findings of fact, within 45 days after closing the evidentiary portion of the hearing and adjourning the hearing to deliberation in accordance with Section 401.

~~4018.F~~4017.F **Phasing of Development.** Unless otherwise specified in the DRB's written decision, development within an approved subdivision shall be phased in accordance with the following:

(1) The ZA shall not issue more than 3 zoning permits for construction of new principal buildings (including principal dwellings) within the subdivision in any calendar year.

(2) The subdivider may phase the construction of necessary improvements (roads, utilities, etc.) provided that the required improvements needed to serve any proposed development on a lot within the subdivision are fully in place in accordance with the approved plan prior to an applicant requesting a zoning permit to build on that lot.

~~4018.G~~4017.G **Plat Filing Requirement.** Within 180 days after a PUD plan is approved, the applicant shall file 3 copies of the final PUD plan, including one mylar copy and 2 paper copies, for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of subdivision plans not filed and recorded within this 180-day period will expire. The applicant may request that the ZA grant one 90-day extension to the plan filing deadline if other required local and/or state permits are still pending.

~~Section 4019.~~Section 4018. Material Changes to Approved Plans

~~4019.A Any material change to a plan approved by the DRB will require review and approval by the DRB. The ZA may approve minor changes to approved plans (see Section 415).~~

~~4019.B~~4018.A The application and review process for a material change to an approved plan will be the same as for the original application. However, the DRB will limit the scope of its review and any conditions of approval to the elements of the development that will be affected by the proposed change.

~~Section 4020.~~Section 4019. Appeal of DRB Decisions

~~4020.A~~4019.A Any interested person who participated in a hearing on a matter before the DRB may appeal the DRB's decision to the Vermont Environmental Court. A notice of appeal shall be sent to every interested person who participated in the hearing.

~~4020.B~~4019.B If the ZA has issued a zoning permit based on a DRB approval, the appeal of that DRB approval will be considered an appeal of the zoning permit as well and the applicant shall not commence any land use or development authorized by the zoning permit until the appeal is resolved.

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PART 5. DEFINITIONS

Interpretation

Section 500. Applicability

500.A The words used in these regulations have their normal dictionary meaning unless they are specifically defined in 0~~Chapter 510~~ or elsewhere in these regulations.

500.B The words defined in 0~~Chapter 510~~ have the specific meaning stated unless the context clearly indicates that they have another meaning.

Section 501. Terms Related to Land

501.A These regulations use "parcel" and "lot" interchangeably to refer to areas of land delineated in a lawful subdivision plan or deed.

Section 502. Terms Related to People

502.A These regulations use "landowner", "applicant" and "developer" to refer to the party responsible or authorized to act under these regulations. Those terms may include any individual designated to act on behalf of the landowner or applicant.

Section 503. Illustrations

503.A There are illustrations provided throughout these regulations that are intended to provide guidance to readers. In the case of a conflict between an illustration (including any associated descriptive text) and a regulatory provision of these regulations, the regulatory provision shall take precedence

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Terms

503.B

(1) **Accessory Dwelling or Apartment**. A secondary dwelling established in conjunction with and clearly subordinate to a primary dwelling, whether a part of the same structure as the primary dwelling or located within a detached structure on the same lot. See Section 3026~~Section 340~~.

(2) **Accessory Structure or Use.** A structure or use that is subordinate in size or purpose to the principal structure or use of the same lot and that serves a purpose customarily incidental to the principal structure or use.

(3) **Adaptive Re-Use.** The conversion of an obsolescent or historic structure from its original or most recent use to a new use.

(4) **Adverse Effect.** An effect that would endanger public health, safety or welfare, reduce environmental quality, or impair the reasonable development, use and/or enjoyment of property.

(5) **Adverse Effect, Undue.** An adverse effect that an applicant has not taken reasonable measures to avoid, minimize or mitigate.

(6) **Affordable Housing.** Ownership or rental housing with a total housing cost that does not exceed 30% of the household income of a household earning 80% of the median income in Addison County, and that is subject to covenants or restrictions that will preserve that affordability for at least 30 years.

(7) **Agriculture.** See definition of farming below.

(8) **Agritourism.** The accessory use of a working farm to offer accommodations and/or activities to visitors for the purpose of enjoyment, education, and/or hands-on involvement in the operation of the farm.

(9) **Amateur Radio Antenna.** Any antenna used solely for the purpose of transmitting and receiving radio signals for non-commercial purposes by a person holding a valid amateur radio (HAM) license from the Federal Communications Commission.

(10) **Animal Services and Agricultural Support Businesses.** A commercial use that provides goods or services that support agricultural operations or the ownership and care of farm or domesticated animals such as kennels, veterinary offices, stables, animal sales or slaughterhouses. This definition specifically excludes the sale of farm or garden machinery or equipment.

(11) **Artist or Craftsperson Work or Sales Facility.** An establishment for the creation, preparation, assembly, display and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, cabinetry, leather craft, hand-woven articles, woodcrafts and other related items.

(12) **Assisted Living.** A residential facility or development for people age 55 or older and residents with disabilities, which does not provide medical care but which may provide communal or support services such as meals, housekeeping, laundry, personal care, recreational activities, transportation, etc.

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503.C

(1) **Bed-and-Breakfast (B&B).** A place of lodging operated in accordance with Subsection 3030.A~~344.A~~.

(2) **Building.** A portable or fixed structure having a roof supported by columns or walls for the shelter, support, or enclosure of people, animals, or property.

(a) **Building, Principal.** A building in which the primary use of the lot is housed or conducted.

(3) **Building Envelope.** That area on a lot that encompasses all land development including, but not limited to, excavation, fill, grading, storage, demolition, structures, decks, roof overhangs, porches, patios and terraces, pools, any areas of disturbance, access ways, and parking. Approved plantings of landscape materials on natural grade, approved on-site water and wastewater infrastructure, and approved walkways, driveways and roads may occur outside of a building envelope. A building envelope should not exceed 2 acres in area except if necessary to accommodate a condition specific to the property or a proposed use. The location or size of a building envelope may be changed after a subdivision is approved by amending the subdivision plan in accordance with Section 4018~~Section 428~~.

(4) **Building Right.** The right to develop a lot with a dwelling unit or a nonresidential principal use. One building right is equivalent to one unit of housing or one nonresidential principal use. A lot may have one or more building rights associated with it based on the lot's size, the density and lot size standards of the applicable zoning district(s), and/or any allocation of rights made at the time the lot was subdivided under these regulations.

503.D

(1) **Campground.** A parcel or facility designed to accommodate more than 3 tents, lean-tos, campers, travel trailers, recreational vehicles or other camping units that are primarily occupied for vacation or recreational purposes.

(2) **Cannabis.** Cannabis shall have the same meaning as defined under 7 V.S.A. § 831. b. Cannabis Cultivator (Indoor) [Tier 1, 2, 3].

(3) **Cannabis Cultivator (indoor) [Tier 1, 2, 3]** means a person who has a Tier 1, 2, or 3 cultivator license from the Vermont Cannabis Control Board to grow cannabis plants indoors per 7 V.S.A. § 904. c.

(4) **Cannabis Cultivator (Indoor) [Tier 4, 5, 6].** A Cannabis Cultivator (Indoor) [Tier 4, 5, 6] means a person who has a Tier 4, 5, or 6 cultivator license from the Vermont Cannabis Control Board to grow cannabis plants indoors per 7 V.S.A. § 904.

(5) **Cannabis Cultivator (Outdoor) [Tier 1, 2, 3].** A Cannabis Cultivator (Outdoor) [Tier 1, 2, 3] means a person who has a Tier 1, 2, or 3 cultivator license from the Vermont Cannabis Control Board to grow cannabis plants outdoors per 7 V.S.A. § 904.

(6) **Cannabis Cultivator (Outdoor) [Tier 4, 5, 6].** A Cannabis Cultivator (Outdoor) [Tier 4, 5, 6] means a person who has a Tier 4, 5, or 6 cultivator license from the Vermont Cannabis Control Board to grow cannabis plants outdoors per 7 V.S.A. § 904.

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(7) **Cannabis Establishment**. Cannabis establishment means a cannabis cultivator, wholesaler, product manufacturer, retailer, or testing laboratory licensed by the Vermont Cannabis Control Board to engage in commercial cannabis activity per 7 V.S.A. § 861.

(8) **Cannabis Manufacturer.** A Cannabis Manufacturer means a person who has a manufacturer license from the Vermont Cannabis Control Board to produce cannabis products from cannabis plants, including edibles, oils, and other such products per 7 V.S.A. § 906.

(9) **Cannabis Product.** Cannabis product shall have the same meaning as defined under 7 V.S.A. § 831.

(10) **Cannabis Testing Laboratory.** A Cannabis Testing Laboratory means a person who has a testing laboratory license from the Vermont Cannabis Control Board to test cannabis and cannabis products obtained from a licensed cannabis establishment, dispensary, or a member of the public per 7 V.S.A. § 908.

(11) **Cannabis Wholesaler.** A Cannabis Wholesaler means a person who has a wholesaler license from the Vermont Cannabis Control Board who may purchase cannabis and cannabis products from other licensees and sell them to licensees per 7 V.S.A. § 905.

(12) **Cannabis Integrated License**. Integrated License means a person holding an integrated license from the Vermont Cannabis Control Board may engage in the activities of each of the license types listed above, but these licenses are only available to "an applicant and its affiliates that hold a dispensary registration on April 1, 2022." 7 V.S.A. § 909.

~~(2)~~(13) **Cemetery.** Property used for the interment of human or animal remains, including mausoleums and columbariums.

~~(3)~~(14) **Character of the Area.** The image and perception of an area as defined by such factors as its built environment, land uses, transportation network, landscaping, natural features and open space elements, type of housing, architectural style, infrastructure, and the type and quality of public facilities and services. Standards that require uses to be in keeping with the character of the area shall consider generation of noise, dust, and traffic, among other features and also the location, size, and design of structures as compared to what is typical in or planned for such an area.

~~(4)~~(15) **Civic Facility.** A building or site owned, operated or occupied by a governmental agency, or non-profit organization that provides governmental, administrative or community services to the public and/or members.

~~(5)~~(16) **Commercial Recreation and Entertainment.** A site, structure or portion of a structure designed to be used for leisure-time activities and that is operated as a for-profit business.

~~(6)~~(17) **Commercial Use.** Income-producing activity involving the sale, rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee.

~~(7)~~(18) **Community Facilities.** Institutions and facilities owned and operated by the town or state; schools and other educational facilities certified by the state; places of worship and other religious facilities; hospitals and other healthcare facilities certified by the state; and waste management facilities certified by the state

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(19) **Commercial Recreation Trail. A path designed for public use, often in a natural area, that also generates revenue for a business or organization.**

~~(8)~~(20) **Compatibility.** The characteristics of different uses or activities or designs that allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining or enhancing the character of the area.

~~(9)~~(21) **Complete Application.** The completed application form(s) and all supporting application information necessary to determine whether proposed land development is in conformance with these regulations.

~~(10)~~(22) **Conditional Use.** Use which may be permitted only by approval of the DRB after public notice and public hearing to determine whether the proposed use will conform to general and specific standards as set forth or referred to in these regulations and pursuant to Section 4407(2) of the Act.

~~(11)~~(23) **Construction-Related Facility.** A lot or portion of a lot used to store and maintain construction, landscaping or similar heavy equipment and other materials and facilities customarily required by a contractor in the building, landscaping, or related trades. Also known as a contractor's yard.

~~(12)~~(24) **Contractor Yard.** The use of land or structures for storage of construction supplies, vehicles, equipment and materials used in construction work that is performed off the parcel.

~~(13)~~(25) **Crematorium.** A location containing properly installed, certified apparatus intended for use in the act of cremation.

503.E

(1) **Daycare Facility.** A facility providing care to children, the elderly or people with disabilities in a protective setting for part of a 24-hour day.

(2) **Degree of Nonconformity.** The extent to which an existing lot, structure or use does not conform to the standards of these regulations, which is generally not allowed to be increased or intensified by any land development including an intensification of the pre-existing use. Examples of an increase in the degree of nonconformity include:

(a) An increase in the amount of traffic or noise generated by a nonconforming use (a use not allowed in the zoning district), an extension of its hours of operation, or an expansion of the area used in conjunction with the use.

(b) The further reduction in lot area or frontage for a nonconforming lot, as applicable.

(c) An addition to a nonconforming structure that does not meet setback requirements that encroaches further into the setback and brings the structure closer to the road or lot line, as applicable.

(d) An addition to a nonconforming structure that exceeds height requirements that would result in a taller structure.

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(3) **Density.** The number dwellings, principal buildings or principal uses permitted per acre of land.

(4) **Development.** See definition of land development below.

(5) **Discontinuance or Discontinued.** The cessation of the use of a property.

(6) **Driveway.** A minor private way providing vehicular access between a road and the parking space or garage of private or public property. See Section 305~~Section 311~~.

(7) **Duplex.** See definition of two-family home below.

503.F

(1) **Eating and Drinking Establishments.** An establishment where food and/or beverages are prepared, served and consumed in accordance with state law such as restaurants, cafes, coffee shops, pubs, taverns or bars.

(2) **Education Facility.** A site, structure or portion of a structure that is designed, constructed or used for education or instruction.

(3) **Elderly Housing.** One or more structures intended to provide housing primarily for older adults (commonly limited to those age 55 or older, but may also include some younger residents with disabilities), and which may also provide minimal convenience services and a social support system.

(4) **Electric Vehicle Charging Station (EVCS)**. Electric Vehicle charging Station (EVCS) means the public or private parking space(s) served by electric vehicle supply equipment (EVSE), including all signs, information, pavement, surfaces, surface markings, fee collections systems, and protective equipment in which a vehicle is recharged.

(5) **Essential Services.** Facilities and infrastructure owned and operated by the town, state, other unit of government, or a public utility for provision of public or community services such as energy distribution, water supply, wastewater treatment, stormwater management, communications or transportation.

(6) **Extraction of Earth Resources.** Excavating and removing rock, stone, ore, soil, gravel, sand, minerals and similar materials from the surface and/or subsurface. See Section 3025~~Section 335~~.

503.G

(1) **Family Childcare Home.** A home occupation that provides daycare services for children. See Section 3031~~Section 345~~.

(2) **Farm.** A parcel of land that is primarily devoted to farming, upon which may be located farm structures, farm stands, on-farm businesses and/or dwellings occupied by people engaged in farming.

(3) **Farm-Based Business.** A business operated on a farm that produces and/or sells value-added farm products, that offers contractual agricultural services, that engages in agri-tourism, that generates energy from crops or by-products, that processes, stores and/or ships farm products, or that engages in similar agriculturally-oriented income-producing activities. See Subsection 3028.B~~342.B~~.

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(4) **Farm Product Sales.** A structure or site for the sale of locally-produced farm products, including value-added products.

(5) **Farm Stand.** An accessory structure for the sales of farm products that is located on the farm where the products being sold are grown or produced.

(6) **Farm Structure.** A structure used for farming as defined by the Vermont Agency of Agriculture, Food and Markets. A farm structure does not include a dwelling for human habitation.

(7) **Farm Support Business.** A light industrial or commercial use that provides essential goods or services required by area farms including, but not limited to, feed suppliers, farm equipment sales or service, veterinary services, and meat or crop processing facilities.

(8) **Farm Worker Housing.** Any living quarters, dwelling, boarding house, bunkhouse, or other housing accommodations, maintained exclusively for the occupancy of farm employees and their families in connection with any farm work or place where farm work is being performed.

(9) **Farmers' Market.** A site or structure used by two or more farmers primarily for the direct sale of farm and food products to consumers. All farm and food products offered for sale shall either have been grown or processed by the seller or been purchased by the seller directly from another farmer, and consumers shall be able to clearly identify the name and location of the farm from which all products originate. Artists, craftspeople and mobile food vendors may constitute a minor portion of the participating sellers

(10) **Farming.** Agriculture as defined by the Vermont Agency of Agriculture, Food and Markets which includes: the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; the raising, feeding, or management of livestock, poultry, fish, or bees; the operation of greenhouses; the production of maple syrup; the on-site storage, preparation and sale of agricultural products principally produced on the farm; the on-site production of fuel or power from agricultural products or wastes produced on the farm; or the raising, feeding, or management of four or more horses owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of horses.

(11) **Farmland.** Land that is being actively improved, managed and/or used for farming, or that remains primarily characterized by prior agricultural use.

(a) **Farmland, Open.** Land that was cleared for farming including, but not limited to fields and meadows, and remains largely free of woody vegetation and reasonably suitable for cropping or pasturing in its present condition.

(b) **Farmland, Productive.** Land that is currently being farmed, that is enrolled in the Current Use Program, or that due to factors including, but not limited to, location, size, prior farm use, land form, land cover, and soil conditions could be readily and viably used for farming.

(12) **Financial Services Facility.** An establishment that provides financial or banking services to consumers or clients.

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(13) **Forest Management.** The application of forestry principles and/or business methods to the operation of a forest property for the purpose of maintaining forest uses and/or producing a continuous supply of forest products.

(14) **Forest Products Processing**. A facility for the processing and/or storage of forestry products that is located off site from harvesting operations. This may include, but is not limited to permanent sawmills, lumberyards, procurement yards, commercial firewood producers, wood pellet producers, wood kilns, and similar facilities. It may also consist of temporary equipment including, but not limited to, portable sawmills, wood chippers, and wood splitters, which may be ~~are~~ used in association with harvesting operations and which are removed from the site once harvesting operations are complete.

(15) **Forest Uses.** Production of trees and the processing of forest products; open space; buffers from noise and visual separation of conflicting uses; watershed protection and wildlife and fisheries habitat; soil protection from wind and water; maintenance of clean air and water; outdoor recreational activity and related support services and wilderness values compatible with these uses; and grazing for livestock.

(16) **Forestry.** The growing and harvesting of trees or timber under proper forest management for purposes other than their fruit in accordance with accepted management practices for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation [§4413(d)], including the construction of logging roads and bridges, provided the roads and bridges are used exclusively for agriculture or forestry. For purposes of these bylaws, the term "Forestry" shall also include the use of temporary processing equipment including, but not limited to, portable sawmills, wood chippers, and wood splitters which are used in association with harvesting operations and which are removed from the site once harvesting operations are complete.

(17) **Fueling Station.** Any structure or area of land used for the retail sale of automobile fuels, oils, and accessories. Such an establishment may include as an accessory use: retail sales of convenience items; a deli; retail sales of propane, kerosene or similar fuels; automotive repair or service; electric vehicle charging; and/or a car wash.

503.H

(1) **Gross Floor Area.** The sum of the total horizontal area of all enclosed floors of a building as measured from the exterior face of the exterior walls including any heated space in a basement, attic or mezzanine with a floor-to-ceiling height of 7 feet or more.

(2) **Group Home.** A single-family home operated under state licensing or registration, housing unrelated individuals who have a handicap or disability.

503.I

(1) **Healthcare Facility.** A facility used by medical professionals to provide services for health maintenance and the treatment of mental or physical conditions.

(2) **Historic Structure.** Any contributing structure that is listed on the National Register of Historic Places or the Vermont Historic Sites and Structures Survey, or that has been determined by the Vermont Division for Historic Preservation to be eligible for listing on either the state survey or national register

(3) **Highway Maintenance Facility.** A town or state facility from which road maintenance services are provided.

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(4) **Home Industry.** An accessory use of a dwelling, accessory building and/or residential property for a commercial or light industrial purpose that due to its greater intensity does not meet the definition of a home occupation. See Subsection 3028.A~~342.A~~.

(5) **Home Occupation.** An accessory use of a dwelling for an occupation, profession, activity or use that is carried on for gain by a resident of the dwelling and that does not alter the exterior or affect the residential character of the property. See Subsection 3028.A~~342.A~~.

(6) **Household.** One or more persons living, sleeping, cooking, and eating on the same premises as a household unit.

503.J

(1) **Impervious Surface.** A surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, rooftops, roads, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel or compacted earth, unless they are specifically designed, constructed and maintained to be pervious.

(2) **Inn.** A place of lodging operated in accordance with Subsection 3030.B~~344.B~~.

503.K

(1) **Junk.** Old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber, or any discarded, dismantled, wrecked, scrapped, or ruined vehicles or vehicle parts.

503.L

503.M

(1) **Land Development.** Land development means:

(a) Constructing, installing, reconstructing, converting, structurally altering, relocating or enlarging any building or structure;

(b) Mining, excavating, filling or grading land;

(c) Commencing, changing or extending the use of land or a structure;

(d) Adjusting or relocating the boundary between two parcels; or

(e) Dividing a parcel into two or more lots

(2) **Light Industrial Use.** A use that involves manufacturing, production, processing or assembly of goods or materials, that occurs within an enclosed building and that does not involve the use, storage or production of hazardous materials.

(3) **Light Fixture, Fully Shielded.** A light fixture constructed, installed and used in such a manner that all light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downward).

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(4) **Light Fixture, Partially Shielded.** A light fixture constructed, installed and used in such a manner that most of the light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downwards). Light is emitted at or above the horizontal direction (outwards or upwards) only from decorative elements or through strongly colored or diffusing materials. Spot or flood lamps are partially shielded if they are aimed no higher than 45° above straight down.

(5) **Light Trespass.** Any lighting that falls where it is not intended or needed and/or is allowed to spill beyond parcel boundaries onto adjacent properties or public rights-of-way.

(6) **Lot.** Any parcel of land with its boundaries separately described in a recorded deed or filed plat. A town or state highway right-of-way constitutes a lot boundary. A surface water with a drainage area greater than 10 square miles constitutes a lot boundary.

(7) **Lot Area.** The total horizontal area within a lot's property lines, including land over which easements have been granted but excluding any land within the right-of-way of a state highway or town road.

(8) **Lot Coverage.** The area of a lot covered by buildings, parking areas, driveways, walkways or other impervious surfaces divided by the total area of the lot.

(9) **Lot Frontage.** Distance measured across the width of the lot along the edge of the public or private road, or waterway that provides access to the lot. Interior lots with no lot frontage shall have a minimum setback equal to or greater than the required road centerline setback for the district (Section 301.C).

(10) **Lumen.** A measure of the amount of light emitted by a light fixture.

503.N

(1) **Manufacturing Facility.** A facility used for the mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts and the blending of materials.

(2) **Material Change.** A change in the planned use or development of land or a structure that may have changed the decision made or any conditions placed on the permit if it had been included in the plans as approved.

(3) **Mixed Use.** The development of parcel or building with two or more principal uses.

(4) **Mobile Home.** A structure that is:

(a) Built on a permanent chassis, designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities;

(b) Transportable in one or more sections; and

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(c) At least 320 square feet in size or, if constructed prior to June 15, 1976, at least 8 feet wide by 32 feet long.

(5) **Mobile Home Park**. Any parcel of land that is designed to accommodate more than 2 mobile homes excluding:

(a) The lawful storage or display of uninhabited mobile homes.

(b) The placement of not more than 4 mobile homes on land owned by agricultural employer to be used for farm worker housing.

(c) A lawful campground that contains mobile homes used on a seasonal basis for vacation or recreational purposes.

(6) **Multi-Family Dwelling.** A building, or portion thereof, designed exclusively for occupancy by three or more families or households living independently of each other in individual dwelling units.

503.O

(1) **Nature Preserve.** An area of land intended to remain in a predominately natural or undeveloped state to provide resource protection, environmental services, ecological restoration. Passive recreation and environmental education may be an accessory use of a nature preserve to the extent that such uses do not adversely affect the site's primary ecological purpose.

(2) **Noncommercial Recreation and Entertainment.** A site, structure or portion of a structure designed to be used for leisure-time activities and that is not operated as a business.

(3) **Nonconformity.** A lawfully existing lot, structure or use that due to the adoption of or an amendment to these regulations no longer complies with the current requirements and standards of these regulations or would otherwise not be allowed under the current regulations.

(4) **Nonresidential.** Property generally referring to a building or property used for business or other commercial purposes, excluding single-family, two-family and multi-family.

(5) **Nursery.** A retail business that sells landscaping or garden plants, materials and supplies direct to consumers.

503.P

(1) **Office.** A room, group of rooms or building used for conducting the affairs of a business, profession, service industry or government. This definition specifically excludes the on-site retail sale of goods and home-based businesses.

(2) **Outdoor Recreation Facility.** The use of land, facilities or buildings whose main purpose is to provide participants with an amusement, entertainment or fitness activity.

(3) **Outdoor Storage.** The storage of any material for a period greater than 72 hours, including items for sale, lease, processing, and repair (including vehicles) not within an enclosed building.

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503.Q

(1) **Parcel.** See definition of lot above.

(2) **Parking Lot.** An open area, other than the traveled portions of a road, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

(3) **Personal Service Facility.** A business that provides services of a personal nature including but not limited to: laundry, dry cleaning, beauty and barber shops, shoe repair and tailoring, funeral services, or photographic studios. This definition specifically excludes home-based businesses.

(4) **Primary Agricultural Soils.** Soils classified by the Natural Resource Conservation Service as prime or statewide important soils for agricultural production.

(5) **Primitive Camping.** Camping in a forest with no developed facilities and leaving the site with little or no evidence of human visitation.

(~~5~~)(6) **Principal Building.** The building on a lot in which the principal use is housed or carried out. A single-family dwelling or two-family dwelling shall be considered a principal building.

(~~6~~)(7) **Principal Use.** The primary or predominant use of a lot, building, or other structure or an area of land. The principal use of any lot with an inhabited single-family dwelling or two-family dwelling shall be deemed residential

(~~7~~)(8) **Public Outdoor Recreation.** See definition of outdoor recreation above.

503.R

503.S

(1) **Refuse.** Materials and substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection including but not limited to household and commercial garbage, industrial waste, rubbish, debris, litter, and ashes.

(2) **Religious Facility.** A site, structure or portion of a structure designed, constructed or used for worship, ceremonies, rituals and education pertaining to a particular system of beliefs.

(3) **Rental Cottages or Camps.** Detached, small lodging units designed for seasonal use or short-term occupancy, which are let by their owners for transient dwelling purposes.

(4) **Research and Development Facility.** A facility for investigation into the natural, physical or social sciences, which may include engineering and product development.

(5) **Private landing area.** An area of land or water, or both, that is used or is made available for the landing and take-off of aircraft.

(~~5~~)(6) **Retail Store.** An enclosed building housing an establishment offering a specified line of goods or services for retail sale direct to walk-in customers.

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~~(6)~~(7) **Retreat Center.** A facility used for professional, educational, health, spiritual or religious conclaves, meetings, conferences, seminars, training or care that may provide meals, housing and recreation for participants during the period of the retreat or program. This definition specifically excludes offering meals or overnight accommodations to the general public.

~~(7)~~(8) **Right-of-Way.** A type of easement granted or reserved over a parcel of land that is intended to allow access through the property, typically for transportation (ex., roads, driveways, sidewalks, trails, etc.) or utility (ex. electric, gas, water, sewer, stormwater, telephone, cable etc.) purposes.

~~(8)~~(9) **Road.** State highways, town highways or private rights-of-way that meet the standards of these regulations established for the purpose of providing vehicular access to abutting properties, but specifically excluding driveways as defined in these regulations.

~~(9)~~(10) **Road Centerline.** A line located in the physical center of a road. It frequently coincides with the center painted line that divides the road into travel lanes for traffic moving in opposite directions.

~~(10)~~(11) **Road Frontage.** The uninterrupted linear or curvilinear extent of a lot measured along the road right-of-way from the intersection of one side lot line to the intersection of the other side lot line.

~~(11)~~(12) **Roofline.** The highest edge of a roof or parapet, whichever forms the top line of the building's silhouette, excluding any minor architectural elements or projections such as dormers, cupolas, steeples, spires, skylights, chimneys, mechanical equipment or similar features.

~~(12)~~(13) **Rural Character.** Sense of place created by a relatively undeveloped landscape that is primarily devoted to working agricultural and forest lands and/or open space.

503.T

(1) **Seasonal Camp.** Land on which a camp, cabin, camper trailer, shelter or other accommodation is located and is suitable for seasonal or temporary living purposes by the occupants who shall have a primary residence elsewhere. Such structures are not intended to be occupied more than six months of the year. Conversion to year around/full-time use will require conditional use approval of the Development Review Board.

(2) **Self-Storage Facility.** A site, structure or part of a structure intended to provide individual storage spaces for lease to either commercial or wholesale customers for storage of business goods, or to the general public for storage of personal goods.

(3) **Setback.** The required distance between a property line or road centerline and the nearest point of any structure or site development.

(4) **Sign.** Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public that is visible from the public right-of-way or other properties. The term sign shall not include any flag, badge, or insignia or any governmental unit, nor shall it include any item of merchandise normally displayed within a show window of a business.

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(5) **Significant Ecological Resources.** Rare, threatened or endangered animal and plant species and natural communities, or natural resources of outstanding or unique quality or character as identified by the Vermont Agency of Natural Resources, described in the Starksboro Town Plan, and/or documented by a qualified professional as part of a natural resource assessment of the area.

(6) **Significant Natural Areas.** Natural areas that contain rare, threatened or endangered animal and plant species; outstanding remnants of an undisturbed plant community or ecosystem; unusual or outstanding scientific, educational, aesthetic, or recreational characteristics; or unique landforms as identified by the Vermont Agency of Natural Resources, described in the Starksboro Town Plan, and/or documented by a qualified professional as part of a natural resource assessment of the area.

(7) **Single-Family Home.** A building containing independent living, sleeping, housekeeping, cooking and sanitary facilities intended for year around occupancy by one household.

(8) **Skylined.** A structure that extends above the horizon line and surrounding natural vegetation and is outlined or silhouetted against the sky as viewed from public vantage points.

(9) **Slaughterhouse.** A structure where livestock is slaughtered and meat is prepared for distribution to retail or wholesale sales establishments. May include ancillary direct-to-consumer sales.

(10) **Steep Slope.** Land where agricultural activity or land development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics as mapped and described in the most recently completed county soil surveys or other similar technical reports. At a minimum, this includes any grade of 25% or greater (rise ÷ run) as measured over a distance of 50 feet.

(11) **Stream.** A naturally created and defined channel or bed that demonstrates clear evidence of the regular passage of surface water but that does not need to contain water year-round.

(a) **Stream, Mapped.** A stream that is shown on the most recent edition of the United States Geological Survey 7.5-minute series topographic map.

(b) **Stream, Unmapped.** A stream that is not shown on the most recent edition of the United States Geological Survey 7.5-minute series topographic map.

(12) **Structure.** An assembly of materials for occupancy, use and/or the shelter of people, animals or property including but not limited to a building, mobile home or trailer, shipping containers, sign, wall, fence, in-ground pool, or parking lot.

(13) **Subdivision.** The division of land by sale, gift, lease, mortgage foreclosure, court-ordered partition or decree, or filing of a plat, plan, or deed in the town records where the act of division creates two (i.e., the remainder of the original parcel plus one new lot) or more lots. Subdivision shall be deemed to have occurred on the conveyance of the first lot or the filing of a plat, plan, or deed in the town records, whichever occurs first. A subdivision of land shall also be deemed to have taken place when a lot is divided by a state or municipal highway, road or right-of-way or when a lot is divided by surface waters with a drainage area of greater than 10 square miles.

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(14) **Substantially Complete.** Construction or land development that has been completed to a point where a structure or site can be safely used for its intended purpose.

503.U

(1) **Telecommunications Antenna.** A structure that transmits and/or receives electromagnetic signals for the purpose of transmitting personal wireless services as defined in the federal Telecommunications Act of 1996 and as subsequently amended. This definition specifically excludes towers or other structures upon which antennas may be mounted.

(2) **Telecommunications Tower.** Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting a wireless telecommunications antenna above ground.

(3) **Transit Facility.** A building, structure or area designed or used for the purpose of loading, unloading or transferring public transit passengers, or accommodating the movement of transit passengers from one mode of transportation to another.

(4) **Two-Family Home.** A building, or portion thereof, designed exclusively for occupancy by two families or households living independently of each other in individual dwelling units. Also known as a duplex.

503.V

(1) **Undue Adverse Effect.** See definition of adverse effect, undue above.

503.W

(1) **Vehicle and Equipment Sales or Service.** A facility for the sales, service or repair of automobiles, vehicles (including recreational vehicles) or farm/garden equipment such as a sales dealership or lot, or repair garage. This definition specifically excludes junkyards and fueling stations.

(2) **Viewshed.** The area visible from a defined observation point.

(3) **Vermont Vernacular Architecture.** The ordinary residential and agricultural building styles common in 18th and 19th century Vermont designed and constructed by local builders, usually with very simple architectural details and ornamentation, that evolved over time based on local needs, climate, construction materials, customs and traditions.

503.X

(1) **Warehouse or Storage Facility.** A facility for the storage of goods, materials, products, parts, supplies, vehicles or equipment.

(2) **Water-Dependent Structure or Use.** A structure or use that requires access to the water or a location adjacent to, extending over or extending into the water as a necessary component of its purpose or function.

(3) **Wholesale Sales Facility.** An establishment primarily engaged in selling or distributing merchandise to retailer, industrial, commercial, institutional, professional or other wholesale customers rather than to the public or end consumer.

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(4) **Wood Processing.** A facility or site use for the commercial processing of timber into lumber, firewood or similar value-added product, whether with permanent installed or portable equipment.

(5) **Working Land.** Land that is used for farming or forestry.

503.Y

503.Z

503.AA

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PART 6. APPENDICES

A. Stormwater Management Resources

Green Stormwater Infrastructure Practices

(1) **Bioretention System.** Bioretention or bioinfiltration systems retain runoff and pass it through a filter bed comprised of specific soil media. They resemble landscaped depressions and can contain grasses, wildflowers, shrubs or trees depending on the size of the area. Stormwater runoff is delivered by channels, filter strips, curb cuts or piping to these depressions where it temporarily ponds on the surface before seeping through an organic underground filter system and discharging to an underdrain network or infiltrating into the underlying soils. Treatment of stormwater includes attenuation of sediment, metals, bacteria and nutrients.

(2) **Rain Garden.** Rain gardens are smaller-scale bioretention systems, well-suited for residential lots. They retain runoff and pass it through a filter bed comprised of specific soil media. They are a landscaped depression used to mitigate rooftop runoff or located at a low point on the lot to treat all stormwater on-site. Rain gardens are designed to be aesthetically pleasing and low maintenance with plant materials that can withstand periodic inundation. Rain gardens are usually sized to accommodate runoff from typical small storms and during less frequent large storms they will overflow.

(3) **Swale.** Swales are open, grassed channels that are designed to treat, attenuate and convey stormwater runoff. They are similar to conventional drainage ditches except that they are designed with a wider and shallower profile and flatter slope for a slower water velocity. There are many types of swales and the specific design features and treatment methods vary among them. Some swales are designed with a fabricated soil bed and underdrains similar to a bioretention system. Generally swales are used as pretreatment to other practices, although depending on the design they may also provide some pollutant removal or infiltration.

(4) **Vegetated Buffer.** Vegetated buffers may be engineered stormwater treatment areas or undisturbed natural areas where vegetation is used to treat and control stormwater. Buffers can be used to disperse and infiltrate stormwater runoff immediately adjacent to rivers, streams, ponds and wetlands. They are an effective means of minimizing the amount of pollutants entering water bodies. They can also be used to treat stormwater along property boundaries or downslope of disturbed areas. They reduce runoff velocity, serve to protect soil from erosion and filter pollutants. Buffers comprised of natural woody vegetation are preferred. When natural vegetation cannot be preserved, new buffers can be designed as shallow pitched vegetated areas with herbaceous plants, low-lying groundcovers, shrubs and trees. Stormwater flowing into buffer areas should be sheet flow and may require the use of a level spreader.

(5) **Dry Well.** A dry well is an underground chamber or large vertical pipe filled and/or surrounded with stone, typically used to collect and infiltrate roof runoff. Water from sources other than a roof will likely need preliminary treatment to filter out any solids that could clog the dry well. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Dry wells are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.

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(6) **Infiltration Trench.** An infiltration trench is similar to a dry well except that it is a horizontal rock-filled trench with no outlet. Stormwater is usually pretreated before entering the trench where it is stored in the void space between the stones and infiltrates through the bottom and into the soil. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Infiltration trenches are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.

Reference Documents

(1) The Green Stormwater Infrastructure Toolbox. Vermont League of Cities and Towns. 2015. http://www.vlct.org/municipal-assistance-center/water-resources-assistance/

(2) Low Impact Development Guide to Residential and Small Sites. Vermont Agency of Natural Resources. December 2010. http://www.vtwaterquality.org/stormwater/docs/sw_LID Guide.pdf

(3) The Vermont Rain Garden Manual. Winooski Natural Resources Conservation District. 2009. http://www.anr.state.vt.us/dec/waterq/stormwater/docs/sw_WNRCDrain garden manual.pdf

(4) The Vermont Stormwater Management Manual. Vermont Agency of Natural Resources. April 2002. http://www.vtwaterquality.org/stormwater/docs/sw_manual-vol1.pdf

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