

TOWN OF STRATTON

ZONING ORDINANCE

and

Permit Handbook

2000
Revision 3

This Revision added the following documents:

- 1) *Article VIII, Overlay Districts, Section 8125, Flood Hazard Area Regulations (September 17, 2007)*

Revision 2 added the following documents:

- 1) *Town of Stratton Regulation of Private Fire Alarm and Security Gate Systems (October 11, 2005) [an update to Addendum 3 of Revision 1 (see below)]*

Revision 1 added the following documents:

- 1) *Town of Stratton Policy for Transportation Construction and Improvements (November 22, 1999)*
- 2) *Town of Stratton Road Crossing and Access Ordinance (November 27, 2000)*
- 3) *Town of Stratton Regulation of Private Fire Alarm Systems (June 26, 2000)*
- 4) *Town of Stratton Subdivision Bylaw (January 10, 2005)*
- 5) *Vermont Agency of Transportation Examples of Road and Sidewalk Construction Specifications.*

Planning Commission:

Paul Schwippert, Chair
Avis Pickering
Ray Hawksley
Kent Young
John Wadsworth
Rodney Cooney
Anne Patten

Introduction

This Zoning Ordinance is an update of the original approved over twenty years ago. This update has incorporated the changes currently part of the enabling legislation (Title 24 V.S.A. Chapter 117), changes to other state laws relating to land use control and administration, changes to the Town Plan and changes required by recent court cases.

There were many meetings regarding the Zoning Ordinance. A town-wide public meeting, Selectboard meetings, the Zoning Board of Adjustment meeting and many Planning Commission discussions were held to help decide what to do about the Zoning Ordinance. The consensus determined that it was important to adequately control development in the Town without overcontrol. In addition the process should be simple to administrate and easy to understand and use by the general public. Some of the anticipated future land uses seemed to require special consideration (such as telecommunication towers, junkyards, stables, heliports).

Flood Hazard, Shoreland and Telecommunication Facilities may all be separate, stand alone, ordinances, but they all have the same basic review process. We choose to simplify this by regularizing the review process so everything can be done in a similar way. Where a specific land use is different due to legislation and/or the special character of development, the variations are identified for additional review.

Many of the categories in the Ordinance were expanded so that an applicant would have a better idea of what to expect from the process. To this end we expanded the definitions, added the process for filing and reviewing an application and added the description of the duties of the Zoning Administrator, the Planning Commission and the Zoning Board of Adjustment.

Other Town Ordinances have a role to play in the zoning review process, so they are included as part of the handbook.

A summary of the permitting process and a flow chart integrating most of the state and town permit review were added to give potential applicants a better idea of where the zoning permit process fits into the big picture.

By

William Jewell

WM JEWELL and COMPANY Environmental Consultants

Approved by Town Vote on: May 9, 2000

Attest

David Kent Young

Stratton Town Clerk

September 17, 2007

Date:

Revision 1

Addendums 1 through 4 added January 10, 2005

Attest

David Kent Young

Stratton Town Clerk

Revision 2

An update to Addendum 3 of Revision 1 added October 11, 2005

Attest

David Kent Young

Stratton Town Clerk

Revision 3

Revision of Article VIII, Overlay Districts, Section 8125, Flood Hazard Area Regulations dated September 17, 2007

Attest

David Kent Young

Stratton Town Clerk

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Traffic Ordinance Town of Stratton, Vermont

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Addendum 4, Town of Stratton Subdivision Bylaws
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Addendum 5, Vermont Agency of Transportation
Examples of Road and Sidewalk Construction
Specifications.

Addendum 6, Town of Stratton Flood Hazard Area
Regulations (September 17, 2007)

Town of Stratton Zoning Ordinance

Article I: ENACTMENT AND PURPOSE

1100 ENACTMENT

In accordance with § 4401(b) Vermont Planning and Development Act, Title 24 V.S.A., Chapter 117, hereafter referred to as the “Act”, there is hereby reestablished a zoning ordinance for the Town of Stratton which is set forth in the text and map that constitute this document. This document shall be known as the Town of Stratton Zoning Ordinance also know as the Ordinance or these Bylaws.

1110 PURPOSE

The purpose of this Ordinance is to provide for orderly community growth while protecting public health, safety, and welfare; and to further the purposes established in § 4302 of the Act.

1120 APPLICATION OF THE ORDINANCE

The application of this Ordinance is subject to § 4405, 4406, 4407, 4408 and 4409 of the Act. Except as hereinafter provided no “land development”, as the term is defined by this Ordinance, may be commenced in the Town of Stratton unless in conformity with the regulations herein specified for the district in which it is located. Any use not permitted by this Ordinance shall be deemed prohibited.

1130 INTERPRETATION

This Ordinance is intended to repeal the previous Stratton Zoning Ordinances but is not intended to repeal, annul, and/or impair any other regulation or permit issued. Where this Ordinance imposes a greater restriction upon the use of a structure or land than is required by any other statute, rule, ordinance, or regulation, the provisions of this Ordinance shall control and apply. In any case where the restrictions within this Zoning Ordinance overlap or conflict in their application to a particular structure, use, or parcel of land, those provisions which would impose the greater restriction upon such structure, use, or parcel of land shall control.

1140 USES NOT PERMITTED

In all districts, the following uses are not permitted: commercial slaughtering houses; rendering plants; hide tanning or curing plants; manufacture or processing of fertilizer; bone; rubber; asphalt; ammonia; chlorine; cement; chemical processing of pulp for paper; storage of explosives except for temporary construction uses under State standards.

1150 SEPARABILITY

The invalidity of any Article or Section of this Ordinance shall not invalidate any other part of the Ordinance.

Article II: DEFINITIONS

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. References for terms undefined are *Webster's New Twentieth Century Dictionary*, *The Illustrated Book of Development Definitions*, and *The Language of Zoning: A Glossary of Words and Phrases*. Words used in the present tense shall include the future; the singular includes the plural; the word "lot" includes "plot"; the word "building" includes "structure"; the word "shall" is mandatory; "occupied" or "uses" shall be considered as though followed by "or intended, arranged or designed to be used or occupied"; "person" includes individual, partnership, association, cooperative, corporation, company, organization or any governmental body.

ACCEPTED AGRICULTURAL PRACTICES (AAP):

This is defined by the Vermont Commissioner of Agriculture. They are updated from time to time.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO):

An organization that produces a guide for road and highway design called *A Policy on Geometric Design of Highways and Streets* used as a basis for highway design in Vermont.

ACCESSORY USE OR STRUCTURE:

A use or building customarily incidental and subordinate to the principal use or building and located on the same lot. Such use or structure shall not exceed in area 45 percent of the principal use or structure.

ACT, THE:

Title 24 Municipal and County Government, Chapter 117. Municipal and Regional Planning Development, also known as the Vermont Planning and Development Act.

ALTERATION:

Includes structural changes, rearrangement, change of location, or addition to a building and other repairs and modification in building equipment.

AGENCY OF TRANSPORTATION (AOT):

Also known as VTrans, administers right of way permits on State Highways and is involved in airport and junkyard permits.

AMENITIES:

Open space, housing for persons of low or moderate income, parks, elder care, day care or other specific physical, social or cultural benefits, or cash in lieu thereof, or benefit to the residents of the Town of Stratton authorized by the Selectboard.

ANIMAL SHELTER:

A facility which is used to house or contain animals and which is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other not-for-profit organizations devoted to the welfare, protection, and humane treatment of animals.

ANIMAL UNIT:

One thousand pounds of live body weight of livestock. Animal units are calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0, for any farm operation with a combination of animals.

ANTENNA:

Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure, or is portable or movable. Antenna includes devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

Antenna - Directional

An antenna which transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

Antenna - Facade Mounted

Any antenna, directly attached or affixed to the elevation of a building, tank, tower, or other structure.

Antenna - Ground Mounted

Any antenna with its base, single or multiple posts, placed directly on the ground or a mast less than 15 feet tall and six inches in diameter.

Antenna - Omnidirectional

An antenna which transmits and/or receives radio frequency signals in a 360 degree radial pattern.

Antenna - Parabolic (also known as "satellite dish antenna")

Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern.

Antenna - Portable

Any device used to transmit and/or receive electromagnetic or radio frequency communication signals in a specific directional pattern, located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.

ANSI A300 - PRUNING STANDARDS

Pruning standards as set forth in the *Standard Practices for Trees, Shrubs, and Other Woody Plant Maintenance* published by the American National Standards Institute.

APPROACH TAKE OFF PATH (ATOP):

The flight track helicopters follow when landing at or taking off from a heliport.

BASAL AREA:

The area of a stem of a tree. Basal Area = Caliper (in inches) X 3.1424.

BED AND BREAKFAST:

An existing residential building that is used as a residence and which contains not more than eight sleeping rooms, with or without individual sanitary facilities, for rental accommodations to tourists, for durations less than two weeks, which serves breakfast to guests and may serve other meals to guests. An accessory building to residence is not a bed and breakfast facility.

BUFFERING:

The use of landscaping (other than grass on flat terrain) or the use of landscaping along with berms, walls or decorative fences that at least partially and periodically obstruct the view.

BUILDABLE AREA:

That portion of a building site, exclusive of the required yard areas, on which a structure may be erected or building improvements undertaken.

BUILDING HEIGHT, MAXIMUM:

The vertical distance measured from the average elevation of the proposed finished grade of the perimeter of the footprint of the building to the highest point of the roof. For development on top of a parking structure, the maximum building height is defined as the vertical distance from the uppermost level of such parking structure upon which the building is constructed to the highest point of the roof.

CALIPER:

Caliper, Single Stem:

The thickness of a tree measured in inches at a particular place on the stem. A caliper measurement for a tree shall be measured 12 inches above the soil line, or across the stump if the tree has been severed at less than 12 inches above the soil line.

Caliper, multi-stem

The equivalent area of the multi-stem shall be made by use of a circumference to diameter conversion tape and is calculated as follows:

1. square the diameters of each stem;
2. multiply each of the numbers from step 1 by 0.7854;
3. add all the products determined by step 2 and multiply total by 1.2732;
4. take the square root of the product from step 3.

CAMP:

A single structure such as a cabin, travel trailer, shelter, houseboat or other recreational accommodation that must meet all standards for residential development in the district.

CAMP OR CAMPGROUND:

Land on which is located a cabin, travel trailer, shelter, houseboat or other recreational accommodation for seasonal or temporary living, excluding mobile or manufactured homes.

CAPACITY STUDY:

An inventory of available natural and human-made resources, based on detailed data collection, which identifies the capacities and limits of those resources to absorb land development. Relevant data shall be compatible with, useful to, and shared with the geographic information system established by law.

CLUBHOUSE AND/OR FRATERNAL STRUCTURE:

Building catering exclusively to club members and their guests generally used for recreational purposes and not operated primarily for profit.

CLUSTER HOUSE:

A dwelling on a lot which is smaller in size than the lot size required by this Ordinance, but which when added to its proportionate area of common land available to it and other cluster house lots, will equal or exceed the lot size requirements of the district in which it is located.

COLOR RENDERING INDEX (CRI):

A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from 0 to 100.

A minimum CRI of 65 would require the better color corrected high pressure sodium (HPS) lamps or most metal halide (MH) lamps, while a minimum CRI of 70 would require metal halide lamps, certain fluorescent lamps, or incandescent lamps.

CONDITIONAL USE:

A use which the Planning Commission has determined that some forms of the use would be compatible in a district but other forms of the use might not be compatible. A Conditional Use requires Zoning Board of Adjustment approval.

COMMERCIAL ANIMALS:

Animals kept, used or raised for profit and involving the general public such as kennels, riding centers, boarding stables and zoos but does not include animals used for wool, meat or food production.

COMMON LAND:

Land owned and used in common and restricted in purpose by covenant for residents or users of cluster buildings or planned unit developments.

CONDOMINIUM:

A building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums may be residential or commercial, industrial or office in nature.

CONDOMINIUM ASSOCIATION:

A community association that administers and maintains the common property and common elements of a condominium. Also known as an owners association.

COVERAGE:

That percentage of a lot area covered by roofed structures.

CUT-OFF LIGHTING FIXTURES:

A type of fixture that is the most effective in controlling glare and skyglow. Cut-off fixtures control glare by directing light well below the horizontal, keeping the light out of the viewer's line of sight. Specifications for cut-off fixtures have been established by Illuminating Engineering Society North America. Wall-mounted fixtures also are manufactured with cut-off features. Such fixtures shine light down and outward from a building wall.

Semi-cut-off Fixtures: In this classification of luminaire, 20 percent of the light shines above the 80 degree line and ten percent of the light shines above the horizontal. Because the lamp is only partially shielded, minimal glare control is provided.

Non-cut-off Fixtures: Some luminaires control brightness only through the use of a segmented lens surrounding or covering the lamp. These frosted or prismatic lenses diffuse some of the light, but few such lenses are effective against glare. Some luminaires in the non-cut-off category are designed to be decorative or historic. If the luminance is low enough, the effect of glare will be minimal.

DAY CARE FACILITY:

Any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care, and supervision of children under sixteen years of age outside their homes for periods of less than twenty-four hours a day by a person other than the child's own parent, guardian, or relative. (33 VSA 2752 Welfare). A person providing care for children of not more than two families other than that of the person providing the care is exempted. (33 VSA 2852 Welfare)

DIAMETER AT BREAST HEIGHT (DBH):

The tree trunk diameter measured in inches at a height 4.5 feet above the ground. If a tree forks into multiple trunks below 4.5 feet, the trunk is measured at its narrowest point beneath the forks. Measurements shall be made by use of a circumference to diameter conversion tape.

DEER WINTERING YARD:

Area where white-tail deer gather in the winter months, usually a south-facing slope with coniferous tree cover and near young hardwoods.

DENSITY:

For purposes of this Ordinance, density refers to the number of dwelling units per acre allowed in any district.

DESIGN HELICOPTER:

A generic hovercraft which reflects the maximum weight, overall length, rotor diameter, etc. of any helicopter expected to operate at the heliport.

DEVELOPMENT:

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

DEVELOPMENT REVIEW:

Zoning Administrator, Planning Commission or Zoning Board of Adjustment review of applications, site plans and supporting documents for a development covered under this Ordinance.

The Planning Commission or Zoning Board of Adjustment shall act to approve or disapprove any such site plan and supporting documents. The Planning Commission or Zoning Board of Adjustment may approve with appropriate conditions and safeguards.

DRIP LINE:

The vertical line extending from the outermost edge of the tree canopy to the ground.

DWELLING UNIT:

Building or part thereof used as living quarters for one family containing independent cooking, sanitary, and sleeping facilities. It shall include prefabricated and modular units and mobile homes, but shall not include motels, hotels or similar structures.

ELEMENT:

Component of a plan or bylaw.

EMERGENCY EVACUATION FACILITY, HELICOPTER:

A clear area on the ground or a roof of a building that is not intended to function as a heliport, yet is capable of accommodating helicopters engaged in fire fighting and/or emergency evacuation operations.

ENERGY EFFICACY RATIO:

A measurement of the ratio of light produced by a light source to the electrical power used to produce that quantity of light, expressed in lumens per watt. Efficacy is an important determinant of energy efficiency in lighting equipment.

FAMILY:

One or more persons occupying a single dwelling unit, the people do not have to be legally related by blood, marriage or adoption. A family shall contain no more than eight persons for the purposes of this Ordinance.

FEDERAL AVIATION ADMINISTRATION (FAA):

Administers helicopter and tower regulations.

FEDERAL COMMUNICATION COMMISSION (FCC):

Administers communication tower regulations.

FEDERAL INSURANCE ADMINISTRATION (FIA):

Administers flood hazard insurance and related issues.

FINAL APPROACH AND TAKEOFF AREA (FATO):

A defined area over which the final phase of the approach to a hover, or a landing is completed and from which the takeoff of a helicopter is initiated. This area is called the “takeoff and landing area” in some FAA publications.

FINAL APPROACH REFERENCE AREA (FARA):

A 150 foot wide by at least 150 foot long obstacle-free area with its center aligned on the final approach course. It is located at the end of a precision instrument FATO.

FLOOD HAZARD AREA:

An area subject to inundation designated pursuant to Chapter 32 of Title 10 and further defined as those areas which would be subject to flooding by the 100-year flood or that flood which would have a one percent chance of occurring each year.

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

Floodproofing: Any combination of structural and non-structural additions, changes or adjustments to properties and structures which substantially reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

Floodway Fringe: The remaining portion of the flood hazard area excluding the floodway.

FLOODLIGHT:

A light fixture designed to light a scene or object to a luminance greater than its surroundings. The beam spread of floodlights may range from narrow field angles of 10 degrees to wide angles (more than 100 degrees).

FOOTCANDLES:

A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

GLARE:

A strong, dazzling light or reflection of that light beyond its lot lines.

Direct Glare: Glare resulting from insufficiently shielded light sources or areas of excessive luminance within the field of view.

Glare Disability: The effect of stray light in the eye whereby visibility and visual performance are reduced.

Glare Discomfort: The effect of glare-producing discomfort. It does not necessarily interfere with visual performance or visibility.

GROUP SERVICE:

A service which is customarily performed or provided for a number of persons at the same time or which customarily involves the participation or presence of a number of persons.

GROUP SERVICE USES:

Any use of land or building(s) for the purpose of providing, performing, or selling a group service.

HAZARD TO AIR NAVIGATION:

Any object having a substantial adverse effect upon the safe and efficient use of the navigable airspace by aircraft or upon the operation of an air navigation facility. Obstructions to air navigation are presumed to be hazards to air navigation until a FAA study determines otherwise.

HAZARD TREE:

Any tree that has the potential to have parts of, or the entire tree, fail under moderate to mild environmental changes, conditions, or man-made forces and hit and damage a target which may be a person or property.

HELIPAD PROTECTION ZONE:

An area off the end of the FATO and under the approach/takeoff path to enhance the protection of people and property on the ground.

HELIPORT OR HELICOPTER LANDING FACILITY (HLF):

The area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters, together with appurtenant buildings and facilities.

HELISTOP:

A minimally developed helicopter facility for boarding and discharging passengers or cargo. The heliport - helistop relationship is comparable to a bus terminal - bus stop relationship with respect to the extent of services provided or expected.

NOTE: The heliport design recommendations and standards in this Ordinance are equally applicable to helistops.

HISTORIC SITE:

Any site, structure, district or archeological landmark which has been officially included in the National Register of Historic Places and/or the State Register of Historic Places or which is established by testimony of the Vermont Advisory Committee on Historic Preservation or the Town of Stratton Selectboard as being historically significant.

HISTORIC OR SPECIAL INTEREST TREE:

Means a tree which has been found by the Tree Warden or Selectboard to be of notable interest because of its age, type, size or historic association.

HOME OCCUPATION:

An accessory use of a service or craft character conducted within an existing dwelling by its residents, which is clearly secondary to the dwelling uses for living purposes and does not change the character of neighborhood. This definition is not to be interpreted as infringing upon the rights granted in § 4406 (3) of the Act.

HORSE BOARDING AND RIDING STABLES:

Facilities used by the public for riding, grooming and/or boarding horses, and/or education or training of the public about horses or similar animals.

HOSPITAL:

Includes sanitarium, clinic, rest home, nursing home or home for the aged.

ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA):

An association of professionals in the field of lighting and related professions. Its membership is made up of engineers, architects, designers, manufacturers, contractors, distributors, utility personnel educators, students, and scientists. This forum, organized for the exchange of ideas and information, has been in existence for over 80 years. Information provided by this group is used in this Ordinance.

INTERESTED PERSON:

Any one of the following:

- (1) A person owning title to the property subject to this Ordinance.
- (2) A town or a solid waste management district empowered to condemn property who feels that there are unreasonable or inappropriate restrictions of present or potential use of the property under the particular circumstances of the case.
- (3) The Town of Stratton in an appeal brought under this Ordinance.
- (4) A person owning or occupying property in the immediate neighborhood of land which is the subject of a decision or act taken under this Ordinance, who feels that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of the Town of Stratton.
- (5) Any ten persons owning real property within the Town of Stratton who submit a signed petition to the Board of Adjustment claiming that any relief requested by the applicant under this Ordinance, if granted, will be inconsistent with the policies, purposes or terms of the Plan, Ordinance or Bylaw of the Town of Stratton.
- (6) Any department and administrative subdivision of the State of Vermont owning property within the Town of Stratton and the Agency of Commerce and Community Development.
- (7) The Stratton Conservation Commission, if such a commission has been established.

JUNKYARD:

Any place of outdoor storage or deposit which is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal processing facility. Junkyard also means any place of outdoor storage or deposit, not in connection with a business which is maintained or used for storing or keeping four or more junk motor vehicles which are visible from any portion of a public highway. However, the term does not include a private garbage dump or a sanitary landfill which is in compliance with Title 24 Subchapter VIII, § 2202a and the regulations of the Secretary of Human Services. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs. Junkyard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap which is not accompanied by fluids and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

JUNK MOTOR VEHICLE:

Junk motor vehicle means a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, or one other than an on-premise utility vehicle which is allowed to remain unregistered for a period of ninety days from the date of discovery.

KENNEL:

Includes any animal boarding place or other establishment for the boarding, breeding, grooming, sale and/or training of dogs, cats or other pets. Animal hospitals maintained by a licensed veterinarian as part of the practice of veterinary medicine shall not be considered kennels.

LAND DEVELOPMENT:

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

LANDSCAPING:

The modification of the natural environment. It covers all site work and includes grading, drainage, erosion control, roads, walks, screening, planting and lighting.

LEGISLATIVE BODY:

Selectboard in the Town of Stratton.

LIGHTING PLAN:

A plan used for an approval process or construction indicating all site improvements related to lighting and the number, location, type of fixture, and manufacturer's data on all the proposed lighting, both pole- and building-mounted.

LIGHTING UNIFORMITY RATIO:

The ratio of average illumination to minimum illumination.

LOADING SPACE:

Off-street space used for the temporary location of one licensed motor vehicle. The space shall be at least 12 feet wide and 40 feet long and 14 feet high not including access driveway and shall have direct access to a street or alley.

LOT:

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

Lot Area: Total area within the property lines.

Lot Frontage: Distance measured along the width of the lot parallel to the road right-of-way at the road right-of-way.

Lot Depth: Mean horizontal distance from the property line nearest the road right-of-way to the rear line.

Lot Width: Mean horizontal distance measured at right angles to the lot depth.

LOUNGE:

An establishment serving beverages; also called a bar.

LUMENS:

A measure of light energy generated by a light source. Manufacturers list lumen ratings for all their lamps. Average lumen ratings are slightly lower than initial lumen ratings.

LUMINAIRES:

Receptacles for lamps, reflectors and/or refractors that control and direct light, including the lenses that protect the lamp and may diffuse light. The design of a luminaire will determine its ability to distribute light evenly and to control glare. Luminaires may also have decorative qualities that add to their daytime character and appeal.

MAINTAIN OR MAINTENANCE:

In reference to planting includes pruning, mulching, mowing, spraying, fertilizing, propping, bracing, treating for disease or injury, snow removal and any other similar acts which promote the life, growth, health or beauty of the landscape vegetation for the duration of the plant's useful life.

MANUFACTURED HOME:

A prefabricated dwelling unit that is designed for long-term and continuous occupancy; is designed to be moved on wheels, as a whole or in sections; is complete and ready for occupancy on arrival at the site, except for incidental unpacking, assembly, connections with utilities and placing on support or permanent foundation, or installation as a unit in a previously prepared structure; and contains the same water supply and waste disposal as immovable housing. For flood plain management purposes, the term includes park trailers, travel trailers, and other similar vehicles placed on a site for more than 180 consecutive days. For insurance purposes, the term does not include park trailers, travel trailers and other similar vehicles.

MANUFACTURED HOME PARK:

A parcel of land under single or common ownership or control which contains or is designed, laid out or adapted to accommodate two or more manufactured homes.

MEAN WATER MARK:

Average yearly water level of a stream, lake, pond or wetland.

MEASURES OF ILLUMINANCE:

Maximum light level: The brightest point on the surface of the illuminated area.

Minimum light level: The dimmest point on the surface of the illuminated area.

Average light level: The overall average of all points on the surface of the illuminated area including the brightest and dimmest points.

MOBILE HOME:

See manufactured home.

MONOPOLE:

A single pole support structure greater than 15 feet in height, erected on the ground or on a structure to support antennas and connecting appurtenances.

MOTEL:

Building containing rooms which are rented as sleeping units for tourists. Includes hotel, lodge, inn, and similar establishments.

MOTOR VEHICLE:

All vehicles propelled or drawn by power other than muscular power originally intended for use on public highways.

MOTOR VEHICLE SERVICE STATION:

An area of land, including the structure thereon, used for the sale of motor fuel, oil and motor vehicle accessories and which may include facilities for lubricating, washing, and servicing motor vehicles but not including painting or major repairs.

MUNICIPALITY:

A town, a city, or an incorporated village of an incorporated town. The Town of Stratton is the municipality most often referenced in the Ordinance.

NON-COMPLYING STRUCTURE:

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

NON-CONFORMING USE:

Use of land or structure which does not comply with all zoning regulations for the district in which it is located, where such use once conformed to all applicable laws, ordinances and regulations prior to enactment of this Ordinance. It is also referred to as Pre-existing Nonconforming Use.

OBSTRUCTION:

Any natural or artificial condition including but not limited to real estate which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or so situated that the flow of the water might carry it downstream to the damage of life or property.

PARKING SPACE:

Off-street space used for the temporary location of one licensed motor vehicle, the dimensions of which space are at least nine feet wide and 20 feet long (not including access driveway). The space must have direct access to a street, alley or approved right-of-way.

PHOTOMETRIC REPORT:

Indicates the minimum and the maximum foot-candle levels within the lighted area of the site. The maximum level is usually close to the light fixture itself. The minimum (lowest number) is usually at the outer edges of the illuminated area or between two fixtures. As a general rule, the ratio of the highest and lowest light levels should not exceed 10:1. The accuracy of computer printouts of average lighting levels is exact within a range of approximately ten percent depending on the validity of assumptions made in the modeling process. Printouts generally do not take into account such factors as light from neighboring properties and shadowing from trees.

PERMITTED USE:

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON:

An individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture or affiliated ownership. The word "person" also can mean a Town or State agency.

PERSONAL SERVICES:

Commercial operation catering to personal needs such as a barber shop, beauty parlor, shoe repair or shine, laundry, laundromat, dry cleaner, etc.

PLAN:

A town or regional plan adopted under § 4385 of the Act.

PLANNED RESIDENTIAL DEVELOPMENT (PRD):

An area of land to be developed as a single entity for a number of dwelling units, the plan for which does not conform in lot size, bulk or type of dwelling, lot coverage and required open space to the regulations established in one or more districts created under provisions of this Zoning Ordinance adopted under authority of the Act. However, the density of development of the total parcel shall conform to the density required in the district or districts within which it is located.

PLANNED UNIT DEVELOPMENT (PUD):

An area of land to be developed as a single entity for a number of dwelling units, and may contain commercial and industrial uses, the plan for which does not conform in lot size, bulk, type of dwelling, lot coverage and required open space to the regulations established in one or more districts created under provisions of this Town Zoning Ordinance. However, the density of development of the total parcel shall conform to the density required in the district or districts in which it is located.

PLANNING COMMISSION:

A planning commission for a town created under Subchapter 2 of the Act. Within this Ordinance, Planning Commission refers to the Town of Stratton Planning Commission.

PLAT PLAN:

A chart of a subdivision with surveyed lot lines and dimensions; also plat or final plat.

PROFESSIONAL RESIDENCE-OFFICE/RESIDENT'S PROFESSIONAL OFFICE:

A residence in which the occupant has a business, professional or business service office used and maintained for professional purposes with the following qualifications: (a) the use is clearly secondary to the dwelling use for living quarters and does not change the residential character thereof or of the surrounding neighborhood; (b) that there shall be regularly no more than three employees working at or from said office at any one time; and (c) that parking requirements and sign regulations be adhered to as set forth in this Ordinance.

PUBLIC NOTICE:

The form of notice prescribed by §4447 of the Act.

When a public notice is required for any public hearing required in this Ordinance, it shall be given not less than 15 days prior to the date of the hearing by: publication of the date, place and purpose of the hearing in the *Brattleboro Reformer* and the *Rutland Herald*; and the posting of the same information in one or more public places in the Town of Stratton.

And where a hearing is called concerning a plan or bylaw adoption, amendment, or repeal or to any capital budget and program or amendment, the Town of Stratton shall either: publish and post, as described above, either the full text of the proposed material, or a notice including: a statement of purpose; the geographic areas affected; a table of contents or list of section headings; and a description of a place within the municipality where the full text may be examined; or make reasonable effort to mail or deliver copies of the full text, or a concise summary of the text of the proposed material and the public hearing notice to each voter on the voter checklist and to each owner of land within the Town of Stratton, as evidenced by the grand list.

A defect in the form or substance of any public hearing notice shall not invalidate the adoption, amendment or repeal of any plan, bylaw or capital budget and program. However, the action shall be invalidated if the notice is materially misleading in content or fails to include one of the elements required, or if the defect was the result of a deliberate or intentional act.

PUBLIC ROAD:

Public way or proposed public way for vehicular traffic that affords the principal means of access to abutting properties.

PUBLIC WATERS:

Navigable waters except those waters in private ponds and private preserves as set forth in § 5204, 5205, 5206 and 5210 of Title 10 VSA Conservation and Development 1422 (6).

RADIAL PLOTS FOR TELECOMMUNICATIONS:

The result of drawing equally spaced lines (radials) from the point of the antenna, calculating the expected signal and indicating this graphically on a map. A threshold plot would show what point would be strong enough to provide adequate coverage.

RADIATED-SIGNAL PROPAGATION STUDIES OR COVERAGE PLOTS:

Computer-generated estimates of the signal emanating, and prediction of coverage from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations.

RECEIVING AREA:

A development receiving an increase in density on a plot land due to transference of the development rights from another location within the Town.

REFLECTORS:

Mirrored enclosures within the housing of the luminaire that shield the lamp and by reflection, distribute the light in a given direction. Reflectors are located in the top of the luminaire or around the lamp. Some reflectors are carefully engineered to distribute light evenly in precise light patterns on the ground.

REGIONAL PLAN:

A regional plan adopted under § 4348 and 4348(a) of the Act. In this Ordinance it refers to the Windham Regional Plan.

RENEWABLE ENERGY SOURCES:

Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels including wood, agricultural sources, waste materials, waste heat, and geothermal sources.

RETAIL STORE:

An enclosed shop or store for the sale of retail goods, department stores and banks. It shall exclude any drive-up service (not including banks), free-standing retail stand, gasoline service and motor vehicular repair service, new and used car sales and service, trailer and mobile home sales and service, and boat, snow and/or all-terrain vehicles sales and service.

RURAL TOWN:

A town having fewer than 2,500 persons, as evidenced by the most recent census, or a town having 2,500 or more but fewer than 5,000 persons who have voted by Australian ballot.

SCHOOL:

Parochial, non-profit, private, public, nursery school, college, university and accessory uses.

SENDING AREA:

A plot of land where development rights are reduced for the benefit of a development in another part of Town.

SERVICE SHOP:

Commercial operation providing for repair and maintenance of equipment, not including heavy motorized equipment.

SHORELAND:

The area within 500 feet of the normal mean watermark of any lake, pond or impoundment which exceeds 20 acres in size or which is particularly valuable as a wildlife, recreational or aesthetic resource. All wetlands of any size are considered to have particular value, including, but not limited to water supply, flood control, erosion, sedimentation control, water pollution control, fisheries, wildlife habitat and aesthetics.

SHORELINE:

The land adjacent to the waters of lakes, ponds, reservoirs and rivers. Shorelines shall include the land between the mean high water mark and the mean low water mark of such surface waters.

SIGN:

Any structure, display, device or representation which is designed or used to advertise or call attention to any person, place, thing, business, or activity and is visible from the road. It does not include pennants or flags of nation, state or town.

SKY GLOW:

The amount of light being directed or reflected to the sky. This is a greater problem on foggy or snowy nights.

SPECIMEN TREE:

A specimen tree shall mean a tree which has been determined by the judgement of the Tree Warden, Planning Commission or Selectboard to be of high value because of its type, age or other professional criteria.

STEEP SLOPES:

Steep slopes are those in excess of 15 percent. Areas of steep slope that are less than 4,000 square feet shall be exempted from these standards.

STRUCTURE:

An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, billboard, tower, sign, wall and fence (except a wall or fence on an operating farm). The term structure does not include a personal satellite dish.

STUDIO:

Building and/or space in a building used for the commercial operation of photography, schools of dance or music, and similar establishments.

SUBDIVISION:

A tract or tracts of land owned or controlled by a person which have been partitioned or divided for any purpose.

Note: Under its Subdivision Regulations, the Town of Stratton uses a different definition for the threshold of jurisdiction of a subdivision.

SUBSTANTIAL IMPROVEMENT:

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the actual cash value of the structure either before the improvement is started, or before the damage occurred if the structure has been damaged and is being restored. Substantial improvement is started when the first alteration of the structure commences. However, the term does not include any project or

improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are necessary to assure safe living conditions or to any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SWALE:

A shallow depression which directs the flow of water.

TAXIWAY:

A defined path established for the ground taxi of helicopters from one part of a heliport to another.

TELECOMMUNICATIONS FACILITY:

See Wireless Telecommunication Facility.

TIME-SHARING PROJECTS:

A project involving real property containing an interest acquired by means of a time-share estate or a time-share license.

Time-share estate: A right to occupy a unit or any of several units during separate time periods coupled with ownership in a time-share property.

Time-share license: A right to occupy a unit or any of several units during separate time periods, including renewal options, not coupled with ownership in a time-share property.

TOUCHDOWN AND LIFTOFF AREA (TLOF):

A load bearing, generally paved area, normally centered in the FATO, on which a helicopter lands or takes off. The TLOF is frequently called a helipad or helideck. This area is called the "FATO" in some FAA publications.

TOWER:

A mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than 20 feet tall and six inches in diameter supporting one or more antenna, dishes, arrays, etc. shall be considered a telecommunications tower.

LATTICE TOWER:

A support structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

TREE PROTECTION ZONE (TPZ):

An area around a tree in which no construction activity shall occur. The tree protection zone shall be determined by the type and location of the tree, in no case less than 15 feet from the trunk of the tree to be retained, or the distance from the trunk to the dripline, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the combination of the protection zones for the individual trees.

TREE REMOVAL:

The cutting or removing of 50 percent or more of the crown, trunk or root system of a tree, or causing the death of a tree through damaging, poisoning or other direct or indirect action.

TREE SURVEY:

A survey plan prepared by a landscape architect or registered surveyor indicating location, size, and species of all protected trees on a property.

UNIFORMITY RATIO:

The ratio of average illumination to minimum illumination, also known as uniform lighting ratio.

VETERINARY CLINICS:

Veterinary clinic is a facility for the medical examination and treatment of animals by licensed veterinarians.

WETLANDS:

Those areas of the state that are inundated by surface or ground water with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas where food or crops are grown in connection with farming activities. In addition, it is an area defined by the State of Vermont Wetlands Division and U.S. Army Corps of Engineers.

WHOLESALE BUSINESS:

An establishment for the sale of goods and merchandise in wholesale lots including wholesale storage.

WILDLIFE REFUGE:

An area set aside for the conservation of plants, animals and general environment within it. These are noncommercial areas usually without any structures on them. A single parking area and walking trails are characteristic of a wildlife refuge.

WIRELESS TELECOMMUNICATION FACILITY OR TELECOMMUNICATION FACILITY:

A facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, towers or similar structures supporting the equipment, equipment buildings, shelters, cabinets, parking area, and other accessory development.

Wireless Telecommunication Facility - Co-located: A telecommunication facility owned or operated by a telecommunication service provider which is located on the same tower, building or property as another telecommunication facility owned or operated by a different telecommunication service provider.

Wireless Telecommunication Facility - Multiple User: A telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity, excluding research and development industries with antennas to serve internal uses only.

YARD:

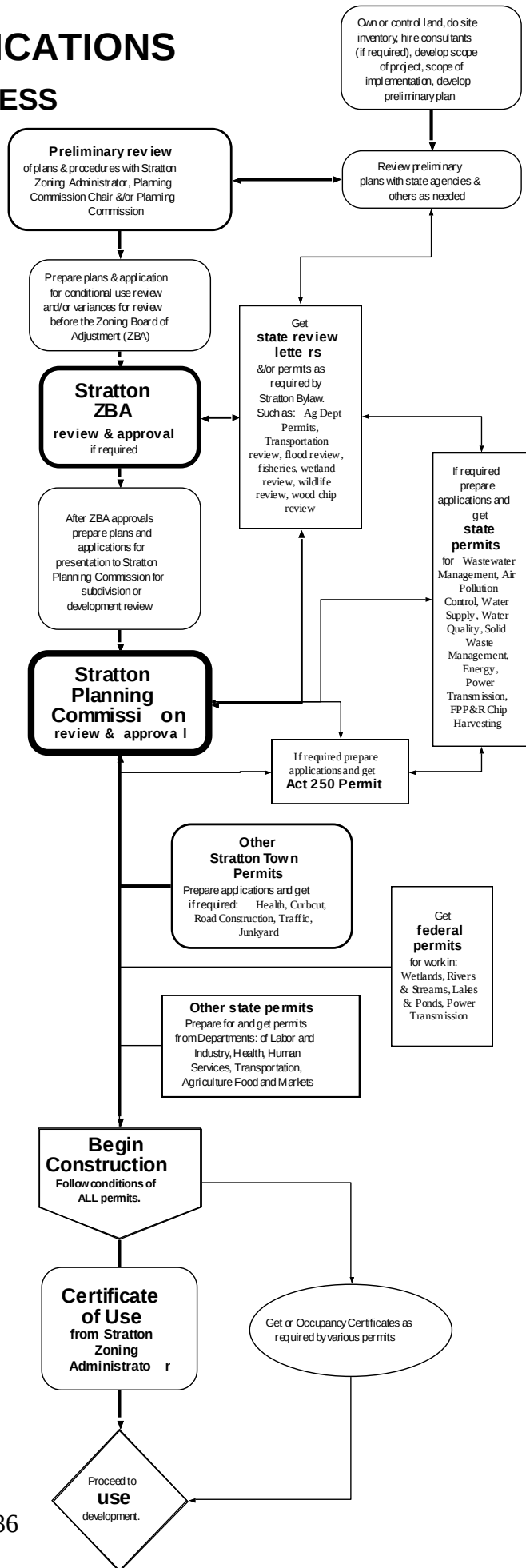
Space on a lot not occupied with a building or structure. Porches, enclosed or unenclosed, shall be considered part of the main building and shall not project into a required yard.

ZONING BOARD OF ADJUSTMENT (ZBA):

Administers warned hearings for extension of construction completion dates, conditional use permits, variances and other business as required. Also known as the Board of Adjustment.

Article III: ZONING APPLICATIONS

3000 STRATTON PERMIT PROCESS



3010 JURISDICTION

No land development or alteration may be commenced within the Town without a permit issued by the Zoning Administrator except as described in § 4443 of the Act.

A Zoning Permit is required for the following:

1. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure except as described in Section 3011;
2. Any mining, excavation or landfill;
3. Any change in the use of any building or other structure, or land; and
4. The extension of use of land or structure beyond the time or use permitted.

Additional information about jurisdiction over specific types of development is included in Article X Standards for Specific Uses.

3011 JURISDICTION EXEMPTIONS

The following activities shall not require a Zoning Permit:

1. The interior repair, alteration or renovation of any building or structure, so long as the activity does not change the lawful use of the building or structure;
2. The construction of accessory buildings or structures of less than 100 square feet in area and/or less than ten feet in height provided that such accessory buildings or structures comply with all aspects of this Ordinance;
3. The continued use or the repair, restoration or rebuilding of a nonconforming building, structure or use damaged by fire or other casualty, or becomes structurally unsound, provided that such repair restores the building or structure so it does not exceed its original footprint, height or use and is restored within two years of the damage, except as provided in Section 5015;
4. The excavation or fill of 200 cubic yards or less incidental and accessory to a use of land that is lawful under this Ordinance, provided that the excavation or fill does not violate any provisions of this Ordinance or constitute a change in the use of the land;
5. The clearing of trees and stumps from the land;
6. The repair and/or renovation of ski lifts and snowmaking equipment;
7. The construction, repairs and maintenance of stonewalls, fences, and chimneys;
8. The construction of any exterior repairs, renovations or maintenance that do not change the existing footprint, the lawful use of the building, or the height of the building.

3020 APPLICATION PROCEDURE

The application procedure includes a meeting with the Zoning Administrator to obtain the correct forms and discuss the likely procedure following the application. After determining that the application is complete the Zoning Administrator will classify the project and start the review process as described below.

No permit may be issued by the Zoning Administrator unless it conforms to this Ordinance.

3025 DEVELOPMENT REVIEW CLASSIFICATIONS

New projects or amendments to previously permitted projects may be classified by the Zoning Administrator often in consultation with the Planning Commission Chair for Administrative, Minor or Major review.

3030 ADMINISTRATIVE DEVELOPMENT REVIEW

An application shall be determined to be Administrative if it meets the following criteria;

1. Construction or enlargement of any single-family or two-family dwelling, or building accessory to such dwelling that meets the minimum standards by land use district in Article VII;
2. Construction or alteration of any building used exclusively for agriculture, horticulture, or floriculture, but not for commercial animals;
3. Construction or alteration providing for not more than 20 square feet total floor area after construction;
4. Customary home occupations as defined in Section 12035 of this Ordinance that do not require construction; or
5. Certain variances on preexisting nonconforming lots as described in Section 12035 of this Ordinance.

3040 MINOR DEVELOPMENT REVIEW

All applications not meeting the thresholds for Administrative or Major development classification shall be considered for Minor Development Review.

3045 MAJOR DEVELOPMENT REVIEW

An application shall be determined to be Major if it meets any of the following criteria:

1. The type of project is on the list of major uses by land use district;
2. New construction is over 5,000 square feet in floor area;
3. The proposed development requires additions to, or changes in any public utility or facility including streets, roads and sidewalks;
4. The proposed development is determined to have a significant effect upon either traffic generation or traffic patterns in the area of the development or will create a negative impact in an extended heavy traffic area;
5. The development may affect public rights to or enjoyment of any historic or scenic area;
6. The project is a Planned Residential Development;
7. The project requires an Act 250 Permit;
8. The development may significantly impact the Town's natural landscape, the Mountain Road Greenbelt or rights of abutting property owners; or
8. The site is located within 300 feet of significant streams, ponds, lakes, wetlands or deer wintering areas and/or within 1,500 feet of ridgetops, hiking trails or significant wildlife habitats.

3050 APPLICATION REVIEW PROCESS

3055 PRELIMINARY APPLICATION REVIEW

An applicant for development review under this Ordinance shall file two copies of the zoning permit application forms, site plans and supporting materials with the Zoning Administrator. The Zoning Administrator will determine whether the application shall be reviewed under Administrative, Minor or Major Development review procedures. See standards in section 3025 to 3045 of this Ordinance.

If the development application is determined to be Administrative, the Zoning Administrator shall confer with the Chair of the Planning Commission for confirmation that it can be approved without full Planning Commission review.

For all applications judged Minor and Major, the applicant will submit a total of five (three additional applications as required above) complete sets two weeks prior to the date of the next Planning Commission meeting at which development review is being conducted.

NOTE: The Planning Commission usually meets the first Wednesday of each month. Check with the Zoning Administrator or Town Clerk for specific times and to ensure that the application is on the agenda.

3060 APPLICATION REVIEW FOR COMPLETENESS

After reviewing the application (including site plan and supporting documentation), collecting the appropriate fee and determining that it is complete, the Zoning Administrator shall transmit the complete application for the consideration of the Planning Commission at the next available meeting at which the Commission is conducting development review.

Applications involving shoreland, wetland or other review by State Agencies under § 4409 (c) of the Act, shall include a written review by the appropriate agencies before an application is considered complete.

Applications will not be considered complete for the Planning Commission until all necessary conditional use permits and variances are granted by the Zoning Board of Adjustment and made part of the application.

In the case when the application goes to the Zoning Board of Adjustment, a date for a hearing is determined by the Zoning Administrator and the Chair of the Board of Adjustment for a time that complies with the notice requirements in Section 5000.

3061 REVIEW TIME LIMIT

The Zoning Administrator then will certify in writing to the applicant that the application is complete and has been sent to the Planning Commission which shall act to approve or disapprove the application within 60 days. Failure to so act within such period shall be deemed approval.

If the Zoning Administrator fails to act with regard to an application for a permit within thirty days, a permit shall be deemed issued on the 31st day.

3065 ADMINISTRATIVE REVIEW APPLICATION REQUIREMENTS

The following information is required for a complete application:

1. Name and address of the applicant;
2. Name and address of the property owner;
3. Address of the property (if different from the owner's address) and the Tax Map number;
4. The property lines and dimensions include the source of information. Provide plans on a survey if available;
5. Any easements that cross the property or other pertinent legal features, including sidewalks, streets and public utilities;
6. Identification of adjacent streets (by name), alleys or other adjacent public property;
7. Location, size and shape of any structures present on the site and proposed for construction;
8. The location and size of all parking areas, loading areas, and driveways (existing and proposed), the layout of parking spaces and their dimensions, and traffic circulation;
9. The building envelope showing front, side and rear yard setbacks from structures, paved areas, porches and decks;
10. Identification of all work to be done, including details of proposed changes to the physical features of the site or existing structures;
11. Existing and proposed water wells, septic tanks, leachfields, and drain culverts;
12. Notation of square footage of all existing and proposed uses for the site;
13. The names and addresses of abutting property owners, including those across public or private streets;

14. All existing and proposed landscaping, pedestrian walks, fencing, and screening. The size at planting and type of landscaping material should be noted on the plan;
15. An arrow pointing north;
16. Identification of the drawing's scale (e.g. 1' = 20"). The plot plans must be to scale;
17. Notation of drainage patterns and natural features on site (e.g. steep banks, swales, etc.);
18. The zoning district in which the property is located;
19. Permits or variances from the Zoning Board of Adjustment;
20. Letter of review from any appropriate State agencies;
21. For review of new structures on existing small lots where the applicant is unable to meet setback requirements, a survey of the property is required. The survey shall show the lot lines, the location of existing buildings, the location of proposed construction with proposed setback distances. The survey shall be signed and stamped by a registered surveyor.

The Zoning Administrator may waive certain requirements as listed above if it is determined that the specific information is not significant or necessary in reaching a decision on the development. The Zoning Administrator shall include a written report for the Planning Commission specifying what waivers have been given and the reasons for them.

3070 MINOR DEVELOPMENT REVIEW APPLICATION REQUIREMENTS

In addition to the requirements listed for Administrative Reviews, Section 3035, the following information is required for Minor Review submission:

1. Diagram of internal traffic patterns and how they connect to the existing Town road system. Make special note of emergency vehicle access, loading areas and provisions for snow removal;
2. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction and height of illumination and methods to eliminate glare onto adjoining properties;
3. The location, height, size, materials, illumination, and design of all proposed signage;
4. Location, type, and screening details for all parking lots, loading areas and waste disposal containers.
5. Erosion control detail before, during and after construction;
6. Additional or more specific information as determined by the Planning Commission on any of the above criteria or on some areas normally covered in a Major Development Review may be required;
7. Request for modification or waivers of specific performance standards.

The Zoning Administrator may waive certain requirements as listed above if it is determined that the specific information is not significant or necessary in reaching a decision on the development. The Zoning Administrator shall include a written report for the Planning Commission specifying what waivers have been given and the reasons for them.

3075 MAJOR DEVELOPMENT REVIEW APPLICATION REQUIREMENTS

In addition to the requirements listed for Administrative Review, Section 3035, and Minor Development Review, Section 3070, the following is required for a Major Review:

1. Site plans prepared by a registered professional engineer or surveyor or licensed architect, or landscape architect at a scale of one inch equals 20 feet, on standard 24" x 36" sheets, with continuation on 8 - 1/2" x 11" sheets as necessary for written information;
2. A location map at a scale no less than 1 inch equals 500 feet;
3. Names and addresses of all owners of record of abutting parcels as required under Section 3065 above as well as those within 300 feet of the property line;
4. All existing lot lines, easements, and rights-of-way. Include area in acres and square feet, abutting

land uses, and the location and use of structures within 100 feet of the site on abutting properties including those across public and private roads;

5. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated additions and alterations;

6. The location and dimensions of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, paths, landscaping, walls and fences;

7. The location of all present and proposed utility systems including:

A. Sewers or sewage disposal systems;

B. Water supply system;

C. Telephone, cable and electrical systems;

D. Fuel storage structures (above or below grade);

E. All other site mechanical equipment (e.g. HVAC, generators, etc.);

F. Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales; and

G. The Planning Commission may request storm runoff calculations for large or environmentally sensitive developments;

8. Plans to prevent the pollution of surface or groundwater, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable;

9. Existing and proposed topography at a two-foot contour interval;

10. Any portion of the parcel within the 100-year flood plain with base flood elevations. All elevations shall refer to the nearest United States Coastal and Geodetic Benchmark;

11. Areas within the proposed site and within 50 feet of the proposed site where soil removal or filling is required;

12. A landscape plan showing all existing natural land features, trees, forest cover and water sources, and proposed changes to these features including size and type of plant material. Water sources shall include ponds, lakes, brooks, streams, springs, wetlands, floodplains, and drainage retention areas;

13. Zoning district boundaries within 300 feet of the site's perimeter on a separate plot plan drawn at a maximum scale of one inch equals 500 feet;

14. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curbcuts on the site and within 100 feet of the site. The Planning Commission may require a detailed traffic study for large developments or for those in heavy traffic areas to include:

A. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;

B. The projected traffic flow pattern including vehicular movements on all major intersections likely to be affected by the proposed use of the site;

C. The existing and projected level of service (LOS) at the project intersection(s) and other adjacent intersections; and

D. The impact of this traffic upon existing adjacent public and private ways relative to existing road capacities, existing and proposed daily and peak hour traffic and road capacity levels shall be provided as well:

15. For new construction or alterations to any existing building, the following information must be included:

A. Area of building to be used for each particular use such as retail operation, office, storage, etc.;

B. Maximum number of employees;

C. Maximum seating capacity, where applicable; and

D. Number of parking spaces existing and required for intended new use;

16. Elevation plans to scale for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of materials to be used;
17. Request for modification of specific performance standards.

The Zoning Administrator may waive certain requirements as listed above if it is determined that the specific information is not significant or necessary in reaching a decision on the development. The Zoning Administrator shall include a written report for the Planning Commission specifying what waivers have been given and the reasons for them.

3080 PERMIT FEES

Permit fees are established by a resolution of a majority of the Stratton Selectboard at a regularly scheduled or special meeting at which permit fee setting is on the agenda. The fee charged shall be related to the Town's cost of processing applications.

NOTE: The current 1999 fees are included as part of the current application page 117 of this manual.

3090 PRELIMINARY APPLICATION, DISCUSSION MEETING AND WAIVER REQUESTS

A Major, Minor, Planned Unit Development or Planned Residential Development applicant may submit a preliminary application and schedule a preliminary discussion with the Planning Commission prior to developing and submitting a formal application for development review. The purpose of this discussion is to explore possible concepts for developing the site prior to the production of detailed plans and application materials. This is to be an informal exchange of ideas and the suggestions are not binding. The discussion is not intended to produce approvals or denials of development plans, nor does it imply approval or denial when formal application for site plan approval is made.

Materials provided at the discussion meeting should include a site plan drawn to scale showing major features of the site (natural and man-made), north arrow, general location of the site, and sketches of possible development approaches.

In the discussion meeting, the applicant may request waivers or modifications of specific development review application requirements and as listed in a Planned Residential Development or a Planned Unit Development as provided in the Act and this Ordinance. The applicant may also discuss modifications of specific performance standards in Articles IX and X of this Ordinance.

3095 STANDARDS FOR REVIEW

In reviewing proposed developments, the Planning Commission shall take into consideration, and may impose appropriate conditions and safeguards with respect to the criteria listed in Section 3100 to 3165 of this Ordinance:

3100 ADMINISTRATIVE DEVELOPMENT REVIEW

When the Zoning Administrator and Planning Commission Chair decide that the application meets the Administrative Review requirements, a Zoning Permit is issued as described in Section 4075.

The Zoning Administrator, after consultation with the Chair of the Planning Commission, may grant a Zoning Permit to erect an addition to an existing residence or an accessory structure on an existing, individually owned lot that does not meet the minimum front, sideyard and rear setback requirements of the district in which it is located provided that all of the following criteria are met:

1. Lot is located in a Zoning District where zoning density is one dwelling unit for two acres or less;
2. Structure must be an addition to an existing single-family dwelling unit, garage, or shed;
3. The reduction in road frontages and setbacks meet the following minimum requirements. The road

frontage and/or setback requirements may be reduced by the same percentage that the lot is undersized from the minimum lot size of the district in which the lot is located;

4. A reasonable amount of screening is shown on the plan to reduce the impact of the new construction on neighbors;

5. All other requirements of this Ordinance are met.

3110 MINOR DEVELOPMENT REVIEW

All applications involving Minor Development Review require approval by the Planning Commission.

3115 SCOPE OF REVIEW

In reviewing a development under the provisions of Minor Development Review, the Planning Commission may use some or all of the review items from the following list. The Planning Commission may expand the review into one or more areas usually reserved for Major Development Review.

3120 TRAFFIC CIRCULATION GOAL

The project plans shall provide for the optimum safety of traffic entering and exiting the site by any mode, and the optimum safety of individuals transferring from one mode of transportation to another on the site and entering and exiting buildings on the site.

Review Requirements

Access

Adequate access for pedestrian, ski, bicycle, vehicles and other modes of transportation into the site and return to the road or trail network. Adequate sight distances.

Circulation and Parking

Adequate on-site circulation, including location, number and width of access points, curve radii at access points, appropriate traffic control methods or devices on adjacent Town Roads, sight distance improvements, shared access with adjoining properties, and location of sidewalks and/or other walkways.

Avoidance of conflicts with entering and exiting traffic onto a Town road.

Adequate provisions for loading facilities and aisle widths to accommodate service, solid waste removal sites and emergency vehicles.

Adequate provisions for safe transfer from one mode of transportation to another. This will include location of sidewalks, walkways or paths, ski trails, bicycle paths and parking lots.

Adequate and safe storage of any means of transportation. Include parking lot layout, number and size of parking spaces, storage of bicycles, skis or other means of transportation.

Adequate and safe provisions for snow removal.

Adequate and safe provisions for emergency vehicle access and use.

NOTE: The Planning Commission may reference the guidelines in the *Town of Stratton Road Construction Ordinance* or the current *American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets*.

3125 ADEQUACY OF LANDSCAPING GOAL

The application shall provide for the optimum compatibility of objects within the project and protection of adjacent properties. It should also provide for the safety and visual pleasure of travelers moving past the development.

Review Requirements

Setbacks: Adequate building setbacks and provisions for open space.

Screening: The provisions for and adequate screening of parking areas, loading areas, outside storage areas and screening of potential unsightly areas from town roads and/or adjoining properties.

Trees and Vegetation: Evidence that the optimum area of existing vegetation is preserved and provisions for an adequate number of replacement trees when tree removal is necessary. Adequate provisions for protecting existing trees. Appropriate size, variety, number, and location of trees.

Project Design: Provisions for optimum integration and compatibility of architecture, signage, screening, lighting and landscaping as a harmonious unit with the site and the surrounding townscape and natural landscape.

3130 DRAINAGE AND EROSION CONTROL GOAL

Maintain permanent stream, ponds and lakes in their natural state. Maintain the road drainage in its present or better condition when the project is completed. Minimize the transport of soil through the on-site drainage system and the transport of soil off the site. Reduce the potential for mass movement of soil such as landslides.

Review Requirements

Adequate provisions in the plans for reducing the amount of exposed earth, for controlling erosion and handling of sediment.

NOTE: The Planning Commission may reference USDA Soil Conservation *Service Construction and Material Specifications for Conservation Practices*.

Provisions for connecting to the Town road drainage system.

Provisions for drainage easements from adjoining property owner(s) if drainage is increased or redirected off the site.

3135 RENEWABLE ENERGY RESOURCE GOALS

The proposed development shall not adversely affect the ability of adjacent properties to use renewable energy resources and shall maximize energy efficiency within the development.

Review Requirements

No adverse effect on the ability of adjacent properties to use renewable energy resources such as growing and cutting wood, wind use or solar collection.

Energy efficiency on the site is maximized through type of energy used and building location, design and insulation.

3140 MAJOR DEVELOPMENT REVIEW

All applications involving Major Development Review require approval by the Planning Commission. The Planning Commission shall examine the impact throughout the Town as well as site-specific considerations. The Planning Commission may at any time during its review decide that it should expand or restrict its examination to achieve the goals of this Ordinance.

3145 CONFORMANCE WITH TOWN PLAN AND ORDINANCE GOALS

The application shall conform with the description of the district in which the project takes place, other provisions of this Ordinance, the Stratton Town Plan and all applicable rules and regulations of state and federal agencies.

Review Requirements

Compliance with appropriate Sections of the Stratton Town Plan, Town Road Construction Ordinance and Traffic Ordinance.

Reasonable demands on Town services and infrastructure, including fire protection with the installation of ponds and hydrants as well as availability of equipment to meet the needs of the project.

Provisions for education of potential new students. Preservation of areas or sites having educational, cultural or historic value.

NOTE: The Planning Commission may request a school impact study, police services impact study and/or fire services impact study.

3150 TRAFFIC REVIEW GOAL

The project shall optimize traffic safety and capacity on Town roads beyond the immediate site or to other areas affected in Town.

Review Requirements

Reduce the potential for increased accidents due to traffic from the development.

Adequate road capacity for the additional traffic for safe and efficient use (include a review of existing and proposed daily and peak hour traffic levels).

Optimize access to the Town road system.

NOTE: The Planning Commission may request a formal road capacity study and analysis.

3155 TOWN CHARACTER GOAL

The project shall preserve the character of the Town as defined in the Town Plan. Reduce the impact on places and objects of town-wide importance such as scenic vistas, hiking trails, historic sites (including cellar holes, stone walls).

Review Requirements

Harmony of the development with the site as viewed from scenic vistas, Town roads or trails.

Minimizing the impact on historic sites.

3160 AIR AND WATER POLLUTION CONTROL GOAL

The project shall avoid pollution of the air, surface waters and groundwater both on and off the site. Maintain permanent streams ponds, lakes and wetlands in their natural state. Minimize the transport of soil, wastes, chemical pollutants, sound, vibrations and odors off-site. Reduce the potential for mass movement of soil such as landslides.

Water Quality Review Requirements

Optimum retention of water on the site, downstream improvements to the channel to prevent flooding caused by the development using 50-year storm design period.

Review for appropriate treatment of wastewater.

Review for the safe containment of chemicals, waste and other liquid pollutants on the site.

Air Quality Requirements

Dust, Fumes, Vapors, Gases, Smoke and Odors

Review for adequate control of emissions.

Glare and Skyglow: Review for adequate control of lighting levels and direction of lighting to avoid the production of strong, dazzling light or reflection of light beyond its lot lines that is dangerous or annoying.

Noise or Vibrations: Review for adequate control of noise and vibration so that it is not generated at unreasonable hours and is not objectionable because of its intermittence, beat frequency, shrillness, or volume.

3165 PROTECTION OF NATURAL RESOURCES GOAL

The project shall protect natural resources of Town-wide importance as described in the Town Plan. These include: scenic views, geological formations, unstable soils, slopes over 15 percent and 25 percent, waterfowl habitat, deer wintering areas, fisheries, significant wildlife habitats, significant bear and moose use areas, aquifer recharge areas. Minimize intrusion of human activity into corridors along reservoirs, streams, ponds, wetlands and lakes.

Review Requirements

Optimum distance of the development from the resource to be protected.

Coordination with agencies responsible for protection of Natural Resources.

Adequate protection for unstable soils or slopes over 15 percent and 25 percent.

Article IV: PLANNING COMMISSION REVIEW

4000 PRELIMINARY APPLICATION, DISCUSSION MEETING AND WAIVER REQUESTS

A major, minor, planned unit development or planned residential development applicant may submit a preliminary application and schedule a preliminary discussion with the Planning Commission prior to developing and submitting a formal application for development review. The purpose of this discussion is to explore possible concepts for developing the site prior to the production of detailed plans and application materials. This is to be an informal exchange of ideas and the suggestions are not binding. The discussion is not intended to produce approvals or denials of development plans, nor does it imply approval or denial when formal application for site plan approval is made.

Materials provided at the discussion meeting should include a site plan drawn to scale showing major features of the site (natural and man-made), north arrow, general location of the site, and sketches of possible development approaches.

In the discussion meeting, the applicant may request a waiver or modifications of specific development review submission requirements and as listed in a Planned Residential Development or a Planned Unit Development as provided in the Act and this Ordinance. The applicant may also discuss modifications of specific performance standards under Articles IX and X of this Ordinance.

4005 STANDARDS FOR REVIEW

In reviewing proposed developments, the Planning Commission shall take into consideration, and may impose appropriate conditions and safeguards with respect to the criteria listed in Section 3100 to 3165 of this Ordinance.

4010 ADMINISTRATIVE REVIEW

When the Zoning Administrator and Planning Commission Chair decide that the application meets the Administrative Review requirements, a Zoning Permit is issued as described in Section 3100.

4020 PLANNING COMMISSION DECISION PROCESS

4025 REVIEW FOR COMPLETENESS

The Planning Commission's first action is to confirm that the Zoning Administrator was correct in determining that the application is complete. The Commission shall review for requirements for other Town permits and letters of review from State agencies in making this confirmation. If additional information is required, the timing for review of the application is delayed until the missing information is added to the application and received by the Zoning Administrator. If the application is complete, the review continues.

4030 DETERMINE REVIEW CRITERIA AND WAIVERS

After determining that the application is complete, the Planning Commission determines what criteria of the review apply and which criteria are not applicable. In addition, requests for modifications or waivers from review requirements are considered at this point in the process.

4035 REVIEW

The Planning Commission usually reviews the required items in order. During in-depth review of the development, the Planning Commission may find that its inquiries take a direction that was not previously obvious and may ask for more information.

If the Planning Commission is satisfied with the information available, it will make a decision and end the hearing. If more information is required, the Planning Commission will describe what is needed and recess the hearing.

If additional information is required before a final decision can be made within the statutory time limit for deemed approval, the Planning Commission may:

- Condition the permit to have additional information submitted to the Zoning Administrator for review and approval prior to the start of construction;
- Condition the permit to have additional information submitted to the Planning Commission for review and approval prior to the start of construction; or
- Deny the application and the project without prejudice and ask for a new application when the required information is available.
- Get a letter from the applicant(s) that, in this circumstance, they will waive the 60 day requirement.

4040 TECHNICAL REVIEW

The Planning Commission may require a review of an applicant's technical presentation by outside consultant(s). The Planning Commission or Zoning Board of Adjustment may require that the applicant pay for some or all of the cost of the consultant(s).

Upon submission of an application for a permit under this Ordinance, the Stratton Planning Commission may hire independent consultants whose services are usually be paid by the Town. These consultants shall be qualified professionals with an appropriate combination of training, record of service, and/or certification in an appropriate field or fields relating to the area needing clarification. The time line for review as stipulated in the Act still apply.

4045 REFERRAL TO STATE AGENCIES

In accordance with § 4409 (c) of the Act, no Zoning Permit for the development of land of the following types or located within the following designated areas may be granted within 30 days of the submission of a report to the State agency designated in each case, describing the proposed use, the location requested and an evaluation of the effect of such proposed use on the Stratton Town Plan and on the Windham Regional Plan:

1. Lands owned or controlled by Forests, Parks and Recreation Department, or any use in or within 1000 feet of any such property under the jurisdiction of the Department of Forests, Parks and Recreation. The uses include the following recreational areas:
 - A. Ski areas with lifts or other equipment other than tows, with total capacity of more than 500 persons per hour;
 - B. Camps with accommodations for more than 50 persons;
 - C. Marinas with accommodations for 20 or more boats with lengths in excess of 20 feet;
 - D. Public beaches, or lands within 1,000 feet thereof;
 - E. Natural areas as defined in Vermont Statute.
2. Lands under jurisdiction of the Department of Environmental Conservation. This includes any of the following uses or activities affecting ground or surface water resources:
 - A. Any area designated as a flood plain or wetland;
 - B. The damming of streams so as to form an impounding area of five acres or more for reservoir or recreational purposes;
 - C. The drilling of wells deeper than 50 feet or with a potential yield greater than 25,000 gallons per day, except a well drilled by the owner of a farm or residence for personal use, or the use of the farm;
3. Lands owned, controlled or under the jurisdiction of the Fish and Wildlife Department. This includes any game lands and stream bank area owned or leased by the State;
4. Lands owned, controlled or under the jurisdiction of the Vermont Agency of Transportation. This includes railroads, airports and heliports.

4050 COMPLIANCE CONDITIONS AS PART OF ZONING PERMIT

4055 DAMAGE TO EXISTING TREES

The Planning Commission may require penalties for damage to existing trees.

NOTE: If a tree is designated and shown on the approved plan as protected and is damaged or destroyed during construction, the developer shall be required to pay to the Town of Stratton the assessed value of the tree, to a maximum of \$2,500 per tree, the cost to be determined by guidelines in a *Guide to Professional Evaluation of Landscape Trees, Specimens, and Evergreens*, 1982, International Society of Arboriculture, Urbana, Illinois, or per updated version.

4060 SURETY

The Planning Commission may require a bond or other approved surety in an amount sufficient to cover the full cost of landscaping and other required improvements and their maintenance for a period of two years after completion as estimated by the Planning Commission or Zoning Administrator.

The Planning Commission may require the applicant to sign a development agreement with the Selectboard and/or post a bond or other similar performance guarantee to ensure compliance with the plan, erosion controls, planting and landscaping plan and stated conditions of approval. It may suspend any permit when work is not performed as required.

4070 FURTHER CONDITIONS

The Planning Commission may require that as-built site plan be submitted after the development is completed to substantiate that conditions of approval have been met.

The Planning Commission may suspend any permit when work is not performed as required.

The Planning Commission may require that a permittee resubmit an application for review if application approval and Zoning Permit conditions have not been met.

4075 FINAL PLANNING COMMISSION ACTION

The Planning Commission's final action is rendered in writing within 60 days of receiving a complete application and shall consist of:

1. Approval of the application based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this Ordinance; or
2. Disapproval of the application based upon a determination that the proposed project does not meet the standards for review as set forth in this Ordinance; or
3. Approval of the application subject to conditions, modifications and restrictions by the Planning Commission that will ensure the project meets the standard for review;
4. Each Zoning Permit issued shall contain a statement of the period of time within which an appeal may be made and a construction completion date.

4080 PERMIT EXPIRATION

Development permits are recorded with the deed and run with the land. Unless otherwise specified, the Permit and its conditions are requirements for each successive owner of the land and are the responsibility of the owner of the land.

4085 CONSTRUCTION COMPLETION

All approved construction must occur within two years from the date the permits are approved, except for Zoning Permits that also require an Act 250 Permit. When the applicant needs an Act 250 Permit, the date of construction completion is two years from the date the Act 250 Permit is issued.

Extensions beyond the original construction completion date may be granted by the Planning Commission prior to the end of the two-year construction period as long as total construction time is no more than four years. If judged necessary by the Planning Commission, phased developments may be granted longer construction completion periods. Dates shall be specified for each phase.

Construction that has not been completed and has not been extended before the original two-year construction period, is reviewed by the Zoning Board of Adjustment. See Section 5015.

4090 ZONING ADMINISTRATOR FILING OF ZONING PERMIT

Within three days of the date of the written decision regarding the application by the Planning Commission, the Zoning Administrator shall:

1. Deliver a copy of the Permit to the Listers of the Town of Stratton;
2. Post a copy of the Permit/decision in at least one public place in the Town for at least 15 days after the date the Permit/decision is issued;
3. Deliver a notice of recording to the Town Clerk for recording as provided in § 1154(a) or (b) of the Act.

The Zoning Administrator may charge the applicant/permittee for the cost of the recording fees as required by law.

4095 PERMITTEE RESPONSIBILITIES

The permittee shall, within three days, post a copy of the Zoning Permit at the construction site before any development begins. The Permit shall remain posted until construction has been completed and a Certificate of Use is issued by the Zoning Administrator.

4100 AMENDMENTS

The Zoning Administrator shall make the initial determination that a proposed amendment is administrative or substantial.

Administrative or minor amendments are those amendments which do not involve changes to curb cuts, internal or external circulation patterns, and pedestrian circulation. They may be approved by the Zoning Administrator, in consultation with the Planning Commission Chair. The Zoning Administrator must report such amendments to the entire Planning Commission. An administrative amendment may be issued without the requirement that a revised application be submitted for review and approval by the entire Planning Commission.

A substantial change is a major amendment and shall require an application and review by the entire Planning Commission.

4105 DEVELOPMENT CERTIFICATION

Development certifications are issued by various Town and State agencies. The Zoning Administrator may issue more than one of these certifications for zoning as well as other Town permits. Before occupancy or use of the development, all of these certificates shall be issued. The certificate required under this Zoning Ordinance is a Certificate of Use.

4110 CERTIFICATE OF USE

It is unlawful to use or occupy or permit the use or occupancy of any land or structure, or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure after the effective date of this Ordinance, until a certificate of occupancy hereafter called Certificate of Use (C of U) is issued by the Zoning Administrator. This C of U states that the proposed use of the structure or land conforms to the requirements of the application approval, Zoning Permit and provisions of this Ordinance.

The Certificate of Use shall contain a list of all the approval presentations, permit conditions and performance standards applicable to the project and a statement of compliance for each item on the list. A copy of the completed Certificate of Use shall be given to the permittee, filed with the Town Permit Book with the Zoning Permit and filed in the Town Land Records.

Article V: ZONING BOARD OF ADJUSTMENT REVIEW

5000 PUBLIC NOTICE

Provisions of § 4447 of the Act related to public notice shall apply to the review of Conditional Uses, variances and appeals and final approval of Planned Unit Developments. The public notice shall include the date, place and purpose of the hearing in a the *Rutland Herald* and *Brattleboro Reformer*, and the posting of the notice in one or more public places within the Town of Stratton not less than 15 days prior to the date of the public hearing.

The Zoning Board of Adjustment shall hold a public hearing as advertised in the public notice on the application and shall act to approve or disapprove an application within 60 days after the final public hearing. Failure to act within the 60 day period after the final hearing shall cause the various applications to be approved automatically.

5005 GENERAL ZONING BOARD OF ADJUSTMENT HEARING PROCEDURE

Meetings of the Zoning Board of Adjustment (ZBA) shall be held at the call of the Chair of the Zoning Board of Adjustment and at such times as the Zoning Board of Adjustment may determine.

The officers of the ZBA in connection with any proceeding under this Ordinance, may:

- Examine or cause to be examined any property, maps, books or records bearing upon the matters concerned in such proceeding;
- Require the attendance of any person having knowledge in the premises;
- Take testimony and require proof material for its information; and
- Administer oaths or take acknowledgment in respect of such matters.

A hearing and any action by the ZBA requires a quorum which shall be not less than a majority of its members.

The rules of evidence applicable at ZBA hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in Title 24. Chapter 36. Municipal Administrative Procedure Act. See page 145.

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of the members of the ZBA, and any action thereof shall be taken by the concurrence of a majority of the ZBA.

Any hearing held by the ZBA may be adjourned provided that the date and place of the continuation of the hearing is announced before adjourning the hearing.

The ZBA shall keep minutes of its proceedings. The minutes shall show the vote of each member for each action. In addition they shall note which ZBA members are absent or fail to vote. The ZBA shall immediately file the minutes in the Town Clerk's office as a public record.

The Stratton Selectboard may set such reasonable fees for filing of notices of appeal and other acts as it deems proper, the payment of which shall be a condition of accepting a complete application.

5010 ZONING BOARD OF ADJUSTMENT DELEGATION OF AGENT

Any of the powers granted to the Zoning Board of Adjustment by the Act may be delegated by it to a specifically authorized agent or representative, except in situations where the Municipal Administrative Procedure Act applies.

See the Act § 4462. (b). An example of delegation of an agent is when the Zoning Board of Adjustment appoints a hearing officer to run a hearing where procedure is very important. Another example is when an investigation may be made by a member of the ZBA and a designated representative such as the Zoning Administrator, who will then report back to the full Board.

5015 EXTENSION OF CONSTRUCTION COMPLETION DATES

The Zoning Board of Adjustment reviews requests for the extension of construction completion dates when the original construction completion date has expired. The ZBA shall consider the following:

1. Compliance with the application materials and the conditions of the Zoning Permit;
2. Season of the year of the request;
3. Percentage of the project completed;
4. Time needed to complete the construction; and
5. The reasons for not completing the project in two years.

The Zoning Board of Adjustment may approve the extension, approve the extension with conditions or deny the extension.

5020 CONDITIONAL USE PERMITS

A Zoning Permit shall not be issued by the Zoning Administrator for any use or structure which requires a Conditional Use Permit until the Zoning Board of Adjustment grants approval.

The scope and size of the development and how it fits with the existing uses in the district is the major consideration of the ZBA while considering action on the Conditional Use application. This process allows the ZBA to place conditions on certain uses of land within a district to mitigate or alleviate possible or perceived negative effects.

5025 CONDITIONAL USE PERMIT APPLICATION

The application for a Conditional Use Permit shall include the appropriate fee, five copies of all the information required for a Minor Development Review plus supporting data which will help the Zoning Board of Adjustment decide in the applicant's favor for the five general standards and appropriate specific standards listed in Section 5055 in this Ordinance.

The Zoning Administrator shall determine that the application for a Conditional Use Permit is complete. When it has been determined that the application is complete, the Zoning Administrator shall consult with the Chair of the ZBA to determine an appropriate date for a hearing. The hearing shall be warned as described in Section 5000 of this Ordinance.

5030 CONDITIONAL USE PERMIT REVIEW

First, the project is reviewed for compatibility with the Town Plan district in which the project will take place. After a positive finding on compliance with the Town Plan, the Zoning Board of Adjustment shall make findings upon the following general and eight specific standards as they are affected by the proposed development:

1. The capacity of existing and planned community facilities;

2. The character of the area affected;
3. Traffic on roads and highways in the vicinity;
4. Bylaws in effect at the time of review; and
5. Utilization of renewable energy resources.

Specific standards of review may include requirements or conditions with respect to:

1. Minimum lot size;
2. Distance from adjacent or nearby uses;
3. Performance standards, as described in Articles VII, IX and X;
4. Minimum off-street parking and loading facilities;
5. Landscaping and fencing;
6. Design and location of structures and service areas;
7. Size, location, and design of signs; and
8. Such other factors as may be found in the zoning regulations.

The lot size and density, frontage, setbacks, coverage, height and any other general requirements for the zoning district in which the proposed use will be located shall be considered minimum requirements for application consideration.

5035 CONDITIONAL USE PERMIT DECISION

The Zoning Board of Adjustment shall make written findings upon the specific standards set forth in Sections 5055 and 5060 of this Ordinance applicable to the proposed Conditional Use.

In granting a Conditional Use approval the ZBA may attach reasonable conditions as necessary to implement the Ordinance.

The Conditional Use Permit is used as part of a complete application to the Stratton Planning Commission. The Planning Commission may incorporate the conditions of the permit in its Zoning Permit.

The Conditional Use Permit shall be posted at the construction site before any construction begins and shall remain posted until construction has been completed and a Certificate of Use has been issued.

5040 REQUIRED TIME FOR CONDITIONAL USE REVIEW

The Zoning Board of Adjustment shall act to approve or disapprove any such requested Conditional Use within 60 days after the date of the final public hearing. Failure to act within the sixty-day period shall be deemed approval.

5050 VARIANCE REVIEW

5051 VARIANCE APPLICATION

The application for a Variance shall include the appropriate fee, five copies of all the information required for a Minor Development Review, except that a surveyed plan signed by a licensed surveyor shall be included along with supporting data which will help the Zoning Board of Adjustment decide in the applicant's favor for the required findings of facts.

5055 VARIANCE PROCEDURE

The Zoning Board of Adjustment may grant Variances and render a decision in favor of the appellant, if all the following facts are found and the finding is specified in its decision:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the

circumstances or conditions generally created by the provisions of this Ordinance in the district in which the property is located;

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a Variance is therefore necessary to enable the reasonable use of the property;

3. That the unnecessary hardship has not been created by the appellant;

4. That the Variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and

5. That the Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from this Ordinance and from the Town Plan.

5060 VARIANCE PROCEDURE FOR RENEWABLE ENERGY STRUCTURES

The Zoning Board of Adjustment may grant Variances on renewable energy structures, and render a decision in favor of the appellant if all the following facts are found and the finding is specified in its decision:

1. That it is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the regulations;

2. That the hardship was not created by the appellant;

3. That the Variance, if authorized, will not alter the essential character of the district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare;

4. That the Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from this Ordinance and the Town Plan; and

In rendering a decision in favor of an appellant under this Section, the Zoning Board of Adjustment may attach such conditions to such Variances as it may consider necessary and appropriate.

5065 EXPIRATION

A Variance shall become void if the applicant has not applied for a Zoning Permit within 90 days. Once a Zoning Permit has been issued, the Variance shall be in effect for the life of the Zoning Permit.

ARTICLE VI: APPEALS

6000 RE-EVALUATION OF DECISION

6005 RECONSIDERATION BY PLANNING COMMISSION

The applicant may request a reconsideration of the application by the Planning Commission if there is new information available that was not available at previous Planning Commission hearing(s).

6010 CONSIDERATION OF REPEAT APPLICATIONS

To assure the finality of decisions, once an application has been denied permit approval, new applications for the same parcel must be substantially different in content or show that there have been significant changes in circumstances.

6020 APPEALS

6025 APPEALS OF A ZONING ADMINISTRATOR DECISION OR ACT

An interested person may appeal any decision or act taken by the Zoning Administrator by filing a notice of appeal with the Secretary of the Zoning Board of Adjustment or Stratton Town Clerk if no secretary has been elected. With respect to a decision or act of the Zoning Administrator, such notice of appeal must be filed within 15 days of the date of such decision or act, and a copy of the notice of appeal shall be filed with the Zoning Administrator.

The ZBA may request any appropriate testimony or exhibits to make its determination. The decision shall be in writing. The same time limits apply as in Section 5040.

6035 APPEAL OF PLANNING COMMISSION AND ZONING BOARD OF ADJUSTMENT DECISIONS

Upon request from an interested party within 30 days after the decision, the Environmental Court may review appeals of Stratton Planning Commission and Stratton Zoning Board of Adjustment decisions. In the case of a decision regarding a development review application, the time begins upon the issuance of the written decision.

6040 STAY OF ENFORCEMENT

When a notice of appeal includes a request for a stay of enforcement, and states the grounds for such request with a statement under oath by the appellant that irreparable damage will directly result if such a stay is not granted, the ZBA may grant a stay of enforcement of the regulatory provisions referred to in the notice of appeal, under such terms and conditions, including, without limitation, a bond to be furnished by the appellant, as the ZBA deems in its judgment and discretion appropriate under the circumstances.

Any stay of enforcement granted under this Section shall expire upon the expiration of the time to appeal to the environmental or superior court. The grant or denial of a request for a stay shall be given in writing by the ZBA and shall be sent by registered or certified mail, or delivered, to the appellant within 15 days of the filing of the notice of appeal with the ZBA.

Whenever practicable, the ZBA shall conduct a hearing before deciding on a request for a stay. Any hearing under this Section shall be held after publication of notice thereof in the *Brattleboro Reformer* or *Rutland Herald*, in two public places within the Town of Stratton, and by mail to the appellant, at least five days prior to the hearing date. However, the ZBA may give abbreviated notice where in its judgement circumstances require prompt action.

6045 REMOVAL OF A VIOLATION NOTICE FROM THE LAND RECORDS

Upon request by the owner of record or the Zoning Administrator, the Zoning Board of Adjustment shall review a request for the removal of a Notice of Violation or a Municipal Ticket from the land records. The ZBA shall request any information or testimony required to show that the violation notice is in error or that the reason for the violation notice has been resolved.

A decision shall consist of written findings and a letter to the Stratton Town Clerk authorizing the removal of the notice.

6050 OPTIONS FOR REVIEW OF APPEALS

In addition to review with a hearing as described in these Sections, the ZBA may reject an appeal without hearing and render a decision. The decision shall be written and include findings of fact within 10 days of the date of filing of the notice of appeal.

If the ZBA considers that the issues raised by the appellant in the appeal have already been decided in an earlier appeal or represent the same issues with substantially or materially the same facts, the decision shall be rendered as above and shall constitute a decision of the ZBA for the purpose of § 4471 of the Act.

6055 APPEAL TO THE ENVIRONMENTAL COURT

Zoning Administrator decisions may not be appealed directly to the Environmental Court. Such an appeal may only be made after an appeal to the ZBA. Appeals of ZBA or Planning Commission decisions are made to the Environmental Court.

ARTICLE VII: LAND USE DISTRICTS AND DIMENSIONAL REQUIREMENTS

7000 AGRICULTURAL AND FORESTRY USE

Any land in the Town of Stratton may be used for agricultural or forestry purposes. This includes the display and sale of produce raised on the premises.

7002 DISTRICTS

For the purpose of this Ordinance, the Town of Stratton is divided into the following land use districts.

C	Conservation
REC	Recreation
R	Residential
C-R	Commercial - Residential (Two Areas)
P	Public, Quasi-Public, Public Utility Land

7010 CONSERVATION DISTRICTS

This district contains lands which are essentially undeveloped and are predominantly forested, and have substantial physical limitations for development. The districts are shown on the Official Stratton Zoning Map on page 144.

Conservation District lands shall be used for forestry, low-density development and open space. They shall be withheld from intensive development until there is a demonstrated public need for their development, until public utilities and services can be provided to these lands and until it can be determined that overriding benefits to the community would accrue from their development at higher densities.

There are two Conservation Districts. One lies north of the Dover-Stratton town line and includes all lands above 2,500 feet. The other district lies west of Range 5 and includes all lands above 2,500 feet.

7012 Minimum Requirements

Lot Size: 25 acres

Frontage: 600 feet on public or private road

Setback: 150 feet from property lines and 175 feet from center line of road or right-of-way

Height: maximum 35 feet above the average grade level

Floor Area: first floor area 600 square feet, not to include basement, garage, utility room or similar places of incidental use.

7014 Permitted Uses

Conservation

Forestry

Single-family dwelling unit

7016 Major Review Uses

Recreation

7018 Conditional Uses

- Mineral and earth extraction
- Public utilities and facilities
- Telecommunication facilities

7020 RECREATION DISTRICT

This district includes lands above 2,500 feet, presently used by Stratton Ski Area. It may be used for ski lifts, trails and related recreational purposes. This district is located to the west and south of Stratton Ski Village and includes trails above 2,500 feet in elevation. Shown on the Official Stratton Zoning Map on page 144.

7022 Minimum Requirements

- Lot Size: 25 acres
- Frontage: 600 feet on public or private road
- Setback: 150 feet from property lines and 175 feet from center line of road or right-of-way
- Height: maximum 35 feet above the average grade level

7024 Permitted Uses

- Conservation
- Forestry
- Recreation

7026 Major Review Uses

- Accessory uses related to permitted uses

7028 Conditional Uses

- Mineral and earth extraction
- Public utilities and facilities
- Telecommunication facilities

7030 RESIDENTIAL DISTRICT

This district contains lands which are already committed to rural residential development or which appear capable of accommodating a significant proportion of the expected growth for the Town of Stratton. Generally the lands have slight or moderate physical limitations to development and are readily accessible by existing or proposed public highways. Generally they are suitable for residential and associated uses.

The Residential District is roughly a mile-and-a-half-wide strip along the Stratton/Jamaica border with a finger of land going west along Stratton-Arlington Road as shown on the Official Stratton Zoning Map on page 144.

7032 Minimum Requirements

- Lot Size: 2 acres
- Frontage: 200 feet on a public or private road
- Setback: 50 feet from property lines and 75 feet from center line of road or right-of-way
- Height: maximum of 35 feet above the average grade level
- Floor Area: first floor area 600 square feet, not to include basement, garage, utility room or similar places of incidental use.

7034 Permitted Uses

- Agriculture
- Conservation
- Forestry
- Customary home industry
- Mobile home (single-family residential use)
- One-family dwelling
- Playground and/or picnic area
- Two-family dwelling

7036 Major Review Uses

- Accessory uses incidental to permitted uses
- Cemetery
- Floating affordable housing
- Greenhouse
- Nursery
- Multi-family dwelling
- Planned residential development
- Solid waste collection facility

7038 Conditional Uses

- Art center
- Church
- Commercial animals
- Library
- Earth and mineral extraction
- Helicopter landing pad
- Mineral and earth extraction
- Mobile home park
- Museum
- Planned Unit Development
- Public utilities and facilities
- Private and commercial water and/or sewer systems
- Restaurant and/or lounge
- Retail business
- School
- Telecommunication facilities
- Waste handling and recycling facilities

7040 COMMERCIAL - RESIDENTIAL DISTRICTS

Most of the expected development and growth will take place in two Commercial-Residential Districts shown on the Official Stratton Zoning Map on page 144.

Commercial-Residential District 1 land has convenient access to the Stratton Resort Complex and appears suitable for well-planned and controlled residential subdivision and commercial uses that can serve either visitors or permanent residents. This district is the designated growth area for the Town of Stratton. Housing development has taken place on slopes in excess of 15 percent. The in-fill of land ignored in the development process is encouraged. Developments should be designed so that structures are clustered together, roads minimized and intrusions into sensitive wildlife locations minimized. The use of Planned Unit Development (PUD) and Planned Residential Development (PRD) is encouraged.

Appropriate development and performance standards shall be applied to ensure that the high scenic quality of this area is maintained, to discourage commercial strip development, to avoid traffic congestion and to minimize undue noise and other problems that would damage the resort-related values of this area.

Commercial-Residential District 2 land is located in a small section of the southeastern portion of Stratton with access to Route 100. This land may offer advantages for well-planned residential and commercial uses. Review of development in this area should include provisions that will minimize impact on sensitive deer and bear habitats, maintain the scenic quality of Route 100, and avoid the appearance of continuous or strip development directly related to either Mount Snow or West Wardsboro. These districts are shown on the Official Stratton Zoning Map on page 144.

7042 Minimum Requirements

Lot Size: 2 acres

Frontage: 200 feet on a public or private road.

Setback: 50 feet from property lines, and 75 feet from center line of road or right-of-way

Height: maximum of 35 feet above the average grade level

Floor Area: first floor area 600 square feet, not to include basement, garage, utility room or similar places of incidental use.

7044 Permitted Uses

Agriculture

Customary home industry

Conservation

Forestry

One-family dwelling

Playground and/or picnic area

Two-family dwelling

7046 Major Review Uses

Accessory uses incidental to permitted uses

Art center

Bowling alleys

Cemetery

Chairlifts, tows, tramways, alpine slides

Church

Commercial animals

Floating affordable housing

Financial institution

Gas station

Greenhouse

Hospital, clinic, or nursing home

Library

Lounge

Motel/hotel and/or motor inn with a restaurant

- Multi-family dwelling
- Museum
- Office building
- Other group activities and services
- Planned Residential Development
- Planned Unit Development
- Professional or business office
- Public utilities and facilities
- Restaurant/lounge only
- Retail store or stand
- Sales and sales rooms
- Service station
- School
- Skating rinks
- Theater
- Tourist home or structure renting rooms and serving food

7048 Conditional Uses

- Earth and mineral extraction
- Fuel storage over 5,000 gallons
- Helicopter landing area
- Mobile home park
- Private and/or commercial water and/or sewer systems
- Telecommunication facilities
- Waste handling and recycling facilities

7050 PUBLIC, QUASI-PUBLIC, PUBLIC UTILITY DISTRICTS

These lands are owned by public or quasi-public organizations and are used for purposes which might preclude their use for other development. Shown on the Official Stratton Zoning Map on page 144.

7052 Minimum Requirement

- Lot Size: 2 acres
- Frontage: 200 feet on a public or private road
- Setback: 50 feet from property lines, and 75 feet from the center line of road or right-of-way
- Height: maximum of 35 feet above the average grade level
- Floor Area: first floor area: 600 square feet, not to include basement, garage, utility room or similar places of incidental use.

7054 Permitted Uses

- Agriculture
- Conservation
- Forestry
- Low-impact recreation

7056 Major Review Uses

- Playground and/or picnic area
- Public utilities and facilities
- High-impact recreation

7058 Conditional Uses

Private community water and sewer systems

Earth and mineral extraction

Travel trailer and camper park

ARTICLE VIII: OVERLAY DISTRICTS

8000 SPECIAL AREAS OR OVERLAY DISTRICTS

These districts are created to permit development on sensitive lands and areas of the Town. The regulations and criteria have, in some cases, been mandated by other levels of government. In others, they have been arrived at through careful analysis and processes aimed at striking a balance between the needs and desires of development and those of land use protection.

Requirements: Any proposed use in an overlay district must be able to meet all the standards and criteria for development in the underlying district, after which it must meet the requirements of the overlay district. The requirements of the Overlay District supersede those of the underlying district and may render otherwise permitted uses conditional or non-permitted.

The overlay districts are:

- Greenbelt District
- Floating Affordable Housing Districts
- Planned Unit Development (PUD)
- Planned Residential Development (PRD)
- Specific-Purpose Planned Unit Development
 - Resort Planned Unit Development (RPUD)
 - Ski Planned Unit Development (SkiPUD)
 - Commercial-Industrial Planned Unit Development (CIPUD)
- Flood Hazard Areas
- Shoreland Areas

8005 GREENBELT DISTRICT

The purpose for establishing this district is to safeguard the area along Mountain Road from suburban development and strip development, and to protect its natural beauty. This district is overlaid on Residential and Commercial-Residential Districts which provide space for single-family residences, commercial buildings and multi-family dwellings.

This district is defined as all lands 125 feet from the center line of Mountain Road (Town Highway #8) on both sides of the road. The district begins at the point where Mountain Road and the West Jamaica Road intersect and continues in a northerly direction along Mountain Road to State Aid Road #2, Brazers Way, a distance of 4.38 miles.

8010 GREENBELT CONSTRUCTION LIMITATIONS

Controlled Timber Harvest

Selective Cutting.

Landscape Improvement.

Management of natural vegetation to enhance and preserve the aesthetic quality of the Greenbelt.

Access

Each parcel of land, fronting on Mountain Road, legally recorded in the Stratton Town Land Records, prior to March 3, 1981, shall be entitled to one access road or driveway for each 2,000 feet of continuous frontage.

Further access to any parcel of land subdivided from a lot of record after March 3, 1981 shall be provided by a permanent easement or right-of-way, 50 feet wide, over an existing access road or driveway.

Access to and from Mountain Road requires in order:

1. Preliminary approval by the Planning Commission. See Section 3055 Preliminary Application Requirements;
2. Access Permit from the Selectboard;
3. Zoning Permit from the Planning Commission.

Utilities: Utilities shall be located within the right-of-way of Mountain Road and within the 50-foot limit of construction of access road or driveway.

8015 FLOATING AFFORDABLE HOUSING DISTRICT

The purpose of this district is to assure housing in the Town of Stratton for low to moderate income people. Because land values have increased so rapidly since the development of the resort industry, the low to moderate income population is in danger of being excluded from housing in the Town.

This overlay district may be on lands that can support a density of housing greater than usually permitted in the Residential District or in the Commercial-Residential District.

Requirements

Floating Affordable Housing is a Conditional Use in the Residential and Commercial-Residential Districts. The density of building in this district may be increased to five dwelling units per acre provided that:

1. A potable water supply is demonstrated sufficient in quantity and approved by the State of Vermont;
2. A wastewater disposal plan is approved by the State of Vermont;
3. An environmental impact statement is developed showing that the following will not be subject to negative impacts:
 - Wildlife;
 - Aquifer recharge areas;
 - Wetlands;
 - Prime agricultural soil;
 - Aesthetic quality of the landscape;
4. A buffer zone of 50 feet is maintained around the total parcel;
5. All units are clustered so that as much open space is preserved as possible.
6. Owners association bylaws or a similar document guaranteeing continued maintenance of common facilities has been approved by the Planning Commission;
7. This housing shall be limited to families with low to moderate incomes as defined by the Agency of Development and Community Affairs;
8. Homeowners in this district shall limit the resale of the units only to people in the low to moderate income brackets as defined by the Agency of Development and Community Affairs;

8025 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

The purpose of a Planned Residential Development is to enable and encourage flexibility of design and development of land in a way that will promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of the open lands of the Town.

8030 PRD REVIEW REQUIREMENTS

Planning Commission review is required for a PRD.

8035 MODIFICATION OF ZONING REGULATIONS FOR PRD

The Planning Commission may modify parts of these Ordinances upon request by the applicant. The modifications may be permitted simultaneously with the modification of subdivision regulations and approval of a subdivision plan under the following conditions:

1. The submission of an application to the Planning Commission shall include, in addition to the requirements for Major Development Review, a statement setting forth the nature of all proposed modifications, changes or supplementations of existing zoning regulations;
2. The dwelling units permitted may, at the discretion of the Planning Commission, be of varied types including one-family, two-family and multi-family units;
3. If the application of this modification procedure results in lands available for park, recreation, open space or other municipal purposes, the Planning Commission as a condition of its approval may establish such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes; and
4. Any modification of the Zoning Ordinance approved under this Section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required, and these shall be noted or appended to the plat before approval.

8040 PRELIMINARY PRESENTATION TO THE PLANNING COMMISSION

The preliminary development presentations shall contain the information found in Section 3055 Preliminary Review. In addition a copy of the following written documents are required:

1. A statement of planning objectives;
2. A list of zoning modifications requested;
3. A construction schedule; and
4. A copy of the preliminary Declaration of Protective Covenants or other legal instruments providing for continued operation and maintenance of shared facilities.

The following graphic information shall be required:

1. Maps and plans showing the location and size of all areas to be reserved as common open space, including recreational facilities, public parks, school sites or other uses;
2. Proposed lot lines and plot designs; and
3. A general landscape plan which includes the treatment of the outside perimeter of the development.

After preliminary review, the Planning Commission shall give appropriate written comments to the applicant regarding specific requirements expected for the final review of the development.

8045 FINAL PRESENTATION TO THE PLANNING COMMISSION

The final review of a PRD may begin at the next regularly scheduled meeting of the Planning Commission, upon the receipt of a complete application under Major Development Review, Section 3075 and information requested in the written report from the preliminary review.

8050 PLANNED RESIDENTIAL DEVELOPMENT REVIEW REQUIREMENTS

1. The plan for the entire project shall take full advantage of existing tree cover, water courses, topography, and other existing natural resources.
2. Visibility from Town roads shall be minimized.
3. Land reserved for open space shall provide for recreation, agriculture, conservation and the enhancement of the natural environment.
4. There shall be no buildings or development in open space areas exclusive of outdoor recreation facilities.
5. The maintenance of open space shall be responsibility of an owners association comprising all of the present and future owners in the development.

6. The density of the total project shall be the same as it would be if the land were subdivided into lots conforming with this zoning regulation, no more than one dwelling unit per two acres.
7. The development shall provide for central water systems including water storage to provide fire protection.
8. The development shall provide for sewers, sewage disposal and waste water treatment.
9. The development shall provide for adequate surface drainage and stormwater disposal without flooding any properties or causing adverse water pollution of any streams.
10. The development shall meet all the requirements of the Stratton Public Health Regulations and Subdivision Regulations with modifications, where appropriate, as well as applicable State requirements. See pages 128 and 113.
11. All internal roads are to be built to Town road construction specifications. See page 135.
12. Each project shall be reviewed on its own merits.
13. The Planned Residential Development shall conform to the Stratton Town Plan.

After this review, the development shall be approved, modified with or without conditions, or denied.

8055 PLANNED UNIT DEVELOPMENTS (PUD)

The purpose of Planned Unit Developments is to encourage new communities, innovation in design and layout, and more efficient use of land; to facilitate and encourage flexibility of development of large parcels of land; to preserve a maximum of open space while permitting multiple uses thereof; to integrate productive uses related to tourism and recreation; and to add to business and employment opportunities and the economic base of the community.

8060 Permitted Uses

The following uses are permitted in a PUD:

1. Dwelling units in detached, semi-detached, or multi-storied structures, or any combination thereof;
2. Any nonresidential use permitted under this Ordinance;
3. Public and private educational facilities; and
4. Industrial uses and buildings.

8065 PRELIMINARY PRESENTATION TO THE PLANNING COMMISSION

A preliminary application may be presented to the Planning Commission. In addition to the requirements in Section 3090, it shall contain at least one copy of the following documents:

1. A statement of planning objectives;
2. Preliminary plans showing existing conditions and proposed uses. More detail increases the likelihood that the Planning Commission will respond quickly and in depth to the proposed development;
3. A construction schedule;
4. Information about the number of units, size of lots, coverage and densities; and
5. The preliminary draft of the Declaration of Protective Covenants or other legal instrument that provides for the operation and maintenance of shared facilities.

Upon completion of preliminary review, the Planning Commission will give preliminary, non-binding written comments to the applicant.

8070 PUD APPLICATION REQUIREMENTS

The following information shall be required in addition to the application requirements for Major Development Review included in Section 3140:

1. A statement of planning objectives;

2. A construction schedule;
3. Proposed lot lines and plot designs and areas reserved for common land;
4. A general landscape plan which includes the treatment of the outside perimeter of the development; and
5. A final draft of the Declaration of Protective Covenants or other legal instrument that provides for the operation and maintenance of shared facilities.

If a Conditional Use Permit is required as described in Section 5020 of the Commercial-Industrial Planned Unit Development, the Zoning Board of Adjustment shall issue a Conditional Use Permit prior to review by the Planning Commission. If judged appropriate by either ZBA and/or PC, the Zoning Board of Adjustment and/or Planning Commission review and approval may be concurrent with approvals required under this Ordinance and the Subdivision Ordinance.

8075 PUD REVIEW REQUIREMENTS

In addition to the requirements of Major Development Review, the following items shall be considered.

1. The plan for the entire project shall take full advantage of existing tree cover, water courses, topography, etc.
2. Visibility from Town roads shall be minimized.
3. Land reserved for open space, common land, shall provide for recreation, agriculture, conservation and the enhancement of the natural environment.
4. There shall be no buildings or development in open space, common land, areas exclusive of outdoor recreation facilities.
5. The open space shall be maintained by an association comprising all of the present and future owners in the project.
6. The density of the total project shall be the same as it would be if the land were subdivided into lots conforming with this zoning regulation. (No more than one dwelling unit on two acres.)
7. The development shall provide for central water systems including water storage to provide fire protection.
8. The development shall provide for adequate sewers, sewage disposal, and waste water treatment.
9. The development shall provide for adequate surface drainage and storm water disposal without flooding any property or causing adverse water pollution of any stream.
10. The development shall meet all the requirements of the Stratton Health Regulations, and Subdivision Bylaw as modified, as well as applicable State requirements. See pages 128 and 113.
11. All internal roads shall be built to Town road Construction Ordinance. See page 135.
12. The development shall comply with the Stratton Town Plan.

After Major Development Review, the Planning Commission shall hold a public hearing after public notice as required by § 4447 of the Act. At the public hearing, the development shall be denied, approved or modified with or without conditions.

This PUD review process requires a minimum of two meetings, three meetings if a preliminary review is desired. Each meeting will be held after a complete application is received. The 60 day decision requirement applies to each application.

8080 SPECIFIC PURPOSE PLANNED UNIT DEVELOPMENTS

These specific PUDs are reviewed by the Planning Commission in the same way as described in Section 3140 of this Ordinance.

8085 RESORT PLANNED UNIT DEVELOPMENT (RPUD)

The purpose of a RPUD is to allow a large resort to become a self-contained complex developed to provide housing, including hotel/motel, lodge, recreation and services for its transient guests, and be insulated from and not intrude on surrounding areas.

8090 Review Requirements

1. A minimum of 100 contiguous acres must remain intact.
2. Fire protection must be provided by adequate ponds, hydrants, etc.
3. Security must be maintained, at no cost to the Town, with surveillance supplemental to the Town police.
4. Total building coverage of site shall not be more than five percent.
5. Residential dwelling units shall require the same acreage as the zone in which the RPUD is located.
6. The maximum building height shall be 35 feet above average grade level, unless the applicant can demonstrate that existing fire equipment garaged in the Town is adequate to access a taller building. A letter from the Stratton Fire Chief is required for this part of the review. In no instance shall the building be taller than 75 feet above average grade level.
7. Along the outside perimeter of the project, there shall be a landscaped area of at least 100 feet.
8. Parking shall conform to the performance standards listed in Section 9220 to 9245.
9. Landscape, screening and lighting shall conform to performance standards listed in Sections 9150 to 9215.

8095 SKI PLANNED UNIT DEVELOPMENT (SKI PUD)

The purpose of a SKI PUD is to encourage and enable innovation in design and layout and flexibility in development of ski resorts; to encourage a more efficient use of land, including greater density or intensity of development within some sections while maximizing open space within other sections of land.

8100 REVIEW REQUIREMENTS

1. There shall be a minimum of 1,000 contiguously owned or leased acres. For purposes of density requirements, and notwithstanding anything to the contrary in other provisions of these Ordinances, all land lying within the contiguously owned or leased property including all slopes, trails, parking areas and buildings, regardless of elevation and zoning districts, shall be considered.
2. There shall be supplementary fire and police protection.
3. The maximum building height shall be 35 feet above average grade level, unless the applicant can demonstrate that existing fire equipment garaged in the Town is adequate to access a taller building. A confirmation letter from the Stratton Fire Chief is required. In no instance shall the building be taller than 75 feet above average grade level.
4. Along the outside perimeter of the project, even if overlapping in more than one town, there shall be buffers of such dimensions as approved by the Planning Commission.
5. Maximum building coverage of the site shall be as expressly approved by the Planning Commission.
6. Residential dwelling units shall require a density of not less than one dwelling unit per two acres.
7. Compliance with Section 9225 Off-street Parking Requirements, except in certain concentrated areas or development within the SKI PUD, the minimum off-street parking requirements for dwelling units with two bedrooms or less shall be one space per dwelling unit.
8. There shall be conformance to the specific requirements for landscaping, screening and lighting under Sections 9150 to 9240.

8105 COMMERCIAL-INDUSTRIAL PLANNED UNIT DEVELOPMENT (CIPUD)

The purpose of a CIPUD is to provide an area for commercial and industrial development which will promote sound economic development and opportunity for employment while protecting adjacent residential areas.

8110 CONDITIONAL LAND USES PERMITTED IN CIPUD

These uses shall be permitted by the Zoning Board of Adjustment prior to review by the Planning Commission.

Residential Uses

- One-family
- Two-family
- Multi-family dwellings
- Planned residential development

Commercial Use

- Art center
- Accessory uses incidental to permitted uses
- Bowling alleys
- Cemetery
- Chairlifts and tows, tramways, alpine slides
- Financial institution
- Hospital, medical clinic
- Library
- Museum
- Manufacturing, assembly and/ or repairing manufactured parts
- Motor inn
- Motel or hotel with a restaurant and/or lounge
- Nursing home
- Office
- Office building
- Other group services
- Professional or personal business
- Restaurant/lounge (only)
- Retail store or stand
- Sales and sales rooms
- School
- Skating rinks
- Theater
- Tourist home or structure renting rooms and serving food
- Warehousing

8120 REVIEW REQUIREMENTS

1. There shall be a minimum of 10 contiguous acres.
2. The maximum building height shall be 35 feet above the average grade level.
3. There shall be at least 50 feet distance between primary buildings.
4. The maximum building coverage of CIPUD shall be 20 percent.
5. Building setbacks from property line shall be a minimum of 50 feet.
6. There shall be at least a 25 feet wide landscaped greenbelt along the outside perimeter of project.
7. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the project shall not be generated and shall conform to specific standards under Article IX.
8. CIPUDs are located only in the Commercial-Residential Districts.
9. The CIPUD shall conform to the specific requirements listed in Sections 9045, 9135, 9145 and 9205 for landscaping, lighting, and screening.

Flood Hazard Area Section Replaced

**See Addendum 6 at the end of this
Handbook**

8170 SHORELAND

8075 CLASSIFICATIONS AND STANDARDS OF SHORELAND

Shoreland is that area within 500 feet of the normal mean watermark of any lake, pond or impoundment which exceeds 20 acres in size or which is particularly valuable as a wildlife, recreational or aesthetic resource. All wetlands of any size are considered to have particular value, including, but not limited to water supply, flood control, erosion and sedimentation control, water pollution control, fisheries, wildlife habitat and aesthetic value.

8180 RECREATIONAL SHORELAND

Those shoreland areas with high scenic or recreational potential.

8181 Minimum Standards

1. Development shall be set back 300 feet from the normal mean watermark.*
2. Sewage systems shall be set back at least 400 feet from the normal mean water mark.
3. Utility lines including water, gas, electricity and telephone shall be underground and set back 300 feet from the normal mean water mark.
4. A 100-foot wide corridor wherein no clearing of vegetation is allowed shall be retained except in small areas judged by the Planning Commission to be necessary to meet other sections of the Ordinance.
5. Recreational, residential and all other uses involving a structure shall not result in the removal of more than 50 percent of the natural tree and shrub cover between 100 feet and 500 feet of the normal mean water mark. These cutting standards shall not apply to the removal of diseased or damaged trees or to vegetation which present safety or health hazards. Snags or tall dead trees are important wildlife habitats.

6. Lot size shall be a minimum of 25 acres.
7. Public access shall be ensured to Somerset Reservoir and to all other ponds, lakes or impoundments in the Town of Stratton.

8185 NATURAL/PRISTINE SHORELAND

These are shoreland areas around all bodies of water over 20 acres, all wetlands of any size as defined by State wetland regulations, and all ponds of exceptional wildlife habitat, scenic quality, or hosting rare or endangered species within their aquatic or shoreland boundaries.

8186 MINIMUM STANDARDS

1. Structures of any kind are not permitted within the natural/ pristine shoreland boundaries.*
2. A person shall not remove, fill, dredge, build upon, or alter any naturally pristine water or wetland or shoreland. The term alter shall include:
 - A. Removal, excavation or dredging of soil, sand, gravel, or aggregate material of any kind;
 - B. Changing pre-existing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns or flood retention characteristics;
 - C. Drainage or other disturbance of water level or water table;
 - D. Dumping, discharging or filling with any material which may degrade water quality;
 - E. Placing of fill, or removal of material which would alter elevation;
 - F. Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;
 - G. Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;
 - H. Application of pesticides or herbicides in the water or within the shoreland boundaries.

*Landings and docks and raised walkways used for educational purposes are exempt from these setback requirements in all areas.

8190 PROHIBITED USES WITHIN SHORELAND AREAS

Within shoreland areas, the disposal, storage or processing of materials that are pollutants, buoyant, flammable, poisonous or explosive, or which could be injurious to human, animal, fish or other aquatic life are prohibited.

ARTICLE IX: PERFORMANCE STANDARDS

In accordance with § 4407 (7) of the Act, the performance standards described in this Section together with all applicable State standards must be met in all districts. These standards apply to all development requiring a zoning permit and are enforceable as such. These standards are in effect whether or not a particular standard is emphasized as a condition of a permit. If a landowner or applicant wants to deviate from these standards, a formal request shall be made to the Planning Commission and/or the Zoning Board of Adjustment. The Zoning Administrator shall decide whether proposed or existing uses meet the standards. An appeal of the Zoning Administrator's decision may be made to the Zoning Board of Adjustment. See Section VI.

9000 STANDARDS FOR ALL DISTRICTS

No land or structure in any Zoning District shall be used or occupied in any manner that will create dangerous, injurious, noxious or otherwise objectionable conditions, or in such amounts as to adversely affect the reasonable use of the surrounding area or adjoining properties. The following specific standards are set forth to implement this purpose:

9005 NOISE

Noise at unreasonable hours shall be muffled so that it is not objectionable because of its intermittence, beat frequency, shrillness, or volume.

The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this Ordinance shall be as established by the time of day and type of Land Use Districts listed below. Sound pressure levels shall be measured at all major lot lines, at a height of at least four feet above the ground surface.

Sound from any source controlled by this Ordinance shall not exceed the following limits at the property line of the source.

Table 1:

Sound Pressure Level Limits Measured in dB(A)s:

	7a.m. – 10p.m	10p.m. – 7a.m.
Commercial Residential District	70	65
Residential District	65	55
All Other Districts	55	45

Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise.

The levels specified may be exceeded by 10dB(A) for a single period, no longer than 15 minutes in any one day.

Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute, ANSI S1.2-1962 *American Standard Meter for the Physical Measurements of Sound*.

9010 VIBRATIONS

Uses that cause or result in any noticeable vibration of or on the property of another landowner shall be prohibited.

9015 DUST, FUMES, VAPORS, GASES AND ODORS

Uses that cause or result in any noticeable emissions of dust, dirt, fly ash, fumes, vapors or gases which could be injurious to human health, animals, or vegetation; detrimental to the enjoyment of adjoining or nearby properties; or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited.

In addition, no land use or establishment shall be permitted to produce harmful, offensive, or bothersome odors, scents, or aromas, (such as, but not limited to, those produced by manufacturing processes, food preparation, food processing, fish sales, rendering, fermentation processes, decaying organic matter, and incinerators) perceptible beyond their lot lines, either at ground or habitable elevation.

The location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gases, vapors, odors, scents or aromas shall be shown on the site plan and accompanying description of the source dust, fumes, etc.

9020 THERMAL POLLUTION

Uses that noticeably cause, create or result in any release of heat, cold, moisture, mist, fog, precipitation, or condensation beyond the boundaries of the property or to a height likely to be detrimental to the public health, safety and welfare shall be prohibited.

9025 ELECTROMAGNETIC DISTURBANCE

Uses that cause or result in any noticeable electromagnetic disturbance beyond the property lines shall be prohibited.

9030 ELECTRONIC SIGNALS

Uses that cause, create, transmit, or release any electronic emission or signal which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals beyond the property lines shall be prohibited.

9035 LIGHTING

9040 PARKING LOT LIGHTING

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.

Parking area lighting in all districts except Commercial/Residential and Residential Districts shall not be illuminated unless there exist specific hazardous conditions which make illumination necessary. In such cases, the lighting shall meet the standards for the next higher lighting district.

All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).

Alternatives: The design for an area may suggest the use of parking lot lighting fixtures of a particular "period" or architectural style, as either alternatives or supplements to the lighting described above. If such fixtures are not cut-off fixtures as defined by IESNA, the maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to one 50 watt incandescent bulb). Mounting heights of such alternative fixtures shall not exceed 15 feet.

STREET LIGHT STANDARDS

District	Commercial/Residential District	Residential District	All Other Districts
Mounting Height Maximum	30 FT	25 feet	Discouraged
Spacing	600 feet and at intersections or 300 feet in the SkiPUD	600 feet and at intersections	discouraged, except dangerous intersections
Maximum Initial Lumens	15,000	15,000	Discouraged
Minimum CRI	65	75	Discouraged

9045 STREET LIGHTING STANDARDS

9050 COMMERCIAL/RESIDENTIAL DISTRICTS

General levels of illumination shall be consistent with guidelines published by the IESNA, provided that the average illumination level may not exceed that specified in those guidelines by more than 0.2 foot-candles.

The uniformity ratio shall not exceed 4:1.

Lamps shall have a Color Rendering Index (CRI) of no less than 65.

Mounting heights shall not exceed 30 feet.

9055 RESIDENTIAL DISTRICT

General standards for mounting height, spacing, maximum initial lumens per fixture, and minimum Color Rendering Index of 75 shall be as set forth below. Street lights shall be located in the public right-of-way. If the street has a sidewalk along one side, the street lights shall generally be located on the sidewalk side of the street.

Fixtures: All street lighting fixtures shall be cut-off fixtures as defined by IESNA. If necessary, fixtures shall include “house side shields” to minimize light directed to the rear of the fixtures.

Alternatives: The design for an area may suggest the use of street lighting fixtures of a particular “period” or architectural style, or there may be existing historical fixtures to be retained. In such cases, the non-cut-off fixtures may be used either as alternatives or supplements to street lighting described above.

For fixtures that do not meet the “cut-off” criteria, the maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to one 50-watt incandescent bulb).

Mounting Heights: Fixtures shall not exceed 25 feet for new fixtures. Where historic fixtures are being retained (and/or extended) mounting height shall be that of the existing fixtures and every effort shall be made to use brackets that match existing brackets.

Parking Lot Lighting Standards

	Commercial/Residential	Residential	All Other Districts
Mounting Height Maximum	25 ft	20 ft	Discouraged
Maximum Illumination level (at darkest spot in parking area)	No less than 0.3 foot-candles and no more than 0.5 foot-candles	No less than 0.2 foot-candles and no more than 0.3 foot-candles	Discouraged
Uniformity Ratio	4:1	4:1	Discouraged
Minimum CRI	65	70	Discouraged

9060 GASOLINE STATION/CONVENIENCE STORE APRON AND CANOPY LIGHTING

Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under Section 9100 of this Ordinance shall be used for that purpose.

Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas listed in Section 9400. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.

Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 foot-candle and no more than 5.5 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1, which yields an average illumination level of no more than 22.0 foot-candles.

Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.

As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

Lights shall not be mounted on the top or sides (fascias) of the canopy, and the sides (fascias) of the canopy shall not be illuminated.

9065 LIGHTING OF EXTERIOR DISPLAY OR SALES AREAS

Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate Section 9100 of this Ordinance shall be used for that purpose. The applicant shall designate areas to be considered display/ sales areas and areas to be used as parking or passive vehicle storage areas. These designations must be approved by the Planning Commission.

Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas listed in Section 9040. Areas designated as exterior display/sales areas

shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as exterior display/sales area.

Light fixtures shall meet the IESNA definition of cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.

Fixtures shall be mounted no more than 25 feet above grade, and mounting poles shall be located either inside the illuminated area or no more than 10 feet away from the outside edge of the illuminated area.

9075 LIGHTING OF OUTDOOR PERFORMANCE FACILITIES

Outdoor nighttime performance events (concerts, athletic contests, etc.) have unique lighting needs. Illumination levels vary, depending on the nature of the event. The regulations in this Section are intended to allow adequate lighting for such events while minimizing skyglow, reducing glare and unwanted illumination of surrounding streets and properties.

Design Plan: A lighting design plan shall be submitted which shows in detail the proposed lighting installation. The design plan shall include a discussion of the lighting requirements of various areas and how those requirements will be met.

Dual System: The main lighting of the event (spotlighting or floodlighting, etc.) shall be turned off no more than 45 minutes after the end of the event. A low level lighting system shall be installed to facilitate patrons leaving the facility, cleanup, nighttime maintenance, etc. The low level lighting system shall provide an average horizontal illumination level, at grade level, of no more than 3.0 foot-candles with a uniformity ratio (average to minimum) not exceeding 4:1.

Primary Playing Areas: Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

Parking Areas: Lighting for parking areas shall meet the requirements listed elsewhere in this Section 9040.

Pedestrian Areas: Areas intended solely for pedestrian circulation shall be provided with a minimum level of illumination of no less than 0.1 foot-candles and no more than 0.2 foot-candles. A uniformity ratio of average to minimum illumination shall not exceed 4:1.

9080 SECURITY LIGHTING

The need for security lighting (i.e., lighting for safety of persons and property) must be demonstrated as part of an overall security plan which includes at least illumination, surveillance, and response, and which delineates the area to be illuminated for security purposes. To the extent that the designated area is illuminated for other purposes, independent security lighting installations will be discouraged.

In addition to the application requirements set forth in the general provisions of this Section, applications for security lighting installations shall include a written description of the need for and purposes of security lighting, a site plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and adequate cross-sections showing how light will be directed only onto the area to be secured.

All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be discouraged.

Security lighting may illuminate vertical surfaces (e.g. building facades and wall) up to a level eight feet above grade or eight feet above the bottoms of doorways or entries, whichever is greater.

Security lighting fixtures may be mounted on poles located no more than 10 feet from the perimeter of the designated secure area.

Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder within five feet of the perimeter.

Security lighting standards in the for Commercial-Residential and Residential Districts are shown in Table 4.

Security lighting shall be allowed in low-density residential and rural areas only if unusual hazardous conditions make it necessary. In such cases, indirect and reflected lighting techniques shall be used to provide soft lighting under canopies, entry porches, or soffits. Lighting levels shall not exceed the standards established for the next higher density residential area.

Table 4:
Security Lighting Standards

	Commercial/Residential Districts	Residential Districts	Remaining Districts
Mounting height - maximum	25 feet	20 feet	Discouraged
Average horizontal illumination level on ground	No more than 1.5 foot-candle	No more than 1.0 foot-candle	Discouraged
Average illumination level on vertical surface	No more than 1.5 foot-candle	No more than 1.0 foot-candle	Discouraged
Minimum CRI	65	70	Discouraged

9085 LIGHTING OF BUILDING FACADES AND LANDSCAPING

With the exception of structures having exceptional symbolic features such as churches, public buildings, or have historic significance in the community, exterior building facades shall not be illuminated. When buildings having symbolic or historic significance are to be illuminated, a design for the illumination shall be approved by the Planning Commission and the following provisions shall be met:

The maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 foot-candles.

Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.

Lighting fixtures mounted on the building and designed to “wash” the facade with light are preferred.

To the extent practicable, lighting fixtures shall be directed downward (i.e., below the horizontal) rather than upward.

When landscaping is to be illuminated, the Planning Commission shall first approve a landscape lighting plan that:

1. Presents the purpose of the lighting;
2. Shows the location of all lighting fixtures;
3. Shows landscaping that will be illuminated; and

4. Demonstrates that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.

9090 LIGHTING OF WALKWAYS OR BIKEWAYS AND PARKS

Where special lighting is to be provided for walkways, bikeways, or parks, the following requirements shall apply:

The walkway, pathway, or ground area shall be illuminated to a level of at least 0.3 foot-candles and no more than 0.5 foot-candles.

The vertical illumination levels at a height of five feet above grade shall be at least 0.3 and no more than 0.5 foot-candles.

Lighting fixtures shall be designed to direct light downward, and light sources shall have an initial output of no more than 1,000 lumens.

In general, lighting of walkways shall be consistent with the guidelines presented in the IESNA *Lighting Handbook*.

9100 SIGN LIGHTING

9105 ILLUMINATED SIGNS

Signs may be illuminated only during those hours that the business being advertised is open for business. It is the intent of this Section to allow illuminated signs but to ensure that they do not create glare or unduly illuminate the surrounding area. The applicant shall provide the Planning Commission with sufficient technical and design information to demonstrate that the following provisions are met.

9110 EXTERNALLY ILLUMINATED SIGNS

The average level of illumination on the vertical surface of the sign shall not exceed 3.0 foot-candles, and the uniformity ratio (the ratio of average to minimum illumination) shall not exceed 2:1.

Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties.

Lighting fixtures illuminating signs shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads, or properties.

To the extent practicable, fixtures used to illuminate signs shall be top mounted and directed downward (i.e. below the horizontal).

9115 INTERNALLY ILLUMINATED SIGNS

Internally illuminated signs are allowed only in Commercial-Residential Districts. In order to prevent internally illuminated signs from becoming light fixtures in their own right, it is the intent of this Section that such signs consist of light lettering or symbols on a dark background. The lettering or symbols shall constitute no more than 40 percent of the surface area of the sign.

The luminous transmittance for the lettering or symbols shall not exceed 35 percent.

The luminous transmittance for the background portion of the sign shall not exceed 15 percent.

Light sources shall be cold start fluorescent tubes, spaced at least 12 inches on center, mounted at least 3.5 inches from the translucent surface material.

9120 SIGNS

It is the intension of this Section to allow signs necessary to conduct business while maintaining the rural character of the Town. For the purpose of these regulations, signs are classified as outdoor advertising. The following regulations shall apply.

1. Any sign shall be located on the property where the business is conducted.
2. A sign shall not be larger than 16 square feet in area, including appendages, and each surface shall be considered to be one sign.
3. There shall be only one sign on a lot that pertains to the use of the lot or the conduct of a profession.
4. On-premise directional signs, to direct customers, shall not exceed six square feet.
5. *Real Estate, For Rent or For Sale* signs shall be limited to one, and shall not exceed six square feet. These signs shall be located on the property being offered.
6. The only sources of illumination for a sign shall be as permitted in Sections 9100 and 9105.
7. Signs shall not interfere with traffic visibility and access.
8. No sign shall be placed within street or highway right-of-way, or within 300 feet of an intersection or junction of streets or highways.
9. All non-conforming signs existing as of the date of this Ordinance shall be permitted as long as:
 - a. There is no change in business use of, or transfer of the property on which the sign is located;
 - b. The non-conforming signs are not moved, enlarged, or altered other than for normal maintenance and repair;
 - c. In the event that there is a change of business use or transfer of ownership of the property, any non-conforming signs must be removed at the time of the change of use or transfer.
 - d. Non-conforming signs may be repaired but not rebuilt.

9125 UNTREATABLE WASTE

Uses that cause, create, or result in liquid or solid wastes or refuse which cannot be disposed of by any available or existing methods without any undue burden on Stratton Town or Fire District facilities shall be prohibited.

9130 IGNITABLE HAZARDS

Uses that cause, create or result in an undue fire, safety, explosive or other hazard which significantly endanger adjacent properties or result in a significantly increased burden on the Town of Stratton facilities shall not be permitted.

9135 BARRIERS TO DIRECT SOLAR RADIATION

The development shall not block the sun or cause or create a barrier to direct solar radiation on adjacent properties.

9140 HAZARDOUS MATERIALS

Uses that require the use of hazardous materials shall be prohibited.

9145 PESTICIDES, HERBICIDES AND FERTILIZERS

Only pesticides, herbicides, and fertilizers approved by the State Department of Agriculture may be used closer than 200 feet to a streambank, pond, lake or wetland. Streambanks shall be protected by a strip of natural vegetation 50 feet wide on each side of the stream with the exception of recreational access to the stream.

9150 LANDSCAPING

9155 RESPONSIBILITY FOR LANDSCAPE

The landscape includes earthwork, drainage, erosion control, paving, screening and fencing, as well as planting. The maintenance and care of the landscape is the responsibility of the land owner and is an ongoing requirement of this Ordinance. In land and building development, landscaping shall be provided and maintained.

9160 SPECIFIC LANDSCAPE REQUIREMENTS

9165 EXISTING PLANTING

Where plant material and lawn area already exist in sufficient numbers and dimensions to partially or wholly satisfy the requirement of this Ordinance, they will be credited to the development.

The applicant shall show on the site plan the existing area and plantings, and methods for preserving them during construction.

1. Existing tree protection zones shall be clearly marked on the plans. Protective barriers, such as silt fences, bollards, roping or other such devices as approved by construction services, will be placed around each tree at the drip line of the canopy of each tree to prevent any type of encroachment under the drip line, or six times the diameter at breast height (DBH) whichever is greater.
2. Soil disturbance under the canopy of each tree will be limited to six inches removed or six inches added. Any soil added under the canopy of the tree must be a loamy soil mix to ensure compaction is minimized.
3. Trenching shall be no closer than six times the diameter at breast height (DBH) to the affected tree (a greater distance is preferred) nor disrupt more than 30 percent of the drip line root area.

No other types of disturbance or construction shall be allowed under the drip line of any tree without prior approval by the Zoning Administrator.

9170 NEW PLANTING

New planting should take advantage of the site and create a look of natural growth. Planting should screen the use and reduce nuisances that might affect neighboring property owners and users. (A partial list of plant specifications is found in Section 9175.)

Minimum caliper of new planting canopy and understory trees shall be at least two inches DBH at planting. Shrubs shall be at least two feet in height above the ground at planting, or in a minimum three-gallon container. Maintenance (especially watering, feeding and pruning) shall be continuous for at least the first three years.

9175 PLANT SPECIFICATIONS

Three plant groupings are used in discussing landscaping: canopy trees, understory trees and shrubs and ground cover.

1. Canopy trees include deciduous or evergreen trees over 24 feet in height when fully grown under local conditions on the site.
2. Understory trees include any deciduous or evergreen tall shrub or tree 12 to 24 feet in height when fully grown under local conditions on the site. Under story shrubs include any deciduous or evergreen shrubs 12 feet or less in height when fully grown under local conditions on the site.
3. Ground cover includes grass.

Species: Plants used should be accustomed to Vermont weather, be non-invasive, have a minimum US Department of Agriculture hardiness of a cold Zone 4 and commonly known to thrive in this mountain community.

A partial list is given but is by no means complete:

1. Canopy trees: Ash, Red Maple, Sugar Maple, Black Locust, Weeping Willow, Red Oak, Gray Birch, White Pine, Black Spruce, White Spruce, Hemlock;
2. Understory trees: Crab Apple, Hawthorn (thornless preferred), Serviceberry, Arbor Vitae;
3. Shrubs: Lilac, Barberry, Juniper, Merservae Holly, Mugho Pine, Viburnum.

Fruit and flowering trees may be used to comply with these requirements.

9180 DISTRICT LINE PLANTING

Where any development in a nonresidential district is along the line of a residential district, there shall be created a minimum of 25 feet of grass area with a mix of canopy and understory trees used to buffer the residential uses from the nonresidential uses. This screening shall be planted along the property line regardless of the current use or status of the adjoining residential area. There shall be no waiver because there is no current development. When the district line runs along or in the center of a roadway, the planting shall be at 25 feet from the center line.

In any commercial or industrial use, a strip of land at least 25 feet wide shall be maintained as a landscape and utility area in the front, side and rear yards of each occupied lot.

9185 PARKING LOT PLANTING

The negative visual impact of parking areas shall be reduced through landscaped buffers, whose width at the roadside edge shall be based upon the length of the parking area exposed to the street (but which shall in no case be less than six feet in width).

Parking Lot Plant Requirements

Generally five percent of the entire parking lot, excluding the access drive, shall be planted with trees and vegetative ground cover. The area of the parking lot is the square foot area of the parking spaces and aisles and interior parking lot islands, excluding access drives that do not contain either parallel or perpendicular parking spaces.

Parking lots containing 10 or more spaces shall be planted with at least one tree per 10 spaces, no smaller than two inch caliper, each tree being surrounded by no less than 48 square feet of permeable, unpaved area. The minimum width of the area shall be six feet.

Planter islands may be combined or placed together such that more than one tree may be provided in the combined planter island, so long as the total space equals a multiple of the requirements above.

Perimeter plantings may be used to satisfy this requirement in parking lots less than 45 feet in width.

Parking areas shall be screened along lot lines bordering institutional or residential uses. Screening shall consist of a planted area at least six feet wide, densely planted with a mixture of deciduous and evergreen trees or shrubs.

9190 ROADSIDE TREES

Removal of trees

Removal of trees over five inches in diameter (DBH) shall be minimized, especially along roadways. Removal of existing trees can usually be reduced by good planning of the building, parking lot, and the entrance/exit drive on the site. Planting of new or replacement trees every 30 feet along roads is encouraged to reinforce rural character. The trees should be deciduous hardwoods, such as maple, oak, linden, sycamore, etc. (not conifers or flowering ornamentals which are shorter lived).

Roadside tree plantings should meet the following criteria:

1. Cast moderate to dense shade in summer;
2. Be long-lived, that is, over 60 years;
3. Be tolerant of low temperatures, snow plow abuse and direct or reflected heat;

4. Require little maintenance, by being mechanically strong and insect- and disease-resistant;
5. Be able to survive two or more years with no irrigation after establishment; and
6. Be of native origin, provided that they meet the above criteria.

Where stonewalls exist, care should be taken to disturb these as little as possible, since they also act to retain the character of country roads.

9195 FENCES

Fences may be required by the Planning Commission where there is a potential for an adverse effect on neighbors. Fences should be a minimum of 48 inches in height above the finished grade and preferably be made of wood, either as stockade, picket or rail fencing. The Planning Commission may impose greater requirements for fence design or height, especially where changes in grade exist.

9200 Screened Service Areas

All service areas shall be screened on all sides with either a wall, solid fence, or fence and evergreens to a height of at least five feet above grade level or higher as determined by the Planning Commission.

9205 BERMS

Landscaping berms are encouraged in overall site design, especially for parking areas. Berms should be a minimum of two feet high at their highest point from the level ground and may include plant material. Site designers are encouraged to include berms along commercial roads and for commercial and industrial uses.

9210 DRAINAGE

Changes in the normal drainage patterns shall be avoided and appropriate protection shall be provided for trees if a grade change is necessary in the surrounding area.

All site development shall include provisions for the environmentally safe discharge of surface water. Drainage systems shall be designed so there is no increase in the peak discharge of water as a result of the development. Surface water shall be retained and or treated on the site if necessary. No increase in any flow levels to off-site adjoining properties is permitted. The State agencies responsible for discharges into watercourses shall review and approve the proposed system. The Town's Road Supervisor or Selectboard shall review and make recommendations on systems which use the Town's storm water system or are in any portion of a Town right-of-way. The Planning Commission may require that the drainage system be designed and installed under the direction of a registered civil engineer.

9215 EROSION CONTROL

Erosion of soil and sedimentation of watercourses and waterbodies shall be minimized by employing the following "best management" practices:

1. Stripping of vegetation, soil removal, and regrading or other development shall be accomplished in a way that minimizes erosion;
2. The duration of exposure of the disturbed area shall be kept to a practical minimum;
3. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
4. Permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends in a particular area or phase;
5. Until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Commission; and

6. The top of a cut or bottom of a fill section shall not be closer than 10 feet to an adjoining property, unless otherwise specified by the Planning Commission.

The Planning Commission may use the US Department of Agriculture Soil Conservation Service *Construction and Material Specifications for Conservation Practices* as a guide for further review and conditions.

9220 ADDITIONAL LANDSCAPE REQUIREMENTS

The Planning Commission may, if it believes it is warranted under the purpose of this Section as stated, require additional landscaping, planting and fencing.

9225 OFF-STREET PARKING AND DRIVEWAY REQUIREMENTS

A required driveway for one- and two-family dwelling units shall be 12 feet wide at the Town road access point.

For all other land uses, the driveway shall be 20 feet wide at the Town road access. Parking spaces shall be 9 feet by 20 feet.

9230 PARKING SPACE REQUIRED PER USE

Residential Uses

One- or two-family dwelling or mobile, home	1 1/2 spaces per dwelling unit plus 1 additional space for each bedroom in excess of 2 bedrooms. (A garage or carport may be used to meet these requirements.)
Multi-family dwelling	1 1/2 spaces per dwelling unit plus 1/2 additional space for each bedroom in excess of 2 bedrooms. (A garage or carport may be used to meet these requirements.)
Professional, residential office, home occupations	1 parking space plus 1 additional parking space for every 300 square feet of operational space.

Non-residential Uses

Hotel, motel, lodge, inn, tourist home, boarding house	1 space per guest bedroom plus additional space for eating or drinking facilities (see below)
Restaurant and/or lounge	1 space for each 2 persons of rated capacity.
Nursing home, hospital Places of public assembly	1 space for every 2 beds. 1 space per 4 seats or 1 per 200 square feet of seating area when fixed seating is not provided.
Business, professional	1 space for every office 200 square feet of usable floor area.

Commercial, business	1 space for every employee and motor vehicle used in the business plus one space for every 200 square feet of usable floor area.
Industrial, wholesale, warehouse, storage, freight and trucking uses. Recreation facility	2 spaces per 3 employees on the premise at one time
Other uses	1 space per 3 users present at any one time. As required by the Zoning Board of Adjustment or Planning Commission under the permit approval process.

9235 OFF-STREET LOADING SPACE REQUIREMENTS

For every building hereafter erected, altered, extended, or changed in use for the purpose of business, trade, or industry, there shall be provided off-street space for loading and unloading of vehicles as follows:

Motels, hotels, etc.	1 space per 11,000 square feet of floor area commercial business service, and industrial establishments
Wholesale, warehouse, freight and trucking use	1 space per 7,500 square feet of floor area

9240 SPECIAL PARKING AND LOADING REQUIREMENTS

All aisles within parking areas shall have a minimum width of 24 feet when parking spaces are at a 90 degree angle with the aisle; 18 feet when spaces are at 60 degrees; and 12 feet when spaces are at 45 degrees.

Aisles and turning areas shall provide good general circulation with adequate radii to assure ease of mobility, ample clearance, and convenient access and egress. In addition, lanes for fire equipment access shall be provided.

Physical improvements of off-street parking and loading areas shall include the following:

1. Curbs, paving, sidewalks and drainage facilities where necessary;
2. Adequate lighting in public parking areas to assure the general safety and convenience where necessary;
3. Screening for protection of adjacent properties, particularly along district boundary lines where necessary; and
4. Parking areas shall comply with setback regulations in each district.

As part of development review approval, the Planning Commission may require additional off-street parking and loading space for any use, if they find that the minimum spaces are not sufficient.

As a part of development review, the Planning Commission may permit the required parking spaces to be located on another lot within 300 foot radius of the main lot.

Parking spaces for any number of separate uses may be combined in one parking lot, but the required space assignment to one use may not be assigned to another at the same time, except under approval of the Planning Commission during development review.

Whenever possible, parking lots should be located in the side and rear of the lot.

Whenever possible, parking lots should take advantage of existing vegetation and changes of ground level to reduce the visual impact of the lot.

9245 HANDICAPPED-ACCESSIBLE PARKING

Accessible parking shall be provided by all commercial uses at a rate of one space per 25 parking spaces required up to 100 spaces, and one accessible space for every 50 spaces required thereafter. No fewer than one accessible space shall be provided for any nonresidential use or as required by the Americans with Disabilities Act.

Single handicapped- accessible spaces shall be 13 feet wide by 20 feet long. Where two or more spaces are required, they will be designed so that there is a choice of entering and exiting a vehicle from all sides.

Accessible spaces should be placed as close to the doorway or covered walkway as possible. Ramps shall bridge any intervening curb or step.

In an existing parking lot coming before the Planning Commission for review, the third parking space shall be accessible.

ARTICLE X: STANDARDS FOR SPECIAL USES

10000 COMMERCIAL ANIMALS

10005 JURISDICTION AND EXEMPTIONS

Commercial animal development are those facilities that combine animals and the general public or have more than 10 animal units on small acreage. Kennels, riding stables and petting zoos are some examples of commercial animal development.

The keeping of animals for personal pets does not require a zoning permit from the Stratton Planning Commission unless there is a new structure or earth moving that meets threshold criteria for zoning review, as described in Section 3010.

10010 APPLICATION SUBMISSION REQUIREMENTS

Submission requirements are the same as for Major Development Review with emphasis on views from public ways. Also required are the following:

1. Provide evidence of preliminary review by the appropriate State agencies;
2. Show enclosure locations on the site plan;
3. Describe how the development will comply with Vermont Department of Agriculture's accepted agricultural practices;
4. Provide noise level information;
5. Provide a signature sheet showing that the applicant has contacted all the neighbors and abutting landowners and that they understand that they can come to the Planning Commission with any comments that they care to make.

10015 SPECIFIC REQUIREMENTS

10020 ENCLOSURES

Enclosures containing the animal and related uses described in this Section include pens, coops, hutches, stables, barns, corrals, and similar structures and shall be subject to the following requirements.

1. All animals kept outside shall be provided with access to shelter protecting them from the sun, rain, snow, together with adequate bedding when the temperature falls below 50 degrees Fahrenheit.
2. All enclosures shall be at least 50 feet from any dwelling unit on an adjacent lot.
3. Animal enclosures shall not be permitted in the required front or sideyard setback areas for main buildings, unless the lot on which the animals are kept is located in Conservation District or this requirement is modified by the Planning Commission.
4. All enclosures shall be adequate to contain the animals intended to use the enclosure and in all cases, animals shall be contained within the boundaries of the property on which they are housed.

10025 Electrical Fencing

Low-voltage electrical fencing is permitted for containment of large animals subject to the following requirements.

1. Electrical fencing may be maintained on the property line at a maximum of six feet in height. When the electrical fence is adjacent to a public road or public access easement, the electrical fence shall be located on the inside of a non-electrical fence.
2. Appropriate signage shall be posted to give notice of the electrical fencing.

10030 MANURE

All excrement produced by animals shall be disposed of on a regular basis to prevent contamination of groundwater, control flies and odor, and comply with the Vermont Department of Agriculture's accepted agricultural practices.

10035 KENNEL REQUIREMENTS

1. The premises shall be kept in a clean and sanitary manner by the daily removal of waste and by the use of pesticide and disinfectants to prevent the accumulation of flies, the spread of disease, or offensive odor.
2. Kennels shall conform to the regulations regarding noise found elsewhere in this Ordinance.
3. A non-transparent fence at least six feet in height shall screen the kennel enclosure.
4. Where a kennel is located on property abutting any residential property, no enclosure shall be located within 50 feet of any interior side lot line or within 50 feet of the rear lot line.

10040 BOARDING AND RIDING STABLE REQUIREMENTS

1. Horses shall be maintained in a corral area containing at least 300 square feet for the first horse, and for each additional horse, an additional 200 square feet of corral area shall be provided.
2. The corral shall be at least, 35 feet from any residence located on the same lot or parcel, at least 50 feet from any residence located on an adjacent lot or parcel and conform to building setbacks from a public or private street.
3. The corral area shall consist of fences at least five feet in height and of appropriate strength to confine the horses.
4. In conjunction with the corrals, there shall be provided structure consisting of at least a weatherproof roof and of the following area: first horse, 60 square feet; for each additional horse; an additional 36 square feet per horse. The stabling structure shall be constructed in accordance with the provisions of the building code of the Vermont Department of Labor and Industry and Federal Confinement Regulations.
5. The corral and stable areas shall be watered or otherwise treated to prevent the emanation of dust. Dust and drainage from the animal enclosure(s) shall not create a nuisance or a hazard to adjoining properties. Manure handling and storage shall conform to the Vermont Department of Agriculture's accepted agricultural practices. There shall be adequate storage capacity for manure. Manure stockpiles shall be no closer than 300 feet from wells. All accumulation of manure, mud or refuse shall be managed to prevent the breeding of flies, contamination of groundwater and creation of odors.
6. Animal odor shall not be detectable beyond the lot lines of the property where the enclosure is located.
7. Noise levels shall comply with Section 9005.
8. Animal wastes shall not pollute surface water.

10045 EXTRACTION OF SAND AND GRAVEL

In accordance with § 4407 (8) of the Act, in any district the removal of soil, sand or gravel for sale, except where incidental to the construction of a building on the same premises, shall be permitted only upon Planning Commission approval of the plan for rehabilitation of the site.

1. The owner of any new or extension to an existing sand or gravel operation shall submit a plan of proposed improvements to ensure that upon completion of the extraction operation the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare.
2. The removal of all material shall have due regard for the contours in the vicinity, grading, erosion control, replanting, surface drainage, topsoil and similar considerations.

3. Extension of an existing non-conforming operation may continue upon approval of the Planning Commission after development review.
4. The Planning Commission may attach any reasonable conditions to assure the safety and general welfare of the public.
5. The Planning Commission may attach any reasonable conditions for the rehabilitation of the operation including a bond, escrow account, or other acceptable surety.

10050 GASOLINE SERVICE STATIONS

In Districts where permitted, gasoline or motor vehicle stations shall comply with the following.

1. The service stations shall be located more than 300 feet from any school, hospital, library, or religious institution.
2. The lot size shall be at least two acres.
3. Lot frontage shall be at least 150 feet.
4. Lot depth shall be at least 125 feet.
5. Pumps, lubricating and other service devices shall be located at least 50 feet from the center line of the highway, side and rear lot lines.
6. All fuel and oil shall be stored at least 35 feet from any property line.
7. All fuel and oil tanks shall be stored at least 300 feet for a well or 100 feet from a municipal water line.
8. A suitably curbed landscaped area shall be maintained at least five feet in depth along all road frontage not used as driveway.

10055 HELICOPTER FACILITY

10060 JURISDICTION AND EXEMPTIONS

A Conditional Use permit and Major Development Review permits and Selectboard approval shall be obtained from the Town of Stratton for all new facilities including taxi routes and stops. Permits are not required for emergency medical and/or rescue operations.

Stratton Emergency Services may designate areas for emergency landings and mark the sites on a map for distribution to providers of emergency helicopter services in the area.

10065 REVIEW

In districts where allowed, review is a four-step process. The project is submitted for preliminary approval by the Stratton Selectboard and the Vermont Aeronautics Operation Section. Then the proposal is reviewed by the Zoning Board of Adjustment under the Conditional Use Review, then by the Planning Commission under the Major Review process after which final Selectboard Approval is issued.

10070 APPLICATION REQUIREMENTS

Application requirements are the same as for Major Development Review with the additional items listed below.

1. A detailed site plan of the project showing the layout of the aircraft landing and aircraft parking spaces, landing surface, fire suppression equipment and fire access, control towers or facilities, wind indicator, taxiways, auto parking areas, fences, landscaping, lights, walkways, adjacent streets final approach and take off area(s), protection zones, tie down details, heliport markings, landing lights, terminal facilities, repair facilities, size and type of helicopters to be provided for, noise projections, air pollution modeling and other details which relate to the development standards listed elsewhere in this Ordinance.

2. Preliminary approval from the Selectboard. Include all comments and paperwork pertinent to preliminary approval of the heliport.
3. Show on a 1:5,000 scale map with contours a radius of one half mile of the heliport, the approach/departure flight path locations, widths, lengths, slopes and other necessary details, as required by the State of Vermont Division of Aeronautics. Show the relationship of the site to natural flight corridors, such as roads and streams.
4. Operational information, such as the proposed hours of operation; the number, type and size of aircraft to be located at or expected to use the site; maximum number of helicopter trips on a daily, weekly, and annual basis; and the purpose of the helicopter trips and any resulting public benefits.
5. A copy of the State of Vermont Aeronautics Division provisional heliport approval, identifying and approving the following: direction, angles, and number of approaches; helipad size and surface; nearby obstructions; lighting and markings; tie-downs; number of trips; location; and fencing.
6. A copy of FAA Form 7480-1, "Notice of Landing Area Proposal," and evidence that it has been filed with the FAA.
7. The application shall include a discussion of preferred approach/departure flight paths, preferred approach/departure path slopes, preferred approach/departure air speeds, preferred times of use, and other relevant factors. In addition, the plan must include a discussion of the existing physical factors, such as topography and proposed physical barriers, such as walls, fences, structures or vegetation, and how these factors would be used to reduce noise impacts. If the proposal cannot meet the regulations of Section 9005 of this Ordinance, a noise variance shall be obtained from the Zoning Board Adjustment. A copy of the applicant's Airport Noise Impact Boundary Analysis and comments as provided by the State of Vermont Agency of Transportation Division of Aeronautics Operations Section shall be included.

10075 SPECIFIC REQUIREMENTS

1. The site area and physical facilities shall be able to accommodate aircraft parking and landing pads, motor vehicle and emergency equipment access and parking, buffering and screening, and sufficient helicopter parking spaces to allow the landing of approaching aircraft without delay.
2. The Planning Commission may impose setbacks and minimum distances from residential zones for HLFs as follows:
 - A. A distance of 200 feet will be used as a guideline for setbacks for all HLFs developed near residential areas. The distance in commercial and industrial areas is 50 feet;
 - B. All setbacks shall be measured from the edge of the landing pad. These distances may be increased or decreased by the Zoning Board or Planning Commission upon consideration of such factors as the number of flights, hours of operation, types of aircraft, number of aircraft, types of existing land uses in the area, topography, proximity to natural aircraft corridors, and type and nature of the proposed noise mitigation plan;
 - C. A 20 foot deep landscaped area must be provided around the HLF. The landscape standards are stated in Sections 9150 to 9205, Landscaping and Screening. Trees must be located so as to not encroach into a 8 (horizontal) to 1 (vertical) flight path from the landing pad in all directions.
3. For HLFs which are primary uses, the amount of off-street parking required will be determined during the Conditional Use review, based on the number of employees, type and number of flights, and type of facilities proposed. There are no additional off-street parking requirements for HLFs which are accessory uses.
4. Street trees may be required for all ground level facilities. Trees shall be located outside of an 8 (horizontal) to 1 (vertical) height from the landing path in all directions.
5. All take-off, landing, and parking areas of HLFs must be surfaced with a dust-proof material.
6. The FATO and the safety area should be kept free of snow.

10080 OPTIONAL REQUIREMENTS

Where appropriate, the Zoning Board of Adjustment or Planning Commission may require one or more of the following items.

1. A log that shows the origin and destination of trips, the time and date, and purpose for each. The permittee will log any deviations from any conditions of approval and the reason for the deviation(s). A copy of the log shall be submitted to the Zoning Administrator every year and shall be available for inspection by the Zoning Administrator upon request.
2. Periodic testing of sound levels at the heliport and along the flight line may be required with copies of the reports sent to the Zoning Administrator and Vermont Agency of Transportation Aeronautics Section.
3. Periodic testing of air quality levels at the heliport shall be required with copies of the reports sent to the Zoning Administrator, Vermont Agency of Natural Resources, Air Quality Section and Vermont Agency of Transportation, Aeronautics Section.
4. Approvals may be made valid for a specific amount of time. A request for a continuation of the use may be required to be reviewed in a public hearing.

10085 JUNKYARD

10086 JURISDICTION AND EXEMPTIONS

See junkyard definition in the glossary for jurisdiction. The provisions of this Section do not apply to incinerators, sanitary landfills, or open dumps wholly owned or leased and operated by a municipality for the benefit of its citizens, or to any private garbage dump or any sanitary landfill which is in compliance with the regulations of the Department of Health and Human Services.

10090 REVIEW

In districts where allowed, review is a three-step process. First the project is reviewed by the Zoning Board of Adjustment under the normal Conditional Use Review, then by the Planning Commission under the Major Review process, and then review by the Selectboard for a junkyard license.

NOTE: Before starting this process, preliminary discussion with the Stratton Selectboard is recommended.

10095 APPLICATION REQUIREMENTS

Submission requirements are the same as for major development review with special review of views from public ways.

In addition, the plans shall show:

1. The building(s) to be used in the operation, all doors, the service area, the parts storage area and the office plotted to scale;
2. Waste oil retention, antifreeze retention, battery fluid and other fluid retention facilities, showing capacities;
3. Gasoline pumps, if any;
4. Location and number of gasoline hoses and storage tank(s);
5. Approval for proposed location from the Agency of Transportation.

10100 SPECIFIC REQUIREMENTS

Prior to Zoning Board or Planning Commission review, the applicant shall get preliminary approval from the Agency of Transportation (AOT) and the Stratton Selectboard. A Conditional Use permit shall not be issued until the necessary AOT approvals are given.

1. No junkyard, shall be permitted to operate within 500 feet of a church, school, hospital, public building or place of public assembly.

2. The site location shall minimize the potential effect of winds carrying objectionable odors or dust off-site.
3. Scrap yards or junkyards shall be located no closer than 200 feet to any public street right-of-way line and shall otherwise have front, side and rear setbacks of at least 150 feet.
4. A minimum of a 50 foot wide strip in the 200 foot setback shall be planted for camouflaging purposes according to the following specifications:
 - A. The 50 foot wide strip shall be planted with pine, Norway Spruce, or other plants of similar screening capability.
 - B. Said trees shall be planted on a staggered pattern with no more than 10 feet between trees.
 - C. The 50 foot wide planting strips shall be so located as to achieve the greatest screening or camouflaging effect, and no visual opening shall exist.
 - D. Trees should be planted that are at the optimum transplanting size and age while still being as large as possible providing an effective screening of the junk yard.
5. There shall be no burning of refuse, garbage or other waste materials.
6. A new junkyard shall be completely surrounded with a fence at least eight feet in height which substantially screens the junkyard before use. The fence shall be erected not nearer than 50 feet from a Town road. A suitable gate shall be closed and locked except during the working hours of the junkyard or when the permittee is in the junkyard. Upon approval of the Stratton Planning Commission, the fencing requirement may be reduced where suitable topography, natural vegetation or other considerations accomplish the purposes of this Ordinance.
7. All motor vehicles and parts stored by the permittee shall be kept within the enclosure of the junkyard except when necessary to transport the vehicles or parts in the reasonable course of business. All wrecking or other work on motor vehicles and parts shall be accomplished within the enclosure.

10105 MANUFACTURED OR MOBILE HOME PARKS

No person shall construct, expand, or operate a manufactured/mobile home park without first obtaining development review approval from the Planning Commission and a Conditional Use Permit from the Zoning Board of Adjustment. Before issuing a permit for a manufactured/mobile home park, a performance bond or similar document approved by the Planning Commission shall be obtained from the operator to assure that the park is constructed and maintained in a satisfactory manner.

10110 COMPLIANCE WITH MANUFACTURED HOME PARK STANDARDS

All parks shall be constructed in concurrence with the Vermont State Mobile Home Park Regulation (10 V.S.A., Chapter 151) which includes the minimum standards in Section 10115.

10115 MINIMUM STANDARDS

1. **Park Area:** The park shall not be less than five acres.
2. **Lot Area:** Each lot shall be at least 8,000 sq. ft. in area and at least 60 feet wide by 120 feet in depth.
3. **Access Driveways:** The access shall be at least 50 feet wide right-of-way, with a gravel surface at least 24 feet wide and 12 inches deep of compacted gravel.
4. **Parking:** There shall be at least three parking spaces for each two home lots.
5. **Sewage Disposal:** The sewage disposal system and water supply for the park shall be approved by the Department of Water Resources.
6. **Drainage:** Drainage of surface water and its disposal shall be approved by the Department of Water Resources.

7. **Setbacks:** The setbacks shall be at least 125 feet from the center line of any State highway or Town road and 100 feet from any property line.
8. **Landscaping:** A strip of land 25 feet wide shall be maintained as a landscaped area abutting all manufactured home park property lines and shall be planted with a screen of coniferous trees a minimum of five feet high.
9. **Site Plan Criteria:** Provide the same application materials as required for Major Development review. See Section 3045.

10120 STORAGE OF FLAMMABLE LIQUIDS AND GASES

The storage of any highly flammable liquids in tanks above ground with unit capacity greater than 550 gallons shall be prohibited:

1. Unless such tanks up to and including 10,000 gallon capacity are placed not less than 80 feet from all property lines; and
2. Unless all such tanks of more than 10,000 gallon capacity are placed not less than 200 feet from all property lines.

All tanks having a capacity greater than 550 gallons shall have surrounding catchment with a capacity not less than one and one half times the capacity of the tanks it surrounds. The catchment may be an earth dike, or metal, plastic or other appropriate containers.

10125 TELECOMMUNICATION FACILITIES

10130 JURISDICTION AND EXEMPTIONS

In districts where allowed, a Conditional Use permit is required for:

1. New tower construction or major modification of existing towers;
2. Telecommunications facilities or major modification of existing facilities or the addition of antennae mounted on a tower or structure;
3. No personal wireless service facility shall be considered exempt from this Ordinance for any reason, even if the facility proposed will share a tower or other structure with exempted uses.

In acting on the Conditional Use Permit application, the Stratton Zoning Board of Adjustment shall proceed in accordance with Section 5020, Conditional Use permits.

The following wireless telecommunications facilities are exempt:

1. Police, fire, ambulance and other emergency dispatch;
2. Amateur (ham) radio; citizens band radio;
3. Any existing commercial radio tower; and
4. Radio dispatch services for local businesses.

10135 APPLICATION REQUIREMENTS

Application requirements are the same as for Major Development Review. In addition the following information is required.

1. Provide the exact legal name, address or principal place of business and phone number of the following:
 - A. Person to whom correspondence or communications in regard to the application are to be sent;
 - B. Person to be contacted in the event of an emergency involving the facility;

NOTE: This should be someone available on a 24-hour basis who is authorized by the applicant to act on behalf of the applicant.

- C. Owner of the property on which the proposed tower is to be located, and of the owner(s) of the tower or structure;
 - D. Written permission for the Town's independent consultant(s) to conduct site visit(s).
2. Provide evidence of need:
- A. Provide written documentation demonstrating that existing telecommunications facility sites and other existing structures of suitable height in Stratton, in abutting towns, and within a 30 mile radius of the proposed site cannot reasonably be made to provide adequate coverage and/or adequate capacity to the Town of Stratton.
 - B. Provide documentation for each facility site listed which is owned or operated by the applicant, the exact location (in longitude and latitude), ground elevation, height of tower or structure, type of antennas, antenna gain, height of antennas on tower or structure, output frequency, number of channels, power input and maximum power output per channel. Describe potential adjustments to these existing facility sites, including changes in antenna type, orientation, gain, height or power output. Include radial or tiled coverage plots showing each of these facility sites, as they exist.
 - C. Provide written documentation that it has analyzed the feasibility of repeaters in conjunction with all facility sites listed in compliance with B. above to provide adequate coverage and/or adequate capacity to the Town of Stratton. Provide radial or tiled coverage plots of all repeaters considered for use in conjunction with these facility sites.
 - D. Demonstrate which portion of a tower or structure and which antennae, if any, are to reduce or eliminate reliance on land-lines, or otherwise provide communications capability to the applicant, as opposed to providing direct service to customers. Such provision of indirect service may be considered if reasonable alternatives are not available and the incremental effect is consistent with the purposes set forth in this Ordinance.
 - E. Provide a written five-year plan for the utilization of the proposed facilities. This plan should include justification for capacity in excess of immediate needs, as well as plans for any further development within the Town of Stratton.
3. Provide legal and technical documentation for telecommunications towers and facilities:
- A. Provide copies of all pertinent submittals and showings related to:
 - FCC permitting/licensing; Environmental Assessments and Environmental Impact Statements; all pertinent data, assumptions and calculations relating to service coverage; and all pertinent calculations and/or measurement data related to non-ionizing radiation emissions and exposure, regardless of whether categorical exemption from routine environmental evaluation under the FCC rules is claimed.
 - B. FAA Notice of Construction or Alteration; and aeronautical studies.
4. Provide a proposed method for financial surety as required in Section 4060 of this Ordinance, Removal Requirements.
5. Provide a written, irrevocable commitment valid for the duration of the existence of the tower, to rent or lease available space for collocation on the tower at fair market prices and terms, without discrimination to other telecommunications providers.
6. Provide a copy of the lease/contract with the owner of the existing structure.
7. Provide proof that the applicant for a telecommunications tower or facility is a telecommunications provider or provide a copy of a lease/contract with an existing telecommunications provider. A Conditional Use permit shall not be granted for a tower to be built on speculation.
8. Provide signal propagation and radio-frequency studies, plots and related material, clearly identified and signed by a qualified radio frequency engineer.
9. Provide a copy of a portion of the most recent U.S.G.S. Quadrangle map, at a scale of 1:25,000, and showing the area within at least two miles of the proposed tower site. Indicate the tower location and the exact latitude and longitude (degrees, minutes and seconds to the nearest tenth).

10. Provide a vicinity map at a scale of 1" = 416' (1: 5,000) with contour intervals no greater than 10 feet showing the entire vicinity within a 2,500 foot radius of the tower site; and include the topography of public and private roads and driveways; and topography around buildings and structures, bodies of water, wetlands, landscape features, historic sites, and habitats for endangered species. Indicate any access easement or right of way needed for access from a public way to the tower. Provide the names of all abutters or property owners along the access easement or who have deeded rights to the easement.
11. Provide a plan of the proposed facility, site layout, grading and utilities at the same scale or larger than the existing conditions plan.
 - A. Indicate the proposed tower location and any appurtenances, including supports and guy wires, if any, and any accessory building (communication equipment shelter or other). Where protective fencing is proposed, indicate setback distances from the edge of the fencing.
 - B. Indicate proposed spot elevations at the base of the proposed tower and at the base of any guy wires, and the corners of all appurtenant structures.
12. Provide elevations of the proposed tower and appurtenances.
 - A. Show elevations, sections and details at appropriate scales but no smaller than 1" = 10'.
 - B. Show two cross sections through proposed tower drawn at right angles to each other, and showing the ground profile to at least 100 feet beyond the limit of clearing, and showing any guy wires or supports. Dimension the proposed height of tower above average grade at tower base. Show all proposed antennas, including their location on the tower.
 - C. Show details of proposed tower foundation, including cross sections and details. Show all ground attachments, specifications for anchor bolts, and other anchoring hardware.
 - D. Show a detail proposed exterior finish of the tower.
 - E. Indicate relative height of the tower to the tops of surrounding trees as they presently exist, and the height to which the trees are expected to grow in 10 years.
 - F. Illustrate the modular structure of the proposed tower indicating the heights of sections which could be removed or added in the future to adapt to changing communications conditions or demands.
13. Provide written description developed by professional structural engineer of the proposed tower structure and its capacity to support additional antennas or other communications facilities at different heights and the ability of the tower to be shortened if future communications facilities no longer require the original height prepared.
14. Provide a Proposed Equipment Plan: Plans, elevations, sections and details at appropriate scales but no smaller than 1" = 10'.
 - A. Number of antennas and repeaters, as well as the exact locations of antenna(s) and of all repeaters (if any) located on a map as well as by degrees, minutes and seconds to the nearest tenth of latitude and longitude;
 - B. Mounting locations on tower or structure, including height above ground;
 - C. Provide a description of available space on the tower, providing illustrations and examples of the type and number of telecommunications facilities which could be mounted on the structure.
15. Provide information about antenna type(s), manufacturer(s) and model number(s) for each antenna, and information about the antenna gain and antenna radiation pattern. Include information about:
 - A. Number of channels per antenna, projected and maximum;
 - B. Power input to the antenna(s). Power output, in normal use and at maximum output for each antenna and all antennas as an aggregate; and
 - C. Output frequency of the transmitter(s).
16. Provide the results of an intermodulation study to predict the interaction of the additional equipment with existing equipment when modifying an existing facility with multiple emitters.

17. Provide visibility information, include maps with a minimum of eight view lines in a zero to two mile radius from the site, shown beginning at true north and continuing clock-wise at 45 degree intervals.

- A. A map of the Town of Stratton on which any visibility of the proposed tower from a public way (including all existing public rights of way) shall be indicated.
- B. Provide for a mock tower visibility demonstration. Within 35 days of submitting an application, the applicant shall arrange to fly, or raise upon a temporary mast, a three foot diameter brightly colored balloon at the maximum height of the tower and within 50 horizontal feet of the center of the proposed tower.
- C. Provide the dates, times and location of this test shall be advertised by the applicant, seven and 15 days in advance of the test date in the *Brattleboro Reformer* and the *Rutland Herald*. The applicant shall inform the Stratton Zoning Board of Adjustment, the Planning Commission, and abutting property owners in writing of the dates and times of the test, at least 15 days in advance. The balloon shall be flown for at least four consecutive hours between 9:00 a.m. and 5:00 p.m. on the test dates chosen.
- D. Develop and submit a written analysis of the visual impact of the proposed tower. This analysis shall include photographs of the balloon test taken from at least 10 different locations within the Town of Stratton.

10140 GENERAL TOWER REQUIREMENTS

In addition to the normal major review the Planning Commission shall ensure the following requirements are met.

- 1. To the extent practicable, roads shall follow the contour of the land, and be constructed or improved within existing forest or forest fringe areas, and not in open fields.
- 2. Utility or service lines shall be designed and located to minimize or prevent disruption to the scenic character or beauty of the area.
- 3. Screening shall be required at the perimeter of the site. A natural or planted vegetative screen of a minimum of 25 feet in depth and six feet in height shall be maintained at all times. Vegetation shall be of a type that has the potential to reach a height of at least 15 feet at maturity.
- 4. The area around the tower and communication equipment shelter(s) shall be completely fenced for security to a height of six feet and gated. Use of razor wire is not permitted.
- 5. A sign no greater than two square feet indicating the name of the facility owner(s) and a 24 hour emergency contact telephone number, either local or toll-free, shall be posted adjacent to the entry gate. In addition, No Trespassing or other warning signs, and the federal tower registration plate, where applicable, may be posted on the fence or as required to meet federal requirements.
- 6. Communication equipment shelters and accessory buildings shall be designed to be architecturally similar and compatible with each other, and shall be no more than 12 feet high. The buildings shall be used only for the housing of equipment related to this particular site. Whenever possible, the buildings shall be joined or clustered so as to appear as one building.
- 7. New towers shall not exceed the minimum height necessary to provide adequate coverage for the telecommunications facilities proposed for use on the tower. Repeaters shall not be closer than 25 feet to the ground. Bulky antenna and platforms such as shields, dishes and cones shall be as close to the tree line as practical.
- 8. New towers shall have a galvanized finish unless otherwise required. The Stratton Planning Commission or Zoning Board of Adjustment may require that the tower(s) be painted or otherwise camouflaged to minimize the adverse visual impact. Large dish antennas (e.g., over six feet in diameter) are prohibited.

For example, the tower could be put inside an artificial tree, a clock tower, a church steeple, or a flag pole. Wireless devices or supporting structures may be required to be painted or camouflaged so as to blend in with the background.

9. Tower(s) shall maximize the potential for sharing of antennae.
Lattice type structures are preferred, but where a monopole is required, applicant must demonstrate the future utility of such structure for expansion of service for applicant and other future applicants.
10. Commercial advertising shall not be allowed on any antenna, tower, or accessory building or communication equipment shelter.
11. External lighting is not permitted, except for manually operated emergency lights for use only when operating personnel are on-site or as required by Federal Aviation Administration regulations.
12. Repeaters shall be located no closer than 100 feet to a dwelling unit.
13. A telecommunications facility or tower, including guy-wire anchors and protective fencing, shall not be located:
- A. Closer than 300 feet to any boundary of the site on which the tower is located;
 - B. At the time of application no closer than 1,500 feet to any structure existing which is used as a primary or secondary residence, to the property of any school, or to any other public building;
 - C. Within the habitat of any State-listed (Title 10 Conservation and Development Chapter 123 Protection of Endangered species) rare or endangered wildlife or plant species;
 - D. Within 200 feet of any Vermont or federally regulated wetland;
 - E. Within 200 feet of the outer riparian zone of any river or perennial stream; or
 - F. Within 1,500 feet of any archeological site or historic district or property listed on the State or Federal Register of Historic Places.

10145 CONDITIONAL USE REVIEW

The Stratton Zoning Board of Adjustment shall, in consultation with independent consultant(s), make all of the following applicable findings before granting the Conditional Use Permit.

1. Applicant is not already providing adequate coverage and/or adequate capacity to the Town of Stratton.
2. Applicant is not able to use existing tower/facility sites either with or without the use of repeaters to provide adequate coverage and/or adequate capacity to the Town of Stratton.
3. Applicant has endeavored to provide adequate coverage and adequate capacity to the Town of Stratton with the least number of towers and antennae and is technically and economically feasible.
4. Efforts have been made to locate the new tower(s) adjacent to existing tower(s).
5. Applicant has agreed to rent or lease available space on the tower, under the terms of a fair market lease, with reasonable conditions and without discrimination to other telecommunications providers;
6. Proposed telecommunications facility or tower makes use of available Town and State lands and suitable existing governmental or privately owned structures.
7. The proposal shall comply with rules as adopted in FCC 97-303 and procedures outlined in FCC Bulletin 65 regarding emissions and exposure from electromagnetic radiation and that the required monitoring program is in place and shall be paid for by the applicant.
8. Towers and telecommunications facilities shall be located to minimize the following potential impacts:
 - A. Towers shall, when possible, be sited off ridge lines, and where their visual impact is least detrimental to highly rated scenic areas. In determining whether or not a tower will have an undue adverse visual impact on the scenic or natural beauty of a ridge or hillside, the Zoning Board shall consider:
 - a. The period of time during which the proposed tower would be viewed by the traveling public on Town roads;
 - b. The frequency of the view of the proposed tower as experienced by the traveling public;

- c. The degree to which the view of the tower is screened by topographic features;
 - d. Background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
 - e. The distance of the proposed tower from the viewing vantage point and the proportion of the facility that is visible above the skyline;
 - f. The number of vehicles traveling on a public highway or waterway at or near the critical vantage point; and
 - g. The sensitivity or unique value of the particular view affected by the proposed development.
- B. Devaluation of property values: Siting shall be in low population density areas when possible.
- C. Safety hazards: The facility shall be sited so that it is not an attractive nuisance, so that structural failure of the tower or ice accumulation and discharge do minimal damage to nearby property.
- D. Electromagnetic radiation: The facility shall not exceed the FCC guidelines for electromagnetic radiation.
- E. Coverage Area: If primary coverage (greater than 50 percent) from proposed telecommunications facility is outside Stratton, then the permit may be denied unless the applicant can demonstrate that it is unable to locate a facility within the Town which will provide primary coverage.
9. Financial Surety: The applicant shall provide a form of surety acceptable to the Stratton Zoning Board of Adjustment to cover the cost of removal of the telecommunications facility along with the remediation of the landscape, should the facility cease to operate.

10150 TOWER REMOVAL REQUIREMENTS

Any telecommunications facility which ceases to operate for a period of one year shall be removed. "Cease to operate" is defined as not performing the permitted functions associated with the telecommunications facility and its equipment on a continuous and ongoing basis for a period of one year. At the time of site remediation, all telecommunications facility improvements which have ceased to operate shall be removed and the site revegetated. Existing trees may be removed only if necessary to complete the required removal.

10155 TRANSFER OF DEVELOPMENT RIGHTS

Transfer of development rights are reviewed by the Stratton Planning Commission on a case-by-case basis as the need arises.

In order to accomplish the purposes of 10 V.S.A. § 6301, provisions for the transfer of development rights, a person wishing to transfer development rights shall:

1. Identify one or more sending areas for which development rights may be acquired;
2. Identify the receiving area in which development rights are to be used;
3. Submit the density increase in receiving areas along with the quantity of development rights necessary to obtain those increases for approval by the Planning Commission.

In each case the Planning Commission shall determine the "density increase" allowable in percentage decrease in lot size or increase in building bulk, lot coverage or ratio of floor area to lot size, or any combination. The Planning Commission also shall determine in each case the amount and kind of "development rights." Such development rights shall include a conservation easement, created by deed for a specified period of not less than 30 years, granted to the Town of Stratton, limiting the land uses in the sending area solely to specified purposes, such as agriculture, forestry and recreation.

Upon approval by the Planning Commission, a Zoning Permit may be granted for land development based in part upon a density increase, provided:

1. The area subject to the application is acceptable as a receiving area, and the density increase is allowed by the Planning Commission to transfer development rights;

2. The applicant has obtained development rights from a sending area which are sufficient for the density increase sought;
3. The development rights are evidenced by a deed which recites that it is a conveyance under this development and specifies the number of acres affected in the sending area; and
4. The sending area from which development rights have been severed has been surveyed and suitably monumented.

The Town of Stratton shall maintain a map of areas from which development rights have been severed. Following issuance of a Zoning Permit under this Section, the Town through the Zoning Administrator shall:

1. Ensure that the instruments transferring the conservation easements and the development rights are recorded; and
2. Mark the development rights map showing the area from which development rights have been severed, and indicating the book and page in the land records where the easement is recorded.

The Stratton Selectboard shall ratify the transfer of development rights prior to final implementation and final review by the Planning Commission for a Zoning Permit.

Failure to record an instrument or mark a map does not invalidate a transfer of development rights.

Development rights transferred under this Section shall be valid notwithstanding any subsequent failure to file a notice of claim under the Act 125 Title 24 V.S.A. § 1154 *An Act Relating To Recording of Instruments And Documents Required to Determine Marketability of Record*.

ARTICLE XI: ORGANIZATION AND ADMINISTRATION

11005 ZONING ADMINISTRATOR

A Zoning Administrative Officer as defined in the Act is called the Zoning Administrator in the Town of Stratton.

11010 DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall assist applicants in preparing applications; review applications for completeness; refer permit applications for Conditional Use review, Variance review or other review to the Zoning Board of Adjustment; refer applications for various levels of development review to the Planning Commission; issue permits; post public notices; inspect developments; maintain records; deliver copies of permits and decisions to Lister and Town Clerk; enforce these Ordinances and decisions and permits issued under this Ordinance; issue Certificates of Use and perform all other tasks necessary and appropriate to administer these Ordinances.

The Zoning Administrator is the first contact the public has with Town regulations, which requires public relation and education skills. The Administrator should provide an interested person with forms required to obtain any Town permit or other Town authorization required under this Ordinance, or under other laws or ordinances that relate to the regulation of land development. If other Town permits or authorizations are required, the Administrator should coordinate a unified effort on the behalf of the Town in administering its development review programs. The Administrator should inform any person applying for permits or authorizations that the person should contact the Regional Permit Specialist employed by the Agency of Natural Resources, in order to assure timely action on any related State permits; nevertheless, the applicant retains the obligation to identify, apply for, and obtain relevant State and federal permits. If the Zoning Administrator rejects an application as incomplete or denies a request for a Zoning Permit, he or she must advise the applicant of that individual's right to appeal the decision or action to the Zoning Board of Adjustment.

The Zoning Administrator is responsible for presenting to the Chairs of the Planning Commission and Zoning Board of Adjustment information relevant to the exercising of their duties. The Zoning Administrator is responsible for regular reports to the Planning Commission about permit applications, permits, updates on existing permits, enforcement proceedings and issuance of Certificates of Use. The compensation of the Zoning Administrator shall be fixed under § 932 and 933 of the Act and the officer shall be subject to the personnel rules of the Town of Stratton adopted under § 1121 and 1122 of the Act.

The Zoning Administrator shall administer the Ordinances literally, and shall not have the power to permit any land development which is not in conformance with these Ordinances.

11015 APPOINTMENT

The Zoning Administrator shall be appointed by the Planning Commission for a period of three years in accordance with § 4442 of the Act, with the approval of the Selectboard, promptly after the adoption of the first of the Zoning Ordinances or whenever a vacancy exists for the remainder of the three-year term. A Zoning Administrator may be removed for cause at any time by the Selectboard after consultation with the Planning Commission.

The Selectboard may appoint the Zoning Administrator as the person in charge of issuing municipal tickets under 24 VSA §1974a (d) and may be the administrator of other Town Ordinances and Bylaws.

An Acting Zoning Administrator may be appointed as provided in § 4442 (b) of the Act and shall have the same responsibilities as the Zoning Administrator in his/her absence.

11020 PLANNING COMMISSION

11025 PLANNING COMMISSION MEMBERSHIP AND ORGANIZATION

The Stratton Planning Commission shall have no fewer than three nor more than nine voting members. At least a majority of the members of a Planning Commission shall be residents of the Town of Stratton. Stratton elects planning commissioners for terms of one to four years. The length and spacing of terms is decided by vote of the Town. Elections of members occur only as terms are completed, as vacancies occur, or as new planning commissions positions are created. Replacement of members leaving with unexpired terms are appointed by the Planning Commission with the approval of the Selectboard.

An organization meeting shall take place during the first meeting after the election of new members in March. The Planning Commission shall elect a Chair and a Clerk and shall adopt by majority vote of those members present and voting such other rules as it deems necessary and appropriate for the performance of its functions.

11030 DUTIES OF THE PLANNING COMMISSION

The Planning Commission may:

1. Prepare a Town Plan and amendments as needed for consideration by the Selectboard and residents of the Town of Stratton. The Planning Commission shall review any amendments thereof initiated by others as set forth in the Act;
2. Prepare and present to the Stratton Selectboard and the residents of the Town proposed Ordinances and make recommendations on proposed amendments to such Ordinances as set forth in the Act;
3. Administer Ordinances adopted under the rules and procedures of the Act;
4. Undertake capacity studies and make recommendations on matters of land development, urban renewal, transportation, economic and social development, urban beautification and design improvements, historic and scenic preservation, the conservation of energy and the development of renewable energy resources and wetland protection. Data gathered by the Planning Commission that is relevant to the geographic information system established under 3 V.S.A. § 20 shall be compatible with, useful to, and shared with that system;
5. Prepare and present to the Stratton Selectboard and residents of the Town recommended building, plumbing, fire, electrical, housing, and related codes and enforcement procedures, and construction specifications for streets and related public improvements;
6. Prepare and present a recommended capital budget and program for a period of five years, as set forth in § 4426 of the Act, for action by the Stratton Selectboard, and residents of the Town as set forth under § 4404a of the Act;
7. Hold public meetings;
8. Require from other departments and agencies of the Town of Stratton such available information as relates to the work of the Planning Commission;
9. Enter upon land to make examinations and surveys;
10. Participate in a regional planning program;
11. Retain staff and consultant(s) to assist in carrying out its duties and powers;
12. Undertake comprehensive planning, including related preliminary planning and engineering studies; and
13. Perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed by, and the intent and purposes of, the Act.

The Planning Commission shall keep minutes of its resolutions and transactions. The minutes and permits shall be maintained as a public record in the office of the Stratton Town Clerk.

11035 ZONING BOARD OF ADJUSTMENT

11040 ORGANIZATION OF THE ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment may consist of all the members of the Planning Commission or may include one or more members of the Planning Commission. The Board of Adjustment shall consist of not fewer than three nor more than nine persons, as the Stratton Selectboard determines. They are appointed by the Selectboard promptly after the adoption of this Ordinance and after Town meeting each year for expired terms or as soon as practical to fill vacancies. The terms of office, except for replacements, begin the first meeting after Town meeting each year.

The Selectboard may appoint alternates to a Board of Adjustment for a term to be determined by the Selectboard. Alternates may be assigned by the Selectboard to serve on the Board of Adjustment in situations when one or more members of the Board are disqualified or are otherwise unable to serve.

Vacancies shall be filled by the Selectboard for the unexpired terms and upon the expiration of such terms.

Members of a Board of Adjustment may be removed for cause upon written charges and after a public hearing. The Board of Adjustment shall elect its own officers and adopt rules of procedure, subject to the Act. Meetings of the Board of Adjustment shall be held at the call of the chairman and at such times as the Board may determine, subject to public notice provisions of the Act as discussed in Section 11045 below.

11045 DUTIES OF THE ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment shall have the following duties and powers, in addition to those specifically provided for in the Act:

1. To hear and decide appeals taken under this Ordinance including, without limitation, where it is alleged that an error has been committed in any order, requirement, decision or determination made by the Zoning Administrator under this Ordinance in connection with the enforcement of a portion of the Ordinance;
2. To hear and grant or deny a request for a Variance under this Ordinance and § 4468 of the Act;
3. To hear and grant or deny a request for a Conditional Use request under this Ordinance and § 4407(2) of the Act;
4. To hear and grant or deny Zoning Administrator's request to remove an unsound or unsafe building;
5. To hear and grant or deny a request for an extension of construction completion date.

Rules of procedure, nature of appeals, public notice, conditions for variance relief, and all other matters shall be as provided in Section 6025 of this Ordinance and § 4464, 4465, 4466, 4467, 4470 and § 4475 of the Act.

Article XII: REQUIRED ELEMENTS

12005 APPLICATION OF THE ORDINANCE

The application of this Ordinance is subject to §4405, 4406, 4407, 4408, and 4409 of the Act. Except as hereinafter provided no “land development”, as such term is defined by this Ordinance, may be commenced in the Town of Stratton unless in conformity with the regulations herein specified for the district in which it is located. Any use not permitted by this Ordinance shall be deemed prohibited.

12010 INTERPRETATION

This Ordinance is intended to repeal the previous Stratton Zoning Ordinances but is not intended to repeal, annul, and/or impair any other regulation or permit issued. Where this Ordinance imposes a greater restriction upon the use of a structure or land than is required by any other statute, rule, ordinance, or regulation, the provisions of this Ordinance shall control and apply. In any case where the restrictions within this Zoning Ordinance overlap or conflict in their application to a particular structure, use, or parcel of land, those provisions which would impose the greater restriction upon such structure, use, or parcel of land shall control.

12015 AMENDMENTS

This Ordinance may be amended according to the requirements and procedures established in § 4403 and 4404 of the Act.

12020 SUPPLEMENTAL RULES

The Planning Commission may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in this Ordinance, provided the rules and regulations are not inconsistent with the overall zoning regulations. The Planning Commission shall hold a public hearing after public notice as required by § 4447 of the Act, prior to the establishment of any supplementary rules and regulations.

12025 SEPARABILITY

The invalidity of any article or section of this Ordinance shall not invalidate any other part of the Ordinance.

12030 COMPUTATION OF TIME

Where an event is required or permitted to occur by this Ordinance before, on or after a specified period of time measured from another event, in calculating the period: the first day shall not be counted; and the final day shall be counted.

12035 EXISTING SMALL LOTS

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this Zoning Ordinance may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such a lot is not less than one-eighth acre in area with a minimum width or depth dimension of 40 feet.

1. If the lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot. However, the lot shall not be deemed merged and may be separately conveyed, if:

- A. The lots are conveyed in their preexisting, nonconforming configuration;

- B. On the effective date of this or previous zoning regulations, the non-conforming lots had each been developed with a water supply and wastewater disposal system;
- C. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
- D. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails. Failure means the system functions in a manner:
 - a. That allows wastewater to be exposed to the open air, pool on the surface of the ground, discharge directly to surface water, or back up into a building or structure unless the approved design of the system specifically requires the system to function in such a manner;
 - b. So that a potable water supply is contaminated or rendered not potable;
 - c. That presents a threat to human health; or
 - d. That presents a serious threat to the environment.

2. If the lots are transferred separately, as authorized under Subdivision 1. A. of this Section, and a wastewater system fails, the owner shall be required to obtain from the Secretary of Natural Resources a Wastewater Permit as required under the subdivision regulations or a certification that the wastewater system has been modified or replaced, with the result that it no longer constitutes a failed system.

12040 REQUIRED FRONTAGE

No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of way of at least 20 feet. Notwithstanding this minimum requirement, a 50 foot wide right-of-way is preferred.

12045 PROTECTION OF HOME OCCUPATIONS

A resident may use a portion of an existing primary dwelling as an accessory use for service or craft occupation conducted by its residents, which is clearly secondary to the dwelling uses for living purposes and does not sell a product to the general public from the dwelling or change the character of neighborhood.

12050 EXISTING USE OF STRUCTURES AND LAND

This Ordinance shall not apply to the use of structures and land in existence at the time of the adoption of this Ordinance. However, once a non-conforming use is changed to a conforming use it cannot be changed back to a non-conforming use. Resumption of non-conforming uses is prohibited, if such use is abandoned for any period of time or if discontinued for six calendar months regardless of evidence of intent to resume such use.

A lot which conforms with this Ordinance by virtue of a variance or special exception shall not be altered without further variance or special exception being granted.

A non-conforming use shall not be expanded, enlarged or moved within the district.

12055 USE OF RIGHT-OF-WAY IN CALCULATION OF REQUIRED LOT SIZE

Existing rights-of-way or proposed rights-of-way shall not be considered in calculating required lot area.

13060 REDUCTION OF LOT AREA

No lot shall be reduced in area so that the total area, lot width, frontage yards, coverage or other requirements of this Ordinance shall be less than prescribed for each district. The provisions of this Section shall not apply when part of a lot is taken for a public purpose or the non-conforming small lot is merged with a larger conforming lot.

12065 ABANDONMENT OF NON-CONFORMING STRUCTURES

Within two years after a building permit has expired for a building which has been started or within two years after a permanent or temporary building has been destroyed, demolished, or abandoned, all structural materials shall be removed from the site, and the excavation remaining shall be covered over or filled to the normal grade by the owner of the land. If the landowner does not comply, the Town will do the work and bill the landowner.

Article XIII: ENFORCEMENT

13005 ENFORCEMENT, PENALTIES AND REMEDIES

Violations of the Ordinance shall be regulated as prescribed in § 4444 and 4445 of the Act. The fines for violation of this Ordinance shall be the maximum amount permitted under the Act.

13010 VIOLATION DISCOVERY

These are the ways that a Zoning Administrator generally becomes aware of a violation:

1. Direct observation;
2. Complaint from a neighbor, Planning Commission member or other person;
3. During site visits required by the Permit(s) issued by the Planning Commission and/or Zoning Board of Adjustment; and
4. Landowner or purchaser of property who wishes to cure a defect. For land development that began after April 25, 1998, violations of local land use regulations will be considered as a defect in the title of land ownership. See details in Title 27 V.S.A. § 612.

13015 OPPORTUNITY FOR VOLUNTARY COMPLIANCE

Under certain circumstances, the Zoning Administrator may choose to negotiate voluntary compliance before issuing an official Formal Notice of Violation. In the Town of Stratton evidence of voluntary compliance shall begin within seven days of informal notification and end in the shortest reasonable time. Successful voluntary compliance results in a written agreement stating that the landowner is in violation of a specific law or permit condition. The agreement will include a specific remedy or action and a specified amount of time within which the remedy or action will take place and that the landowner will allow the Zoning Administrator to inspect the premises to ensure compliance by the agreed upon date.

13020 FORMAL NOTICE OF VIOLATION

Once a violation has been discovered, a reported complaint confirmed, the negotiated voluntary compliance agreement has not been upheld, or the Zoning Administrator has been denied access to a property to investigate the purported existence of a violation, the Zoning Administrator has a reasonable basis to issue a formal notice. The notice can be either a Municipal Complaint or “Ticket” under the Municipal Court Ordinance Chapter 59 Title 24 § 1974 or a “Notice of Violation” under § 4444 and 4445 of the Act. In either case the notice is filed with the land records after the appeal period has elapsed.

The choice of which type of notice to file depends on the type of violation and the resources to follow through with administration of the violation. A Notice of Violation is a criminal process. The Municipal Complaint is a civil process. The Zoning Administrator should confer with the Planning Commission Chair, the Selectboard and/or the Stratton Town Council in making this decision.

13025 NOTICE OF VIOLATION FORM

The Notice of Violation shall be sent to the owner of the land where the alleged violation occurred by certified mail (return receipt requested) that he or she is in violation of the Ordinance. The violator may be someone other than the landowner but the landowner is ultimately responsible for the violation.

13030 NOTICE OF VIOLATION CONTENTS

The notice shall state that a violation exists, and reference the Sections of the Ordinances or Permits that are being violated.

1. The notice shall state that the alleged violator has seven days to cure the violation before an action will be brought to enforce the violation.
2. The notice shall state that each day the violation continues constitutes a separate offense.
3. The notice shall state the per day fine amount for the violation.

The notice shall state that an enforcement action may be brought by the Zoning Administrator without the seven-day notice period if the alleged offender repeats the violation after the seven-day period and within the succeeding 12 months.

The Notice of Violation shall state that the alleged violator has 15 days to appeal the Notice of Violation to the Zoning Board of Adjustment by filing a written notice of appeal with the Secretary of the Zoning Board of Adjustment or Town Clerk if no Secretary.

13035 MUNICIPAL COMPLAINT OR TICKET

13040 ISSUING A SUMMONS AND COMPLAINT

Under Chapter 59 Title 24 § 1974a. Enforcement of a civil penalty of not more than \$500.00 may be imposed for a violation of a civil ordinance. Each day the violation continues shall constitute a separate violation.

All civil ordinance violations used in the enforcement of this Ordinance and all continuing civil ordinance violations, where the penalty is \$500.00 or less, shall be brought before the Judicial Bureau pursuant to the Act. If the penalty for all continuing civil ordinance violations is greater than \$500.00, or injunctive relief is sought, the action shall be brought in Superior Court.

The Judicial Bureau, on application of the Town of Stratton, may order that a civil ordinance violation cease.

13045 MUNICIPAL COMPLAINT CONTENTS

The complaint shall contain:

1. A description of the ordinance allegedly violated;
2. The allegations;
3. The amount of the penalty; and
4. An explanation of rights and instructions on answering the allegations.

The complaint shall also contain, in boldface print, the following:

- (1) IF YOU ADMIT TO A VIOLATION OF THE ORDINANCE OF THE TOWN OF STRATTON OR IF YOU DO NOT CONTEST THE ALLEGATIONS, SIGN THE COMPLAINT ADMITTING THE VIOLATION OR STATING THAT THE ALLEGATIONS ARE NOT CONTESTED AND SEND IT TO THE JUDICIAL BUREAU WITHIN 20 DAYS.
- (2) IF YOU WANT TO DENY THE ALLEGATIONS IN THIS COMPLAINT, YOU MUST SEND A SIGNED DENIAL TO THE JUDICIAL BUREAU WITHIN 20 DAYS.
- (3) IF YOU DO NOT ANSWER THIS COMPLAINT WITHIN 20 DAYS, A DEFAULT JUDGMENT WILL BE ENTERED. THE FAILURE TO PAY THE PENALTY ASSESSED WILL RESULT IN FURTHER LEGAL ACTION AGAINST YOU.
- (4) IF YOU ADMIT OR DO NOT CONTEST OR DO NOT ANSWER, YOU WILL BE LIABLE FOR THE AMOUNT INDICATED IN THE COMPLAINT.

The complaint shall be signed by the Zoning Administrator when the complaint is filed.

The original copy shall be filed with the Judicial Bureau, a copy shall be retained by the Zoning Administrator and the Planning Commission, and two copies shall be given to the defendant.

If necessary, the Zoning Administrator may void or amend the originally issued complaint by changing the complaint and sending it to the Judicial Bureau.

13050 ENFORCEMENT ACTIONS

The Zoning Administrator is charged with taking “appropriate action” to abate a violation in the event that an alleged violator fails to cure the violation as required within the seven-day grace period. If the alleged violator appeals the Notice of Violation to the Zoning Board of Adjustment within 15 days, then the Zoning Administrator must wait until the Board determines whether a violation exists before he or she takes further action to enforce the Ordinance.

13055 APPROPRIATE ACTION

Zoning enforcement actions may be brought in Superior Court, or Environmental Court, District Court or in the Traffic and Municipal Ordinance Bureau.

The choice of actions depends on the type of violation and the resources available to follow through with administration of the violation. The minimum appropriate action is filing the Notice of Violation or Ticket with the Town Clerk under the provisions of 24 V.S.A. § 4470(c) & 24 V.S.A. §1974a (d) and Act 125, Title 27 V.S.A. § 612, An Act Relating to Recording of Instruments and Documents Required to Determine Marketability of Record Title, immediately after the 15 day appeal period.

13060 STATUTE OF LIMITATIONS

The statute of limitations only applies to landowners who are subsequent purchasers of that property and did not create the violation. It shall not protect a person who violates the Ordinances. The exception is that the Town of Stratton may take action to abate a hazard to human health or public safety or to abate or remove an undue environmental impact.

For violations that occurred after June 30, 1988 and prior to July 1, 1998, the enforcement action must be brought by the Town by July 1, 2004, or a statute of limitations will apply that prevents the Town from enforcing the violation.

For violations that occurred prior to June 30, 1988, no action may be brought unless the exceptions to the statute of limitations, described above, apply.

For violations that occurred after July 1, 1998, the Town must bring its enforcement action within ten years from the date the alleged violation first occurred.

The burden of proving the date the alleged violation first occurred shall be on the current owner or occupant of the property.

13065 REMOVAL OF VIOLATIONS FROM LAND RECORDS

The removal of violations from the Land Records shall take place when the violation has been corrected to the satisfaction of the Zoning Administrator and a majority of the entire Zoning Board of Adjustment at a duly warned hearing. The petition for removal may be initiated by the Zoning Administrator or the owner of the land where the violation was recorded.

13070 UNSOUND OR UNSAFE STRUCTURES

If a structure is determined structurally unsound and may affect the health safety and welfare of the people of the Town of Stratton by the Zoning Administrator the owner has six months to begin structural repairs after official notice. At the end of six months the Zoning Administrator may request a hearing before the Zoning Board of Adjustment to decide whether to require removal of the structure. A consultant with a background in assessing structural integrity may be retained to help the Zoning Board of Adjustment make its determination.

13071 RIGHT OF CONDEMNATION

All buildings or structures that are or hereafter shall become unsafe, unsanitary, or deficient in adequate exit facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings or structures. All unsafe structures shall be taken down and removed or made safe and secure, as the Zoning Administrator may determine necessary and as provided in these Sections. A vacant building, with unguarded or open doors or windows, shall be deemed a fire hazard and unsafe within the meaning of this Ordinance.

13072 EXAMINATION AND RECORD OF DAMAGED STRUCTURE

The Zoning Administrator shall examine every building or structure reported as dangerous, unsafe structurally or constituting a fire hazard, and shall cause the report to be filed in a docket of unsafe structure, and premises, stating the use of the structure, and the nature and estimated amount of damages, if any, caused by collapse or failure.

13073 NOTICE OF UNSAFE STRUCTURE

If an unsafe condition is found in a building or structure, the Zoning Administrator shall serve on the owner, agent or person in control of the building or structure a written notice describing the building or structure determined unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be demolished within a stipulated time. Such notice shall require the person notified to immediately declare to the Zoning Administrator acceptance or rejection of the terms of the order, in no case shall this declaration take more than seven days.

13074 RESTORATION OF UNSAFE STRUCTURE

A building or structure condemned by the Zoning Administrator or ZBA may be restored to safe condition provided it does not change the use or occupancy of the structure by reason of the reconstruction or restoration. If the damage or cost of reconstruction or restoration is in excess of 50 percent of its replacement value, exclusive of foundations, the structure shall comply in all respects with the most up-to-date requirements for materials and methods of construction.

13075 POSTING UNSAFE NOTICE

If the person addressed with an unsafe notice cannot be found within the Town after a diligent search, then the notice shall be sent by registered or certified mail to the last known address of such person, and a copy of the unsafe notice shall be posted in a conspicuous place on the premises, and such procedure shall be deemed the equivalent of personal notice.

13080 DISREGARD OF UNSAFE NOTICE

Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the legal counsel of the jurisdiction shall be advised of all the facts and shall institute the appropriate action to compel compliance.

13085 EMERGENCY MEASURES

13086 VACATING STRUCTURES

When, in the opinion of the Zoning Administrator, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the Zoning Administrator is hereby authorized and empowered to order and require the inmates and occupants to vacate the same forthwith. The Zoning Administrator shall cause to be posted at each entrance to such building a notice reading as follows: THIS STRUCTURE IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE ZONING ADMINISTRATOR. It shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing the same.

13087 TEMPORARY SAFEGUARDS

When, in the opinion of the Zoning Administrator, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, the Zoning Administrator shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein described has been instituted.

13088 CLOSING SIDEWALKS AND BUILDINGS

When necessary for the public safety, the Zoning Administrator may temporarily close sidewalks, buildings and structures and places adjacent to such unsafe structure, and prohibit the same from being used.

13089 EMERGENCY REPAIRS

For the purposes of this Section, the Zoning Administrator shall employ the necessary labor and materials to perform the required work for emergency repairs as expeditiously as possible after a hearing before the Zoning Board of Adjustment.

13090 COSTS OF EMERGENCY REPAIRS

Costs incurred in the performance of emergency work shall be paid from the treasury of the Town of Stratton on certification of the Zoning Administrator. The Town Counsel of the Town of Stratton shall institute appropriate action against the owner of the premises where the unsafe building or structure is or was located for the recovery of such costs.

Town of Stratton Subdivision Bylaws

The Stratton Subdivision Bylaws, dated December 8, 1988, have been replaced by “Town of Stratton Subdivision Bylaws” dated January 10, 2005.

For most recent Subdivision Bylaws
see
Addendum 4
at the end of this Handbook

STRATTON HEALTH REGULATION

(Voided by Statute)

(Septic System Rules and Regs are now under jurisdiction of the State)

INTRODUCTION

It is the intent of this regulation to assist and guide the homeowner and builder, rather than hinder and prohibit, in constructing a sanitary system that will be adequate for the purposes intended.

Strict compliance will be required to accomplish this purpose.

Paul Brazer, Chairman
M. Lee Bills
Gretl Schachinger
Bruce Weston
Otto Peck

Pamela Hardy, Secretary
Donald Spengler
Madeline Brazer
William Clark

The Stratton Planning Commission

The members of the Stratton Planning Commission recommend that the Stratton Board of Selectmen and the Stratton Board of Health do adopt this Health Regulation as a legal ordinance and declare it an integral part of the Stratton Zoning Ordinance. No building permits may be issued until proof is shown to the satisfaction of the Zoning Administrator that proper disposal of sewage and effluent can be accomplished.

The authority for this Regulation is taken from Title 18, Chapter 11, Section 613; and Title 24, Chapter 50a, Section 1971 through 1976, and promulgated by the Stratton Planning Commission.

Adopted May 11, 1974

Effective Date - July 10, 1974

This Regulation known as the Stratton Health Regulation, having been properly and legally processed, is hereby adopted by the legal authority of the Town of Stratton.

ARTICLE I

No individual subsurface sewage disposal system, and no group or community system, except one operated by the Town, shall be built, altered, or used except in accordance with these regulations, and only after a permit has been issued by the Town Health Officer. Where a town sanitary sewer is not available for connection from a building, and a sewage treatment facility involving an effluent to water or lands (public or private) of the Town is not available, the building sewage shall be connected to a subsurface sewage disposal system, complying with the provisions of these regulations.

In the case of any other applicable regulations, by law or ordinance which differs from these requirements, this regulation shall apply:

Vermont Statute shall supercede this regulation.

a. Town Health Officer: As applied to these regulations, shall mean the Deputy Health Officer and/or such person as may be designated by the selectmen to act in such capacity.

b. Local Board of Health: Shall be the Health Officer and Board of Selectmen.

c. Sewage Disposal System: Shall mean a septic tank and leaching field or trenches used to treat and dispose of sewage.

d. Permit: Shall mean, a written permit issued by the Town Health Officer, permitting the construction, alteration of, or connection to, any subsurface disposal system under this regulation.

e. Person: Shall mean any institution, public or private corporation, individual, partnership or other entity.

f. Applicant: Shall mean the owner and/or lessee of the premises involved.

g. Building: Any structure, permanent or temporary, made of wood fabric or any other material, occupied as living quarters for more than 48 hours in one given week. However, there will be no exceptions in District A and B of the Town Zoning Regulations. Any now non-conforming use in those districts shall be terminated within one year of the effective date of these Regulations.

h. Effluent or Sewage: The liquid wastes from a home or other building containing water, garbage, feces, urine, sink drainage and other materials entering the plumbing drain waste system.

ARTICLE II Requirements for Sewage Systems

This regulation is intended to insure that waste discharged into various subsurface sewage disposal systems is done in such a way that it:

- a. Does not contaminate any drinking water supply.
- b. Is not accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water.
- c. Not be accessible to persons.
- d. Does not give rise to a nuisance due to odor or unsightly appearance.
- e. Will not violate any state laws or regulations governing water pollution or treatment.

ARTICLE III Procedure - Application for Permit

A person, before constructing a subsurface sewage system shall make application for a permit, to the Zoning Administrator complete with all necessary information.

a. Plot Plan: The proposed sewage disposal system shall be shown on a plot plan of the property on which it is to be constructed, containing:

1. Name and address of owner of property.
2. Show separately the location of each part of the system in relation to the dwelling to be served, the street and lot lines, and the source of water supply showing (in feet) the distance from each. Show the location of water lines and any water supply or sewage disposal system on other properties within 100 feet from any part of proposed system.

b. Soil Tests: One soil test shall be performed in the area and in the soils where the leaching fields are to be located. Tests shall be taken by or under the direction of the Health Officer or his assistant, whose report of tests shall certify that the location is suitable for the purposes intended and shall be made part of the application. Ground water elevation and depth to bed rock (if less than 7) feet shall be shown along with soil type - clay, sand, gravel, shale or other type.

ARTICLE IV Design and Construction of Sewage Systems

a. Individual subsurface sewage disposal systems shall consist of an approved type of septic tank and a leaching field in accordance with provisions set forth below.

In areas where seepage rates are greater than 30 minutes per inch drop or where ledge rock exists within 7 feet of the surface, the Health Officer may require special means to insure that the system will function.

A permit shall be denied an applicant if the system to be built is closer than 50 feet to a flood plain, open swamp or swampy drainage area, or if other provisions of these regulations are not satisfactorily met.

b. Septic tanks shall be concrete or asphalt coated steel and shall be sealed completely water tight before installed. Each septic tank shall be provided with a removable cover over the inlet and the outlet, properly fitted to keep out most surface water. The tank shall set level and be covered with a minimum of 12" of soil or fill. Inlet connections shall be of cast iron throughout its entire length under ground, and a minimum of 4" in diameter. All Joints including connection of septic tank shall be sealed water tight. The inlet shall be at least 10" below top of the tank and the outlet be below the inlet level.

c. Septic tank sizes: The minimum permitted size of septic tanks shall be:

1 bedroom or maximum of 3 people	750 gallons
2 bedroom or maximum of 5 people	1000 gallons
3 bedroom or maximum of 8 people	1250 gallons
4 bedroom or maximum of 12 people	1500 gallons

In deciding which size tank will be required under this regulation the total number of occupants, including those using sleeping bags, bunks, etc., shall be counted. If the occupants exceed the numbers above for a 24 hour period in one given week, then you have not complied with this regulation.

d. Sewage Drains: The septic tanks should be no closer than 10 feet from the building at its nearest point. When the outlet of the septic tank goes directly into the leach field or distribution box (no more than 10 feet) asphalt impregnated fiber pipe or heavy solid plastic pipe 4 inches in diameter may be used. Where the flow pipe crosses under a plowed driveway, cast iron sealed pipe must be used and buried more than 3 feet deep. Hubless cast iron with proper seals may be used. The same applies where the line is within 100 feet of a spring or well. A septic tank, dry well or leach field will not be permitted under a driveway or parking area.

The pitch of these sewage drains to and from the septic tank shall not be less than 1/8" per foot or exceed 1/4" per foot.

e. Distribution Box: When a septic tank of more than 1000 gallons is used a distribution box may be installed as provided below:

1. When more than two parallel lines are used for leaching, there shall be a standard type distribution box between the septic tank and the leaching field to provide for equal distribution of the liquid to all parts of the leach field.

f. Leaching Fields: Septic tank effluent shall be disposed of by means of perforated fiber or plastic pipe laid in leaching fields. The feeding main line shall be level. Never dip toward the septic tank. The leaching field shall be of the appropriate size according to table below and covered with at least 12" of earth cover.

Leaching fields must be built of 4" diameter pipe, clay tile (open jointed), perforated asphalt impregnated fiber pipe, or like product, laid on a prepared bed of at least 2 feet of coarse gravel topped by a minimum of 6" of 1" clean, crushed stone. The perforated pipe shall be laid in a series of T's from the feeder line, no more than 8 feet apart. Pipe shall be level or with a slight drop away from the feeder line. The ends shall be plugged. The pipes shall be surrounded by 1" crushed stone to above the top of the pipe. Building paper or its equivalent - 6 layers of newspaper, 6 inches of straw or hay, packed shall be placed over the field before the back fill cover is applied. It is recommended that shrubs, trees and/or fern-plants known high moisture users, such as Rhododendron, Mountain or River Pinks, Weeping Willows, and native fern, etc., be planted around the perimeter of the leach field, far enough away to prevent roots from entering pipes.

1. Leaching Trenches: The construction of leaching trenches is of the utmost importance in getting a satisfactory soil absorption system. Attention must be given not to block or pack or press together the natural absorption of the soil in the trench area.

Septic tank liquids shall be disposed of by means of drain pipes laid in trenches. Distribution lines to be level. The trenches shall be at least 18" but not more than 30" wide. They may be dug by a backhoe 36" deep. No other mechanical equipment shall be used once these trenches are dug. All other work shall be done by hand labor.

Trench lines must be constructed of 4 inch diameter perforated asphalt fiber pipe with tight joints in the trenches of not less than 18" of coarse gravel or small stone no larger than 2". Pipes shall be level away from septic tank. Ends of pipe shall be sealed or manifolded. Pipe shall be surrounded

by clean stone no larger than 1" to a height of 1" above top of pipe. Layers of paper as in leaching fields shall be placed over the pipe trenches before top soil is placed over the pipe. Twelve inches of top soil shall be applied. The bottom of the leach trenches shall be at least 4 feet above the maximum ground water level.

Illustrations are provided for your information on the required construction of leaching fields and leaching trenches.

Standard Percolation Rates in Trenches

Table 5:

Percolation Rate of less than:
5 min. per inch – 26' of trench per person
5 min. per inch – 32' of trench per person
10 min. per inch – 42' of trench per person
15 min. per inch – 48' of trench per person
30 min. per inch – 63' of trench per person
45 min. per inch – 80' of trench per person
60 min. per inch – 90' of trench per person

Where more than two parallel lines are used, a distribution box shall be used as required in leaching fields. Distances shall be the same as for leaching fields.

g. Dry Well or Leaching Pits: Where the water table is low in the areas of gravel, sand or shale, a dry well may be used. Not in place of a septic tank and only in accordance with the effective seepage area per person or bedroom and built as per leaching trenches.

h. Required size of Leaching Area or Filter Bed: The square feet of the area shall be the square feet of the base. For a dry well or pit the area of the bottom plus area to side toward the inlet. The dry well may be used only when there is an existing building to serve, and the land area is insufficient to permit a regular tile field. The use of a dry well may be prohibited by the Health Officer

Table 6:
Required Leachfield Area

Bedrooms	Maximum # of people	Area
1	3	200 sq. ft.
2	5	400 sq. ft.
3	8	600 sq. ft.
4	12	800 sq. ft.

The table above applies to all buildings with sleeping accommodations that are not licensed by Vermont Department of Health, nor defined by statute as a public building.

i. Setbacks from Water Bodies or Usable Water Supplies: Except as approved by the Health Officer, NO subsurface sewage leaching fields shall be:

1. less than 100 feet from a natural or man-made water course or body of water,
2. less than 100 feet from a well or spring used as an individual water supply. In all cases the leaching field shall be below and drain away from above waters,
3. less than 50 feet from a storm drain or public or private road or driveway ditch.
4. No water supply pipe shall be closer than 25 feet horizontally to any portion of the sewage disposal system. A suction water line shall not be closer than 100 feet horizontally to any portion of the sewage system, and always above.

j. Soil and Slope Conditions: The soil depth of a seepage area over ledge rock or impervious soil shall be at least 7 feet if not fill of a porous nature shall be applied (not to exceed 2 feet in depth). The maximum general slope shall be no more than 15% in the area of the drain field and cover a minimum of 20,000 sq. feet.

k. Use of Gas or Electric Commodes: Natural gas or electric commodes may be used in lieu of water closets to reduce liquid sewage volume so long as they do not violate air pollution, laws or regulations of the state or federal government. These commodes must be vented with 4" cast iron pipe (all joints sealed) to 18" above the roof line. The leach field area may be reduced by 25% when these commodes are used in lieu of water closets.

ARTICLE V Inspection

No underground piping, septic tank or leaching facility shall be covered until they have been inspected and approved by the Health Officer or his authorized agent.

No building requiring subsurface disposal systems shall be occupied until such systems have been certified by the Health Officer, or his agent, as being in compliance with these regulations.

Septic tanks care of: Septic tanks must be pumped out periodically to remove sludge and scum and to prevent clogging of the leaching field. They should be checked every two years to see if pumping is required.

a. Percolation tests: Required percolation tests will be performed by or under the direction of, a registered sanitary or civil engineer at the expense of the applicant or by the town health officer, deputy health officer, or a person considered qualified to perform and interpret percolation tests, designated by the Board of Selectmen.

ARTICLE VI Percolation Test Procedures

1. Soil and Slope Conditions:

The seepage area on any lot shall have a natural surface gradient of not more than 15%, and a soil depth over ledge rock of at least 7 feet if the percolation rate is less than 15 minutes. Where the percolation rate is between 45 and 60 minutes the maximum general slope shall be reduced to 10% in the area of the leach field, which shall represent a minimum of 20,000 sq. feet.

2. Number and Location of test holes:

Two or more tests shall be made in separate test holes spaces over the proposed leaching area. The hole should be 4 to 12 inches wide and 18 to 25 inches deep.

3. Preparation of hole:

Carefully scratch the sides and bottom of hole with a pointed stick to remove any plastered or smeared soil surface, and provide a natural face through which water may seep. Remove all loose dirt from the hole, add 2" of coarse sand or fine gravel to protect the bottom.

4. Saturation and Swelling:

Carefully fill the hole to a depth of 12" over the gravel. When 12" of water leaches into the ground with 60 minutes the hole can be refilled with 12" of water and the test can be continued. When the initial soaking takes longer than 60 minutes to leach 12" of water into the soil, the test hole shall be refilled with water and be maintained for 4 hours. The test for rate of water drop shall be performed the following day.

5. Percolation rate measurement:

If water remains in the hole after the overnight period, adjust the depth to 6" over the gravel. From a fixed point measure the drop in water level over a 30 minute period. This drop is used to calculate the percolation rate. If no water remains in the hole after the overnight period, add water to a depth of 6" over the gravel. From a fixed point measure the drop at 30 minute intervals for 4 hours, refilling to 6" as necessary. The drop that occurs the last 30 minutes is the percolation rate.

6. The percolation rate is equal to the distance the water drops in inches divided into time in minutes. If the water drops 3 inches in 30 minutes the rate is $30 \div 3 = 10$ or 10 minutes per inch.

ARTICLE VII Rubbish Disposal

The municipality shall provide all residents of the Town a place to deposit, for removal from the area, rubbish, garbage, refuse and all other unwanted materials. The Selectmen may require that it be bagged in plastic bags, and/or tied in bundles easily handled.

The collection area shall be concealed from public view and shall be operated in such a manner that it does not pollute the air, the eyes, or hearing of any individual. It shall not pollute or litter any waters or lands, public or private.

ARTICLE VIII Existing Facilities

Where a sewage system exists prior to the effective date of this regulation, and the Health Officer determines that it is creating a health hazard, water pollution or other nuisance, proposed modification shall be submitted to the Health Officer in accordance with the procedures outlined in these regulations, for review and approval.

The Health Officer shall advise the owner of the inadequate sewage system, and, if necessary shall issue a written order for compliance in accordance with Chapter 11 of 18 V.S.A. Said order shall be mailed to the owner by certified mail, return receipt requested. If not complied with within 15 days, the Health Officer shall take the necessary steps for enforcement thereof as provided in said chapter.

ARTICLE IX Other Forms of Sewage Disposal Systems

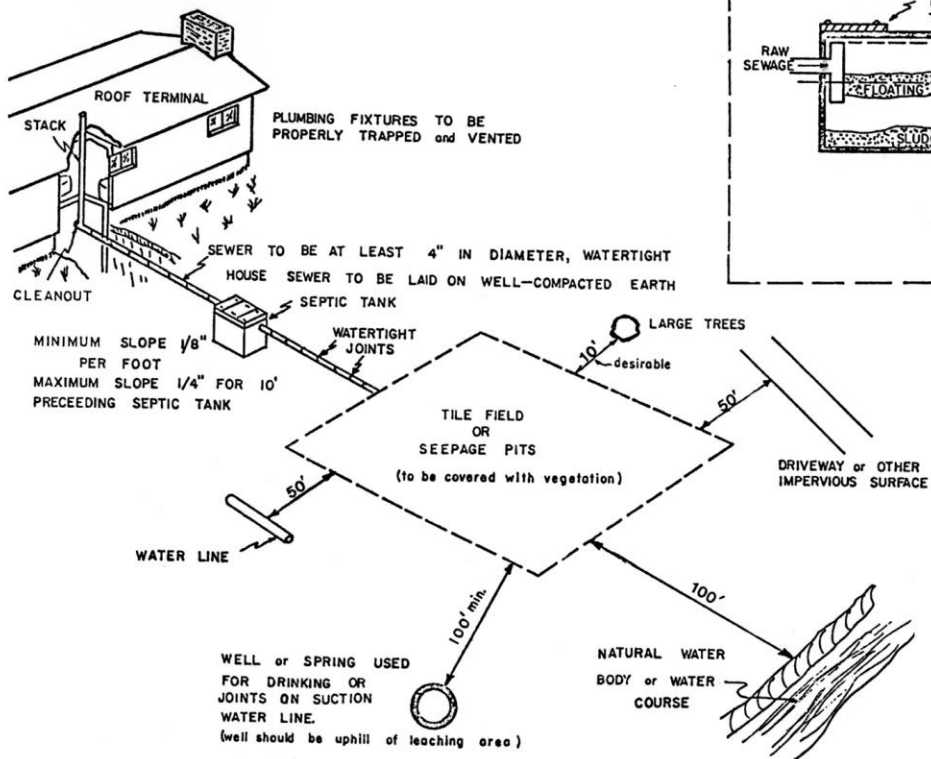
The foregoing regulations apply to an individual subsurface disposal system only. Installation of any other type of system may be done only after a permit for same has been issued by the Health Officer. Said Health Officer may make such reasonable rules, regulations and conditions for the issuance of said permit as to him seems necessary to protect the Health and Welfare of the Town and may deny the permit outright.

ARTICLE X

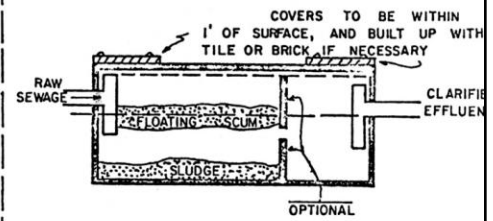
If any article or provision of this Regulation is judged to be invalid or illegal, such decision shall not affect the validity of this regulation as a whole or any part thereof other than the part so adjudicated.

This regulation shall take effect upon the date of its legal approval and signed by the legal authority

**EXAMPLE OF SUBSURFACE ABSORPTION SYSTEM
(showing recommended layout)**



**ACCEPTABLE STRATTON SEPTIC
TANK**



**Pages 136 through 143
Have been deleted from this book
5/23/05**

Municipal Complaint

Notice of Civil Violation in the Town of Stratton, VT
9 West Jamaica Rd.
Stratton, VT 05360

Number _____

Date of Notice _____

Location of Property _____

To: _____
Name of Landowner

You are hereby notified to be in violation of the:

Zoning Regulations () Subdivision Regulations () Town Plan ()

Health Regulations () Town Ordinance _____

Violation observed on _____, 200__

The following corrective measures should be taken no later than _____, 200__:

Your first violation shall be deemed to have occurred as of _____, 200__ and penalties described in section _____ of the Zoning Regulations shall be applied as of this date.

Please consult with the issuing officer if you have any questions concerning this violation and notify officer when corrective action is taken.

Signed,

Issuing Officer

Cc: Board of Selectmen, Planning Commission, Board of Health, Town Attorney, Zoning Board of Adjustment

Title 24. Municipal and County Government

CHAPTER 36. MUNICIPAL ADMINISTRATIVE PROCEDURE ACT

§ 1201. DEFINITIONS

As used in this chapter:

(1) "Contested hearing" means one of the following:

(A) A case in which an applicant for a land use permit under 10 V.S.A. Chapter 151 is required to obtain local Act 250 review of municipal impacts by a municipality that has taken steps required under section 4449 of this title to allow it to conduct that local review.

(B) A hearing, under Chapter 117 of the Act, which will be subject to review on the record, as determined under procedures established in that chapter.

(C) A hearing which a provision of law requires to be heard according to procedures established in this chapter.

(D) A hearing by a municipal body which is not required by law to be conducted according to procedures established in this chapter, but which the municipality elects to conduct in accordance with this chapter.

(2) "Directly or indirectly interested" means a financial or personal involvement in the contested hearing or with any party.

(3) "Local board" means the entity authorized to conduct a contested hearing.

(4) "Party," for purposes of proceedings under Chapter 117 of this title, other than those related to local Act 250 review of municipal impacts, means "interested person," as defined by subsection 4464(b) of this title. "Party," for purposes of local Act 250 review of municipal impacts, means a person whose interests, under relevant provisions of 10 V.S.A. § 6086(a) being reviewed at the municipal level, may be affected by a proposed development or subdivision, as those terms are defined in 10 V.S.A. chapter 151. "Party" for purposes of other proceedings under this chapter, shall have the meaning established under statutes controlling those proceedings.

§ 1202. APPLICATION

(a) This chapter shall be used by local boards conducting contested hearings, where required by law, and may be used by local boards conducting contested hearings, even where not required by law. Local determinations to use this chapter, unless otherwise provided by law, shall be made by majority vote of those voting at a duly warned special or annual municipal meeting, or may be made on behalf of the municipality by the legislative body.

(b) This chapter creates only procedural rights and imposes only procedural duties. They are in addition to those created and imposed by other statutes.

(c) This chapter provides the minimum due process rights of parties in contested hearings. A local board may grant additional rights to parties so long as the rights of other parties are not substantially prejudiced.

(d) A local board may adopt additional procedural rules not inconsistent with this chapter governing its hearings. The ordinance adoption process established by chapter 59 of this title shall be used for this purpose.

§ 1203. CONFLICTS OF INTEREST

Local boards shall comply with the provisions of 12 V.S.A. § 61(a) when they conduct contested hearings and make findings under this chapter. For purposes of this section, prohibitions referring to those within the fourth degree of consanguinity or affinity shall refer to the person's spouse, as well as to the person's and the spouse's: parent, child, brother, sister, grandparent, or grandchild.

§ 1204. NOTICE

(a) Initial public notice of any hearing under this chapter shall be provided in accordance with applicable statutes. All parties and interested persons shall be given an opportunity for hearing after reasonable notice.

(b) At any hearing held under this chapter, opportunity shall be given to all parties to respond and present evidence and argument on all issues involved.

(c) If a hearing is to reconvene at a later date, it shall be deemed sufficient to constitute proper notice of that later session, if an announcement made before adjournment of the previous session of the hearing specifies the time, date and place of that later session.

§ 1205. PROCEDURE AT HEARING

(a) The chair or vice-chair of the local board shall preside at the hearing. If neither is available, the board shall elect a temporary chair.

(b) The presiding officer may conduct all or part of the hearing by telephone, television, or other electronic means, if each participant in the hearing has an opportunity to participate in, hear, and, if technically feasible, to see the entire proceeding as it is taking place.

(c) The presiding officer shall cause the proceeding to be recorded.

§ 1206. EVIDENCE

(a) All testimony of parties and witnesses must be made under oath or affirmation.

(b) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the superior courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible under those rules may be admitted if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs.

(c) When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form, to expedite the presentation of direct testimony of a witness, provided the witness is available for direct testimony and cross-examination at the hearing on this evidence.

(d) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

§ 1207. EX PARTE COMMUNICATIONS

(a) A presiding officer shall not communicate, directly or indirectly, with any party, party's representative, party's counsel, or any person interested in the outcome of the proceeding, on any issue in the proceeding, while the proceeding is pending, without notice and opportunity for all parties to participate.

(b) No other members of a local board sitting in a contested hearing shall communicate on any issue in the proceeding, directly or indirectly, with any party, party's representative, party's counsel, or any person interested in the outcome of the proceeding, while the proceeding is pending.

(c) A presiding officer who receives an ex parte communication on any issue relating to the proceeding and a member who receives any ex parte communication shall place on the record all written communications received, all written responses to those communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person making the ex parte communication.

§ 1208. QUALIFICATION OF MEMBERS

(a) Members of a local board in a contested hearing shall not participate in the decision unless they have heard all testimony and reviewed all other evidence submitted for the board's decision.

(b) Members who have not attended every session of the board in a contested hearing may participate in the decision if they have listened to the recording of the testimony they have missed (or read transcripts of this testimony) and reviewed all exhibits and other evidence, prior to deliberation.

§ 1209. DECISIONS

(a) A final decision in a contested hearing shall be in writing and shall separately state findings of fact and conclusions of law.

(b) Findings of fact shall explicitly and concisely restate the underlying facts that support the decision. They shall be based exclusively on evidence of the record in the contested hearing.

(c) Conclusions of law shall be based on the findings of fact.

(d) The final decision in any case involving local Act 250 review of municipal impacts shall include notice that it constitutes a rebuttable presumption under the provisions of 10 V.S.A. chapter 151, and notice that presumption may be overcome in proceedings under 10 V.S.A. chapter 151.

(e) The presiding officer shall cause copies of the decision to be delivered to each party.

(f) Transcriptions of the proceedings of contested hearings shall be made upon the request and upon payment of the reasonable costs of transcription by any party.

§ 1210. APPEALS

Appeals under this chapter shall be taken in the manner established for the underlying proceedings to which this chapter is applied.

METRIC CONVERSION FACTORS

Table 7:

a. The factor given is exact cubic centimeters metric countries.

b. One U.S. gallon = 0.8327 Canadian gallon Cubic decimeter = 0.001 cubic meter.

c. Liter = 1000 milliliters = 1000

Certificate of Use Notice

Pursuant to Section 4110 of the Stratton Zoning Ordinance. "It is unlawful to use or occupy or permit the use or occupancy of any land or structure, or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure after the effective date of this Ordinance, until a certificate of occupancy hereafter called Certificate of Use (C of U) is issued by the Zoning Administrator. This C of U states that the proposed use of the structure or land conforms to the requirements of the application approval, Zoning Permit and provisions of this Ordinance.

The Certificate of Use shall contain a list of all the approval presentations, permit conditions and performance standards applicable to the project and a statement of compliance for each item on the list. A copy of the completed Certificate of Use shall be given to the permittee, filed in the Town Permit Book with the Zoning Permit and filed in the Town Land Records."

SITE DEVELOPMENT PLAN CHECKLIST

For Commercial, Industrial, Change of Use, Multi-family Applications Which Are Not Major Developments

In general the Site Development Plan shall show:

- i. Boundaries, dimensions, and total area of the lot.
- ii. Existing and proposed buildings on the lot and on adjacent lots within a distance of 50 ft. from the subject lot.
- iii. Existing and proposed streets and driveways adjacent to and within a distance of 50 ft. from the subject lot.
- iv. Proposed pedestrian and vehicular circulation, including parking areas, service areas, loading zones, and points of access to public rights-of-way.
- v. Existing and proposed landscaping, trees, shrubs, hedges, greenspace, benches and other pedestrian amenities, open space, open space linkages, park and playground facilities and bodies of water.
- vi. Existing and proposed easements, rights-of-way, and other encumbrances upon the land.
- vii. Tables or charts describing relevant site statistics, including but not limited to total projected acreage, undevelopable land calculations, total greenspace, required and proposed parking, percent of building coverage, maximum building heights, gross square footage and active floor area, landscaping details, and lighting details.
- viii. Existing and proposed exterior lighting.
- ix. Existing and proposed grading at a scale which is appropriate for the site and sufficiently clear to demonstrate the nature of the proposal and its potential impacts.
- x. Location of dumpsters or other exterior recycling/waste disposal facilities.
- xi. Potential or proposed location(s) of itinerant vendors.
- xii. Stormwater drainage/discharge plans.
- xi. The proposed treatment of the perimeter of the lot, including buffers, and, where appropriate, integration with adjacent lots.
- xiv. Any other information as may be required to adequately assess the proposed project.

For Major Developments or specific applications see the appropriate section of the Zoning Ordinance or ask the Zoning Administrator for help.

Zoning Permit Tracking Sheet

Zoning Permit Owner Name and Number Permit Description and/or Parcel ID									
Zoning Administrator Initial Review Complete (Routed to ? or denied)									
PC Review Complete (insert date of hearing or NA)									
Zoning Permit signed By PC Chair (approved or denied) (NA or Date)									
ZBA Review Complete (insert Date of hearing or NA)									
Zoning Permit signed By ZBA Chair (approved or denied) (insert Date or NA)									
Zoning Administrator Final Review Complete (approve / denied) date signed									
Town Clerk (Date received for record)									
Town Clerk PC Minutes and/or conditions received for record. (Date received or NA)									
Town Clerk ZBA minutes and Case Document received for record (Date Received or NA)									
Town Clerk Permit Recorded (Book and Page)									
Copies posted, forwarded to owner and listers and original in Zoning Files									

TOWN OF STRATTON
Application for a Zoning Permit

Permit # _____

Location of Property: _____ Zone: _____ Parcel # _____
Name of Applicant: _____ Owner / Agent (Circle one)
Mailing Address: _____
Phone #: _____

**Does landowner own adjoining property? If so, please explain: _____

Existing Use: _____

Proposes Use: Residential _____ Mobile Home _____ Commercial _____ Industrial _____
Professional _____ Agriculture _____

Project Description: _____

Dimensions of proposed building or addition (length, width, height and total square footage):
(Attach a detailed floor plan of all structures.)

Lot size: _____ Acres Road frontage: _____ feet
Setback from: Road right of way: _____ feet Rear property line: _____ feet
Side property line: _____ feet Side property line: _____ feet

A general plot plan showing the boundaries, dimensions, and area of the lot and existing and proposed buildings must be provided on a separate page. Five copies of a more detailed site plan and project description are required for commercial, professional, or industrial uses and subdivisions.

The applicant is responsible for obtaining all other required permits, including but not limited to:

LOCAL: Curb Cut _____ Road Opening _____ Subsurface Sanitary _____
Signs _____ Liquor _____ Subdivision _____
STATE: Act 250 _____ Curb Cut _____ Health _____ Liquor _____
Public Building _____ Subdivision _____ Labor & Industry _____

I swear under the pains and penalties of perjury that all information submitted with this application is true to the best of my knowledge and belief.

Landowner's (or authorized agent) Signature _____ Date _____

Applicants signature (unless same as above) _____ Date _____

ZONING APPLICATION FEE SCHEDULE

\$ _____ (\$20.00 for first \$10,000.00 cost)	Builder's estimate \$ _____
\$ _____ (\$5.00 for each additional \$10,000.00 or fraction thereof.)	Sub. Contractors \$ _____
\$ _____ (\$10.00 / pg recording fee)	
\$ _____ (\$35.00 – 911 processing fee)	Land Preparations \$ _____
\$ _____ Total Fee	TOTAL \$ _____

FOR USE BY ADMINISTRATIVE OFFICER

Application Number _____ Date Received _____ Fee Received _____
Approved/Incomplete (circle one)

Administrative Officer's Signature: _____ Date: _____
(If approved, N/A the following sections)

Zoning Board Hearing Date: _____ Date Warned _____

Approved / Denied (circle one) _____ Date: _____

ZBA Chair

(If approved, route to Planning Commission with "Referral to PC" and "Conditions" attached; if denied NA remainder of this section and notify applicant of disapproval.)

Planning Commission Hearing Dates: _____ Date Warned _____

Approved / Denied (circle one) _____ Date: _____

PC Chair

FINAL STATUS

Permit **Approved / Denied** (circle one) Reason if denied _____
(Attach all applicable paperwork!)

Administrative Officer's Signature: _____ Date: _____

